Inspector's Report

PL-501033-CK-26

Development	The upgrade of the existing Mallow Water Treatment Plant and all associated site works.
Location	Mallow Water Treatment Plant, Ballyellis, Mallow, Co. Cork, P51 P489
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	256943
Applicant(s)	Uisce Eireann
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Uisce Eireann
Observer(s)	None
Date of Site Inspection	28th May 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

1.1. The appeal site contains the existing Mallow Water Treatment Plant, has a stated area of 0.77ha and is located on the north side of the local road L1221 approx. 2km southeast of the centre of Mallow Town. The site contains a part single and part two storey building and infrastructure associated with the water treatment plant. A boundary wall and gates define the southern boundary with the public road.

1.2. The area surrounding the site is characterized by detached houses on individual sites and agricultural land. The River Blackwater is located approx. 800m north of the site.

2.0 Proposed Development

2.1. Permission is sought to upgrade the existing Mallow Water Treatment Plant (WTP) and all associated site works. The upgrade works are stated to be required to bring the existing WTP into compliance with Uisce Éireann technical guidance documents with regards the coagulation, flocculation & clarification (CFC), filtration, chemical storage & dosing and residual treatment processes. In addition, as part of the upgrade works it is proposed to increase the capacity of the WTP from 4,754m3/day to 5,042m3/ 22 hours. The upgrade works are stated to be required to ensure that the WTP will have the sufficient treatment capacity to match the demand of the water supply zone and ensure that any discharges from the site are adequately treated & monitored to avoid risk of pollution to receiving waters.

3.0 Planning Authority Decision

3.1. **Decision**

On 24th February 2026 Cork County Council issued notification of decision to grant permission subject to 19 conditions.

3.1.1. Conditions

Condition 19: 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 €48,734 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 Proportional Contribution towards the Upgrade of L-1221-0 Road Surface from Junction with L-1223-0 (Bells Cross) to Water Treatment Plant. 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

3.2. Planning Authority Reports

3.2.1. Planning Reports

Executive Planner's Report dated 24th February 2026 can be summarised as follows:

- No concerns raised in relation to principle of development or residential and visual amenity of the area.
- A landscaping plan which shows the reinstatement of the northern boundary should be requested by condition.
- General Development Contributions - not applicable
- Special Development Contributions - the request from the Area Engineer relating to a special development contribution is noted

Senior Executive Planner's Report dated 24th February 2026 can be summarised as follows:

- The request from the Area Engineer relating to a special development contribution is noted. A detailed assessment of traffic generation, haulage routes and impact on the local road network is contained within the Area Engineer's report. Road condition and potential deterioration as a consequence of the proposed construction activities and traffic is also addressed in the applicant's Planning Report for the up-grade of the L-1221-0 road surface between the WTP site and the junction with the L-1223-0 (Bell's Cross).
- Having regard to the impact of the proposed development on the local road network which has been assessed by the AE and given that no general contributions are charged due to the nature of the development, it is considered reasonable to apply a special contribution.

3.2.2. Other Technical Reports

Area Engineer Report dated 23/02/2026:

- No objection subject to conditions.
- The relatively minor increase in traffic volumes associated with construction staff and materials is acknowledged.
- The submitted Planning Report refers to disposal of a significant quantity of excavated material off-site, estimated at 950 cubic metres approx.
- It is assumed that haulage route for this material will take the shortest direct route to the Regional and / or National Road Network via L-1221-0 and L-1223-0 to the north-west via Mallow Town and not via the rural road network south of the subject site.
- Road Condition and potential deterioration as a consequence of the proposed construction activities and traffic is addressed within the applicants Planning Report, Section 11.7.3.2 and 11.7.3.3.
- The preferred option is to levy a Special Contribution (Proportional) for the Up-grade of the L-1221-0 Road Surface between Water Treatment Plant Site and

the Junction with L-1223-0 (Bell's Cross) approx. 800m north-west of the subject site. Note 210m of this route has been over-laid in 2024 and is excluded from area subject to Special Contribution.

- Overlay costs for remaining 590m: Area = 590 x 5.9 = 3,481 sq.m Overlay Cost = 3,481 x €70/sq.m = €243,670
- Levy of 20% on Subject Site generates Special Contribution for Future Road Upgrades on L-1221-0 of €48,734.
- No objection to surface water proposals, water supply or sewage disposal.
- Permission recommended subject to conditions.

