



An
Coimisiún
Pleanála

Inspector's Report

ACP-324173-26

Development	Large-scale Residential Development (LRD) comprising of the construction of 212 residential units. An Environmental Impact Assessment Report (EIAR) has been submitted with the application.
Location	Knockbrogan, Bandon, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	256376
Applicant(s)	Castlerock Homes (Bandon) Ltd
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party
Appellant(s)	Castlerock Homes (Bandon) Ltd
Observer(s)	None.
Inspector	Daire McDevitt

1.0 Introduction

At the outset I draw the Commission's attention to the following, the first party appeal has quoted condition No. 53 in the grounds of appeal, however, the grounds and text quoted clearly refer to condition no. 54. This may be a typographical error on behalf of the applicant as it is clear that the condition that was intended to be appealed was No. 54 which refers to a special contribution of €678,000 while No. 53 refers to the carrying out of works to the junction which is the subject of the special contribution.

I am of the view that it is reasonable to conclude, given the substance of the grounds of appeal, it is clear that the intended condition which is the subject of this appeal refers to the imposition of a special contribution of €678,000. Given the response on file from the planning authority, I am satisfied that the intention of the appeal was clearly understood by all parties in that the appeal relates to the imposition of a special contribution of €678,000 as required under condition No. 54 not 53 as referenced in the grounds of appeal. However, should the Commission wish to seek formal clarification of this matter there is recourse under Article 73A of the Regulations.

As outlined above I am satisfied given the substance of the appeal that it is reasonable to interpret the appeal as referring to condition No.54 (special contribution) and I have proceeded on this basis.

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 development contribution under Section 48(1) 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

The site is located in the townland of Knockbrogan Bandon, Co. Cork. It has a stated area of c.7.79ha and is located c.500m north of Bandon town centre.

Access to phase 3 (current scheme) is via the Cork Road through the phase 1 and 2 of Blossom Hill housing development to the west. The current scheme (212 residential units) relates to phase 3 Blossom Hill estate. Phase 1 is completed and Phase 2 commencing.

The overall Blossom Hill development is bounded to the north and south by existing residential developments which include Ard na Chuillin and The Hawthorns and Radharc an Bhaile. The topography of the area falls from north to south, with the subject site located in an elevated position above Radharc an Bhaile. The current site (Phase 3) is bounded to the south by a greenfield.

3.0 Proposed Development

The proposed development will consist of a large-scale residential development (LRD) (7 year permission) comprising:

- 212 residential units – mix of 2, 3 and 4 bed units (170 of which have options for rear extensions).
- 3 no. ESB substations.
- An EIAR has been submitted with the LRD.

Table 2.1 Key Development Statistics

Aspect of Development	Development Statistic
Gross Site Area	c.7.79ha
Net Area of Site	c.6.68ha
No. of Units	212
Houses	212
Site Density	32uph
Percentage Open Amenity Space	16.3%
Phase	Phase 3 of Blossom Hill

Table 2.2 Mix of Units

Houses	Units	Percentage
4 bed semi-detached	14	6.54%
3 bed semi detached	88	60.75%
3 bed end of terrace	42	
2 bed mid terrace	68	31.78%
Total	212	100%

4.0 Planning Authority Decision

4.1 Decision

The planning authority (PA) decided to grant permission by Order dated 12 March 2026 subject to 55 conditions.

4.2 Relevant Conditions:

No.53

The applicants shall carry out works on the upgrade of the Old Cork Road/Macroom Road junction in order to reduce traffic congestion (as outlined in the submitted further information traffic impact assessment), unless accepted otherwise by the planning authority in writing. Where works are undertaken by the applicants, the finalised design and scope of works for the junction shall be to the satisfaction of the area engineer. In the event that the works on the upgrade of the Old Cork Road/Macroom Road junction are carried out by the applicants to the satisfaction of the area engineer, the costs attributed to these works, calculated at €220,558.88, will be deducted from the calculated special contribution set out in Condition No.54.