Environment Report:

- No objection subject to conditions

County Archaeologist:

- No objection noted.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

None on file.

4.0 Planning History

20/6524 / ABP-310665-21: Permission granted by the PA and ACP to Irish Water for the construction of a new treated water storage tank and all associated site development works.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan 2022-2028 (CDP) is the relevant statutory plan for the area.

5.2. **Cork County Council Development Contributions Scheme** [1]

This scheme was adopted by the Council on 23rd February 2004 and outlines required contributions that will be charged for Water, Sewerage, Roads and Amenities. 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. This section states that Appendix 1 also sets out some particular types of developments where special contributions shall be levied and the amounts of the contributions in such cases shall be calculated on the basis of the criteria set down.

Appendix 1 states that a special contribution may be imposed under Section 48(c) of the Act where exceptional costs, not covered by the General Contribution Scheme, are incurred by the Council in respect of public infrastructure and facilities which benefit the proposed development. Only developments which will benefit from the public infrastructure or facility in question will be liable to pay the special contribution. Specified types of development for which special contributions shall be levied are set out as are the criteria for calculating the amounts of the contributions. The types of developments listed are quarries and gravel pits, windfarms, golf courses and other leisure facilities which incorporate premises.

The rates were updated for 2015 until further notice[2].

5.3. **Relevant Ministerial Guidelines**

<u>Development Contributions – Guidelines for Planning Authorities (2013)</u>

The Guidelines advise that a special development contribution may be imposed under section 48(2)(c) of the Act 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

[1] Microsoft Word - Final Adopted Schemes.doc
[2] Microsoft Word - DCS Rates applicable from 1 1 2015

developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

Development Management – Guidelines for Planning Authorities (2007)

Section 7.12 of the Guidelines provides guidance on planning conditions relating to development contributions. The Guidelines advise a requirement for a special contribution may be imposed under Section 48(2)(c), 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. Section 7.12 of the Guidelines states, in respect of special contribution conditions states that 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.

OPR Practice Note PN03 2022.

Section 3.16 relates to Conditions requiring financial contributions or Ceding of Lands. Special development contributions are provided for in Section 48 (2)(c) of the 2000 Act for specific works which benefit the individual development. These relate to costs associated with works that are not covered by the planning authority's Development Contribution Scheme. Any works in respect of which the special contribution is being levied must be specified in the condition. Any contributions required by way of conditions must be strictly in accordance with the provisions of such sections.

6.0 Legislative Context

6.1. Planning and Development Act, 2000 (as amended)

Section 48 Development Contributions

S. 48 (1) – provides for a Planning Authority to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities.

S. 48 (2) (a) – provides that the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme.

S. 48 (2) (c) – provides that 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.

S. 48 (10) (b) – an appeal may be brought to the Commission where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied.

S. 48 (12) (a) where payment of a special contribution is required, the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

6.2. Natural Heritage Designations

The appeal site is located c.800 metres south of Blackwater River (Cork/Waterford) SAC, Site Code: 002170 and approx. 25km west of Blackwater Callows SPA, Site Code: 004094.

7.0 EIA Screening

7.1. The proposed development 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. Refer to Form 1 in Appendix 1 of report.

8.0 The Appeal

8.1. Grounds of Appeal

- The appeal relates to condition 19 which requires a special contribution fee of €48,734 in respect of works proposed to be carried out for the provision of proportional contribution towards the upgrade of L-1221-0 Road Surface from junction with L-1223-0 (Bells Cross) to water treatment plant.