Reason: In order to reduce traffic congestion.

No.54

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 €678,400.00 to Cork County Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment, in respect of

specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of junction improvement works at Sean Hales Place Junction to the south and Old Cork Road/ Macroom Road Junction to the north. 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.

No. 55

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 contribution of €374,990.88 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 Contributions Scheme on 01/01/26, and shall be increased monthly at a rate of 8% per annum in the period between the date on 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 for in the 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

4.3 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.

The application was the subject of an extensive Further Information which included amongst other matters reference to the special contribution and junction improvement works. All matters were considered by the Planner and Senior Planner and a recommendation to grant permission having regard to the technical reports, including the recommendation from the Area Engineer was made, this reflected the decision to grant and associated schedule of conditions contained in the Order dated 12 March 2026.

4.4 Relevant Technical Reports

Area Engineer (Primary Report) dated 16 December 2025

Further Information recommended on a number of issues ranging from stormwater/foul sewer, storm water attenuation, bin storage, parking (car & bicycle), autotrack refuse and fire brigade lorry, road layout, DMURS compliance statement. RSA, earth works, Nature Base Solutions (SuDS), Climate Action, revised TIA to include 'Phase 2 of Cork Road structures Ltd', landscaping to the Special contribution based on a pro-rata rate of 3,200 per dwelling unless the applicant carried out works to junction. A reduction in the contribution was also flagged where works were carried out by the applicant to the Council's standard.

Relevant point of note for this appeal raised as follows:

A traffic impact assessment submitted.

The proposal for junction improvement on a) Old Cork Road/Macroom Road and b) Sean Hales Place are shown on a draft drawing in the report in section 3.6.2 and 3.6.3 respectively. The upgrade of the junctions is included in the Traffic Impact Assessment and the report tabulates all junctions (with the junctions suitably upgraded) will work within the desirable threshold of not more than 0.85 Ratio to Full Capacity(RFC). There will be works to progress the change of priority of Watergate Street and Old Cork Road progressing soon as allowed for in the traffic impact assessment.

Noted that "Phase 2 of Cork Road Structures Ltd" (site adjoining to the west of planning permission 23/6540) had not being included in the traffic impact assessment.

FI recommended that the applicant retabulates the RFC values for a) Old Cork Road/Macroon Road junction and b) Sean Hales Place junction, with full zoned residential development in locus including Phase 2 of Cork Road Structures being completed over the different timeframes. The traffic impact assessment should allow for junction works shown in section 3.6.2 and 3.6.3 of the current traffic impact assessment document to be carried out to the council's requirements.

Special Contribution:

a) (i) The applicant is intended to be assigned a special contribution for the improvement of traffic flow and infrastructure at the Old Cork Road Junction/Macroon Road onto the R589 and the improvement of traffic flow on Sean Hales Place onto the R586 (in accordance with Bandon TPREP Engineers guidance).

(ii) The cost of the special contribution shall be at a pro-rata rate of €3,200 per dwelling in line with other recent planning permissions in the locus including application 23/6540 -Cork Road Structures Ltd.

Thus the total cost of the special contribution shall be €678,400 if there isn't any junction improvements works carried out by the applicant.

b) The applicant shall confirm agreement in further information to carry out the junction improvements to Cork County Council requirements, unless approved otherwise by the planning authority.

c) Deduction shall be made for works carried out by the applicant on Macroon Road. Junction tabulated as follows. The works were also included in the special contribution associated with planning permission 23/06540 Cork Road Structures Limited.