- There are concerns that the planning condition in relation to development contributions has not correctly been applied.
- The reasoning for the condition is that it is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.
- The proposed development relates to upgrade works to the existing Water Treatment Plant (WTP) including treatment processes and increased capacity.
- The Local Authority has not set out justifiable reasoning for the special development contribution to be applied as required by Section 7.12 of Development Management Guidelines. The specific exceptional costs not covered by a scheme incurred by the local authority have not been made clear and there is no reasoning set out by which the local authority would incur additional (or exceptional) costs associated with the upgrade of the Mallow WTP. Furthermore, it is unclear how the costs would be incurred directly as a result of, or in order to facilitate the subject development.
- The proposed development does not require any works within the public road.
- A significant volume of traffic is not anticipated during construction, and only minimal vehicle movements are expected during day-to-day operational activities and the costs sought will not be as a result of, or in order to facilitate the Mallow WTP upgrade.
- Developments listed in Appendix 1 of the Development Contribution Scheme for special contributions are commercial in nature. In contrast, the subject development constitutes essential public infrastructure and should not be categorised in a comparable manner.
- In the absence of clearly identifiable “specific exceptional costs” arising from the proposal that would be incurred by the local authority and as the proposal is not a commercial development identified in Appendix 1 of the Scheme, the proposal should not be subject to special development contributions.
- Uisce Eireann is a state body. The proposal is for improvements to essential public water supply infrastructure that is to be located on a long-established operational water treatment plant. UE have concerns in relation to the

significant sum involved, the precedent which could be set should the condition be upheld by ACP and the impact such financial conditions will have on UE's ability to carry out its core remit of providing water services on a national basis.

- The condition is unreasonable, inappropriate and contrary to the proper planning and sustainable development of the area, as it seeks to levy one arm of the state to fund another.
- The application of a financial contribution towards roads infrastructure would result in public funds being transferred between state bodies without a clear and justified link between the permitted development and the infrastructure project to be funded. In these circumstances the condition does not fairly or reasonably relate to the development permitted and represents an unjustified duplication of public investment obligations rather than a legitimate development related contribution.
- The inclusion of the condition does not meet the statutory tests for the application of a special development contribution under Section 48(2)(c) of the Planning and Development Act and it is requested that the condition is removed or amended.

8.2. **Planning Authority Response**

A response received states that the PA has no further comment to make on the matter.

9.0 Assessment

9.1. This appeal has been brought to An Coimisiún Pleanála under the provisions of section 48(2)(c) of the Planning and Development Act, 2000 (as amended) and relates solely to Condition No. 19 of PA reference 256943. This condition requires the applicant to pay a special contribution of €48,734 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 Proportional Contribution towards the Upgrade of L-1221-0 Road Surface from Junction with L-1223-0 (Bells Cross) to Water Treatment Plant.

9.2. Having regard to the provisions of Section 48 of the Planning and Development Act 2000, as amended (the Act), 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 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 PAs imposition of a special financial contribution complies with the requirements of Section 48(2)(c) and Section 48 (12) of the Act.

9.3. Section 48 (2) (c) of the Planning and Development Act, 2000, as amended, provides that 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. Section 48 (12) (a) of the Planning and Development Act, 2000, as amended, further provides that the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates. Accordingly, three essential requirements or characteristics are necessary to justify attachment of a ‘special contribution’ condition. Under this subsection of the Act, the payment must be required

a) in respect of a particular development,

b) specific exceptional costs must be incurred as a result of or in order to facilitate it and,

c) such costs cannot be covered by a Development Contribution Scheme made under Section 48 (2) of the Act.

9.4. Having regard to the above, the condition attached by the PA in respect of a special development contribution should be assessed against the above tests.

9.5. Further guidance is contained in the Development Management Guidelines for Planning Authorities (DoEHLG, 2007). This states that it is essential that the basis for the calculation of the special 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.

9.6. The contribution was calculated by the Area Engineer in a report dated 23/02/2026 (the AE Report). The AE Report outlines that a significant quantity of excavated material is proposed to be disposed of off-site, estimated at 950 cubic metres approx.; that it is assumed that the haulage route for this material will take the shortest direct route to the Regional and / or National Road Network via L-1221-0 and L-1223-0 to the north-west via Mallow Town and not via the rural road network south of the subject site; that the road condition and potential deterioration as a consequence of the proposed construction activities and traffic is addressed within the applicant's Planning Report, Section 11.7.3.2 and 11.7.3.3; and that the preferred option is to levy a special contribution (proportional) for the Up-grade of the L-1221-0 Road Surface between Water Treatment Plant Site and the Junction with L-1223-0 (Bell's Cross) approx. 800m north-west of the subject site and notes that 210m of this route has been over-laid in 2024 and is excluded from the area subject to Special Contribution. The overlay costs for the remaining 590m are outlined with a calculation provided for a 590m length of road and with a levy of 20% of the total amount on the subject site generating a special contribution for future road upgrades on the L-1221-0 of €48,734. The reason for condition 19 states that it is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development. Condition 19 outlines that the special contribution is for the provision of Proportional Contribution towards the Upgrade of L-1221-0 Road Surface from Junction with L-1223-0 (Bells Cross) to Water Treatment Plant.