Item	Units	Quants	Rate	Sum
Preliminaries	% of total		20%	€38,865.00
Clearance	ha	0.5	€5,000.00	€2,500.00
Drainage	300mm pipe	sum 150	€150.00	€22,500.00
Gullies gully pot and saddle number		5	€1,300.00	€6,500.00
Ducting for future lights				
100mm for traffic lights	lin metres	70	€200.00	€14,000.00
Carriageway 2 layers of macadam		1300	€80.00	€104,000.00
Kerbs	lin metres	200	€40.00	€8,000.00
Footpath	m2	400	€55.00	€22,000.00
non walk paving	m3	120	€100.00	€12,000.00
Tactile	m2	15	€55.00	€825.00
Road Markings	sum			€1,000.00
Road Signs	sum			€1,000.00
				€194,325.00
			Add vat @13.5%	€220,558.88

The details of the draft design for the Old Cork/Road Macroom Road junction in section 3.6.2. of the Traffic Impact Assessment.

A finalised proposal should be submitted and agreed with the planning authority prior to construction. The costing attributed to the works remain as stated €220,558.88 (Inc VAT).

d) The cost of the special contribution where the above works were carried out by the applicant to the council standards will result in the special contribution being reduced to €457,840.

The remainder of the special contribution should be added for Sean Hales Junction Improvements road surface/footpath renewal in the locus over the timeframe of the special contribution. Details may be submitted on request.

Area Engineer (FI Assessment) dated 25 February 2026:

This report sets out a list of recommended conditions following the recommended FI.

Of note to the appeal is the following:

Special Contribution: The associated “Area engineers Primary Report” dated 16th of December 2025 has outlined a special contribution calculation based on the scale of the development in lieu of other developments in the locus with deductions allowed for any works carried out by the applicant on the Old Cork Road/Macroom Road junction to the satisfaction of the council. The most recent traffic impact assessment submitted showed proposed junction improvement works in Fig 3.1 and Fig 3.2. Of note, Page 11 of the Traffic Impact Assessment submitted in further information accepted a special contribution for the Macroom Road/Old Cork Road Junction improvements to the north of the site.

Recommended conditions reflect No. 53 and 54 attached to the Schedule of Conditions with the Notification of Decision.

4.5 Relevant Prescribed Bodies to this appeal

Transport Infrastructure Ireland (TII) –no objection subject to the development being undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

4.6 Third Party Submissions

Numerous submissions were received at application stage and addressed in the planner’s report.

5.0 Planning History

Applicant’s Holding (Blossom Hill):

PA Reg. Ref. 25/5834 refers to a December 2025 grant of permission for 8 houses (change of house type from that permitted under 320810).

PA Reg. Ref. 24/5216 (ABP 320810-24) refers to a decision dated 4 February 2025 relating to 95 residential units and all associated works. Access provided onto the Cork Road. Split – Grant permission for Phase 1 (no. 1-71) and all associated works. Refuse permission for Phase 2 (no. 72-95) for reason relating to substandard layout. Site immediately to the west of current appeal site. (Blossom Hill). Special contribution not attached.

PA Reg. Ref. 24/5147 Refers to a grant of permission for the construction of a new single storey childcare facility to serve phase 1 and phase 2 of this development site. Currently at further information stage. Reg. Ref. 23/6540 – Application for the construction of 77no. dwellings and a creche on lands to the north of the subject site. No record of appeal.

PA Reg. Ref. 21/4059 (ABP Ref. 312689-22) refers to a decision dated 14 June 2022 relating to 65 no. units and associated site works on a site located to the west of the subject site and which constitutes Phase 1 of the overall development of these lands. Permission was granted by Cork County Council. Condition 2 required the removal of 6no. units, reducing the overall number of units to 59. The Planning Authority Decision was appealed to an Bord Pleanála, who upheld the decision of Cork County Council. Site immediately to the west of ABP 320810-24. (Blossom Hill).

PA Reg. Ref. 18/5043 refers to an application for 73 dwellings, partially including the subject site, was refused permission by Cork County Council due to the substandard layout and overall design proposed.

Relevant site reference by PA Area Engineer

PA Reg. Ref. 23/6540 refers to a March 2025 grant of permission to Cork Road Structures Limited for the construction of a residential development consisting of 77 no. dwelling houses and a single storey creche facility with ancillary surface car park, bicycle parking racks, bin stores and all ancillary development works. Vehicular and pedestrian access to the proposed development provided from the Cork Road (L-2040) to the west with a pedestrian link also provided from the Ard an Chuilinn residential development to the northeast of the site. Undergrounding of a section of the Bandon-Ballincollig-Timoleague 38kV overhead line, including associated provision of a steel lattice mast structure. Ancillary site development works include landscaping and water, wastewater and surface water servicing proposals at Cork Road, Knockbrogan, Bandon. Co. Cork.

This permission included condition no. 63 which stated:

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 €{{{SpecialContribution}}} 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 {{{DESCRIPTION}}} 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.

I note the Area Engineer in their report for this file recommended a special contribution of €255,593.80 based on €3319.40 per house (77 houses) with reference to PA Reg. Ref. 20/06697 as the base guide for the calculation per unit where a figure of €282,149.00 was derived at based on 85 houses.

The final figure (special contribution) under 23/6540 was €35,034.92 as it took into account (deducted) the €220,558.80 cost attributed to the Old Cork Road/Macroon Road junction upgrade.

This was not appealed.

6.0 Legislative Context

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 adopted February 2004.

The Supplementary Scheme - Cobh-Middleton – Blarney Suburban Rail Project was adopted by the Council on 23rd February 2004.

The general and supplementary development contribution rates were updated on 1st January 2015.

Page 9 of the 2004 Scheme 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 1 (does not form part of the scheme and is for reference only). Special contributions may be levied under Section 48 (2)(c) where specific exceptional costs not covered by Cork County Council's General Development Contribution Scheme are incurred by any Local Authority in respect of public infrastructure and facilities which benefit the proposed development. Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special contribution.

Cork County Council Development Contribution Scheme Adopted 23rd February, 2004. Rates adjusted 01st January 2015 and until further notice. Stated scheme for period of twenty years in line with time periods of the Cork Area Strategic Plan (now replaced by Cork Metropolitan Area Strategic Plan). The terms of the scheme are such that 'a planning authority may, when granting a permission under Section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, intended to be provided, by or on behalf of a local authority'.

The Cork County Council Development Contribution Scheme outlines three types of contributions provided for under the 2000 Act for which include:

General Contribution (under Section 48 - non-refundable): Indicates contribution paid in respect of the different classes of infrastructure and facilities which are provided, and make provision for payment of different contributions in respect of classes of development.

Supplementary Contribution (under Section 49). Provision of project must benefit development for which the permission is granted. Scheme is area specific. Proposed for scheme in relation to the Cork Area Strategic Plan Suburban Rail Project for which the Supplementary Development Contributions Scheme - Cobh/Middleton - Blarney Suburban Rail Project now exists with further stations planned. This includes all areas within 1 kilometre of a station (existing or new - applies to application site), and also areas served by main roads (including the new and old N20 and N25 routes) Reductions: Developments which are liable for supplementary contributions under Section 49 for proposed Cork Suburban Rail Project eligible for conditional 75% reduction in Roads Contributions (recognises rail project may mitigate need for roads investment).

Special Contributions: A Special Contribution may also be required, under Section 48(2)(c) 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 (not covered by General Scheme).

Development Contributions Guidelines for Planning Authorities (2013)

Planning Authorities and An Coimisiún Pleanála are required to have regard to these Section 28 guidelines in the performance of their functions under the Planning Acts. The primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed.

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)

These guidelines are intended to promote best practice at every stage in the development management process. Whilst the guidelines' primary focus is on process, the underlying objective of that process is to contribute towards a sustainable and high quality environment. It is outlined (at Section 8.11) that in appeals relating to section 48/section 49 financial contributions conditions only, the Commission is restricted to consideration of the matters under appeal.