9.7. Following circulation of the appeal to the Planning Authority no further details relating to the application of the special contribution were outlined.

9.8. The planning application includes a Planning Report on behalf of the applicant relating to the proposed upgrade works prepared by TOBIN (The TOBIN Report). Section 11.7.1 outlines projected traffic volumes associated with construction of the proposed development and outlines that peak construction traffic movements will arise during the site preparation works, delivery and removal of plant & machinery, delivery of materials, and excavation works with anticipated removal of 945m^3. Details of heavily loaded vehicle movements are outlined followed by a description of the surface integrity of the L1221 road which is stated to be in a moderate state of repair with localised edge cracking evident and frequent ravelling of the wearing course layer along the road. The TOBIN report states that the use of steel tracked plant shall be expressly prohibited on the public road to protect the integrity of the surface; that the carriageway has been deemed suitable to carry the projected traffic volumes and that it is not envisaged that there shall be any significant impact on the integrity of the existing carriageway. Measures to be taken to limit the impact of the projected construction in Section 11.7.3.2 of the TOBIN Report include pre and post condition surveys to be carried out of the section of road for a distance of 70m either side of the site entrance and that any new or worsened damage agreed (between the applicant and Cork County Council Roads Department) to have been caused to the road as a direct impact of the construction traffic shall be repaired by the applicant or alternatively, the applicant shall reimburse Cork County Council Roads Department in respect of all costs associated with repair of the road. Section 11.7.3.3 refers to interim inspection and repair and states that the contractor shall carry out regular inspections of the condition of the public road and that any significant damage caused to the road as a direct impact of the construction traffic in advance of the post-construction condition survey that requires immediate repair shall be either repaired by the applicant or the applicant shall reimburse Cork County Council Roads Department in respect of all costs associated with repair of the road in respect of the immediate repairs required.

9.9. Having regard to the content of the AE Report and the TOBIN Report I note that the purpose of the contribution appears to relate to any potential damage caused to the road as a direct impact of construction traffic.

9.10. The Local Authority Planning officers reports note that general development contributions are not applicable to the proposed development. The Senior Executive Planner's report states that given that no general contributions are charged due to the nature of the development, it is considered reasonable to apply a special contribution.

9.11. The appellant argues that the planning condition in relation to development contributions has not correctly been applied; that the Local Authority has not set out justifiable reasoning for the special development contribution to be applied; that the specific exceptional costs not covered by a scheme incurred by the local authority have not been made clear; and that there is no reasoning set out by which the local authority would incur additional (or exceptional) costs associated with the upgrade of the Mallow WTP. Furthermore, it is unclear how the costs would be incurred directly as a result of, or in order to facilitate the subject development

Special Contribution in respect of a particular development

9.12. I note that Condition 19 has been applied in relation to the upgrade of L-1221-0 road surface to facilitate the proposed upgrade of the existing water treatment plant and I consider that the special contribution has been applied in respect of a particular development.

Specific Exceptional Costs

9.13. Cork County Council's Development Contribution Scheme (the Scheme) provides information on special contributions and states that a special contribution may be required in respect of 'any development' where specific exceptional costs not covered by Cork County Council Development Contribution Scheme are incurred by any Local Authority in respect of public infrastructure and facilities which benefit the proposed development. The Scheme states that Appendix 1 also sets out some particular types of developments where special contributions shall be levied and the amounts of the contributions in such cases shall be calculated on the basis of the criteria set down. Appendix 1 of the Scheme states: '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. In the cases of the following types of development special contributions shall be levied and the amounts of the contributions shall be calculated on the basis of the criteria set down. Quarries and Gravel Pits; Windfarms; Golf Courses and Other Leisure Facilities which incorporate Premises.

9.14. The appeal argues that the works do not fall under the types of developments listed in Appendix 1. Having regard to the wording of the Scheme as outlined above, and to the provisions of Section 48 (2)(c) of the Act, I do not consider this list of developments referred to in Appendix 1 is exhaustive and I do not agree that as the works do not fall under those listed in Appendix 1 that a Special Contribution cannot be applied.