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 subject site is located within the designated settlement boundary for Bandon town and forms part of lands zoned 'BD R-03 Medium A Residential Development'.

7.3 Natural Heritage Designations

The site is not located within or adjacent to any European sites.

7.4 EIA Screening

This case is a first party appeal against a development contribution condition. This does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings.

8.0 The Appeal

8.1 Grounds of Appeal

The applicant appealed against Condition no. 53¹ of the decision of the Planning Authority (PA) on 30 March 2026 on the following grounds:

- Section 48(12) requires that any condition requiring a payment of a special contribution shall specify the particular works to which the contribution relates.
- It may only be imposed where specific exceptional costs not covered by a scheme are incurred by the public authority in respect of public infrastructure facilities which benefit the proposed development.
- Section 7.12 of the Development Management Guidelines sets out the criteria for the application of a special contribution, in particular it sets out that where a 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 a separate development contribution scheme for the relevant geographical area. Furthermore no details of nature of scope of works have been set out and no explanation for the basis of the calculation has been put forward.
- Cork County development Scheme was adopted in 2000 and it is submitted was envisaged it would be in place for a period of 20 years.

¹ Condition No. 53 refers to the carrying out of works to upgrade the junction of the Old Cork Road/Macroom Road and condition No. 54 refers to the special contribution of €678,400.

- Condition No. 53 relates to a special contribution of €678,400 for public infrastructure works comprising junction improvement works at Sean Hales Place and the Old Cork Road/Macroom Road junction, which it is submitted are intended to improve traffic flow within the wider Bandon road network.
- It is submitted that the purpose of the proposed works (junction improvement) as part of the public road network in Bandon is to improve overall traffic flow and infrastructure in the area. The improvements would benefit the wider community and are considered public infrastructure upgrades rather than solely addressing specific, exceptional needs linked to the proposed development.
- It is also noted that there has been no justification on how the special contribution was calculated, the only calculation referenced is in the Area Engineer's Report dated 3 November 2025 as set out below:

“(ii) The cost of the special contribution shall be at a pro-rata rate of €3,200 per dwelling in line with other recent planning permissions in the locus including application 23/6540 – Cork Road Structures Ltd. Thus the total cost of the special contribution shall be €678,400 if there isn't any junction improvements works carried out by the applicant.”

- Inconsistency in the application of the 'special contribution'. It is submitted that not all housing developments in the vicinity have been the subject of this special contribution. And the contribution was not applied to previous phases of the appellants scheme (21/4059 and 24/5216) despite the 'base guide price under 20/0664 which predated them.
- Condition No. 54 requires the payment of €374,990.88 under the General Contribution Scheme for public infrastructure and facilities benefiting the area such as roads and transportation. It is submitted that condition No. 53 amounts to double charging.
- Reference to precedents by ACP where Special contributions have been removed - 319654-24, PL.02.316387, PL.04.316557, PL29S.217742, PL09.237982, PL10.208833, PL04.238353, PL04.323611, PL06D.236634, PL04.232458, PL27.210641, PL19.221625 and PL04.244386.

- 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 Observers

None

8.3 Planning Authority Response to the Appeal

Refer the Commission to the Technical Reports submitted as part of the appeal documentation and have nothing further to add.

9.0 Assessment

9.1 Context

As outlined in Section 1 I am satisfied given the substance of the appeal that it is reasonable to interpret the appeal as referring to condition No.54 (special contribution) and I have proceeded with my assessment on this basis.

9.2 Assessment

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.

The Planning Authority attached Condition No.54 to the grant of permission for the proposed development. This condition requires the developer to pay a special contribution of €678,400 in respect of works proposed to be carried out for the

provision of junction improvement works at Sean Hales Place junction to the south and Old Cork Road/Macroom Road junction to the north.

The Commission should note that I am satisfied that the elements cover works that fall within the definition of 'public infrastructure and facilities' under Section 48(17) of the Act.

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.'

In the first party appeal, the applicant submits that the planning authority failed to address the exceptionality of the provision of junction improvement works at Sean Hales Place (R586) junction to the south and Old Cork Road/Macroom Road (R589) junction to the north. It is submitted that these works would benefit the wider community and are better viewed as general public infrastructure upgrades rather than solely addressing specific exceptional needs linked to the proposed development as it would benefit traffic flow in the wider Bandon area. It is also submitted that there is no justification on how the special contribution was calculated and highlight that the only reference to it is in the Area Engineer's Report (incorrect date given in the grounds of appeal) which states that the cost of the special contribution shall be at a pro-rata rate of €3,200 per dwelling in line with other recent applications with specific reference to 23/6540. The applicant also states that the provision for public roads (which must necessarily include junction improvement works) is included for in the Cork County Development General Contribution Scheme, indicating that it is part of the normal infrastructure requirements of the County.

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. 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. The question in this case is whether the works proposed to be carried out for the provision of junction improvement works at Sean Hales Place junction to the south and Old Cork Road/Macroon Road junction to the north are specific exceptional costs which benefit very specific requirements for the proposed development.

Regarding the cost of the junction improvement works, grant of permission under 23/6540 is referred to as a precedent for the pro rata rate of 3,200 per dwelling for the works. I note that this was not appealed.

The Engineer's report dated 16 December 2025 outlined that the calculation for the special contribution is based on a pro rata rate per house in line with other recent planning applications. No further justification is presented. I note that the Planner's report accepts the Pro-rata basis for the calculation of the special contribution and does not address the matter further and attached condition No.54.

The Senior Planner's Report Further Information Assessment (signed and dated 11 March 2026) highlights that the Area Engineer advised that junction upgrades are required at both the Old Cork Road/ Macroon Road junction and at Sean Hales Place Junction to the south to facilitate the proposed development, as detailed in the submitted traffic impact assessment, and that a special contribution (pro-rata) of €678,400 has been costed with a reduction of €220,558.88 in the event that the applicants carry out the works to the Old Cork Road/ Macroon Road junction to the Area Engineer's satisfaction. I note the Area Engineer's Report on the FI response (dated 25 February 2026) does not give figures unlike the first Engineer's Report.

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'.

I consider that the proposed benefit arising from the junction improvement works at Sean Hales Place (R586) junction to the south and Old Cork Road/Macroom Road (R589) junction to the north 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 junction improvement works constitute specific exceptional costs that meet only very specific requirements of the proposed development.

Furthermore, I am of the view that the junction improvement works at Sean Hales Place (R586) junction to the south and Old Cork Road/Macroom Road (R589) junction to the north would be taking place irrespective of the permitted development of 212 residential units to which condition no. 54 applies. This was in fact demonstrated in the aforementioned other grant of planning permission under 23/6540 which is referenced as the basis for the pro rata calculation where the special development contribution condition/charge was applied and not specific to a permitted development. From examination of 23/6540, I note that 20/06697 is referred to as the baseline, I refer the Commission to section 5 of this report where I have outlined this further.

From the information provided, I do not consider that the basis for the contribution meets the legislative requirements under 48(2)(c). I consider that the planning authority has not provided sufficient justification to warrant application of a special contribution condition. Condition No. 54 should therefore be omitted.

9.3 Conclusion

I consider that the junction improvement works at Sean Hales Place (R586) junction to the south and Old Cork Road/Macroom Road (R589) junction to the north 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 under Section 49 of the Act, as amended.

10.0 Recommendation

I recommend that Condition no.54 is omitted.

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. 54, namely the junction improvement works at Sean Hales Place (R586) junction to the south and Old Cork Road/Macroon Road (R589) junction to the north 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, judgement 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.”

Dáire McDevitt
Inspectorate

8 June 2026