9.15. I note that there is an existing water treatment plant on the site and this is proposed to be upgraded to allow for adequate treatment processes and to increase capacity. No change of use is proposed, and I consider the works are not exceptional in the context of the existing use of the site and the need for this to be upgraded and to facilitate demand for water supply.

9.16. In relation to the works required to the road, I note that these relate to potential damage arising from the proposed construction works and that the AE Report refers to the road condition and potential deterioration as a consequence of the proposed construction activities. I note that no concerns were raised in relation to the operational phase and that significant volumes of traffic are unlikely during the operational phase having regard to the existing use on site and the scale of the proposed works. I also note that the works referred to would be based on pre and post construction surveys as well as interim inspections and that the extent of any works that may be required is, until such surveys are complete, unclear.

9.17. Having regard to the above I do not consider Condition 19 relates to specific exceptional costs. However, I note the proposal in the TOBIN Report to carry out surveys and repair works to the road required as a result of the proposed construction works. Having regard to the foregoing I consider the inclusion of a bond would be a more appropriate approach. I therefore recommend that Condition 19 be modified to require the developer to pay a bond or other security to the planning authority to secure the reinstatement of public roads which may be damaged by the transport of materials to or from the site.

9.18. I note that Section 11.7.3 of the TOBIN report refers to surveys of a section of road measuring 70m either side of the existing entrance whereas the AE Report refers to a section of the L-1221-0 Road from the junction with L-1223-0 (Bells Cross) to the Water Treatment Plant measuring a length of 800m and that the basis of the calculation relates to the resurfacing of this section of road. I note that this road serves a number of detached residential properties, the water works site and agricultural land. Having regard to the anticipated traffic movements during construction as outlined in the TOBIN Report, to the anticipated route of construction traffic outlined in the AE Report and also noting the first party has not disputed this route, I consider it reasonable that the section of road as outlined in the AE Report and Condition 19 is relevant in considering potential damage to the road. I consider the amended Condition 19 should refer to this section of road.

Costs cannot be covered by a Development Contribution Scheme

9.19. I note that Cork County Council's Development Contribution Scheme includes for 'Roads'. I note the existing condition of the road outlined in Section 11.7.1 of the TOBIN report describes the surface integrity of the L1221 road to be in a moderate state of repair with localised edge cracking evident and frequent ravelling of the wearing course layer along the road and I observed this assessment to be accurate having inspected the site. The AE Report outlines costs which appear to relate to resurfacing of a 590m length of road and with a levy of 20% of the total amount on the subject site amounting to a contribution of €48,734.

9.20. Based on the above I am not satisfied that upgrade of the road surface as referred to in Condition 19 would not be covered by Cork County Council's Section 48 Development Contribution Scheme. I consider the general resurfacing of the road would be captured under the existing scheme and that such works are not exceptional in the context of the proposed development

9.21. I note that no condition requiring payment of a Section 48 contribution has been applied and the Planning Officers reports state that such conditions are not applicable to the proposed development. The Senior Executive Planners report states that given that no general contributions are charged due to the nature of the development, it is considered reasonable to apply a special contribution.

9.22. Notwithstanding that the PA considers a Section 48 contribution under the general scheme is not applicable to the proposed development, I do not agree that it is reasonable to attach a condition requiring a special contribution towards works which I consider are covered under the Section 48 Development Contribution Scheme.

Conclusion

9.23. Having regard to the foregoing, I do not consider that the Planning Authority has established a case for a Special Contribution towards road resurfacing works. I am therefore not satisfied that the Planning Authority have demonstrated the requirement for a condition requiring the payment of a Special Contribution in accordance with Section 48 (2) (c) of the Planning and Development Act, 2000, as amended.

9.24. Having regard to the potential for damage to the road surface I consider it reasonable that condition 19 be amended to require a bond as outlined in section 9.17 above.

10.0 AA Screening

10.1. The site is located 800m south of the Blackwater River (Cork/Waterford) SAC, Site Code: 002170. However, having regard to the nature of the appeal i.e. a First Party Appeal against Financial Conditions where the Commission is restricted to considering the merits of the relevant condition only, it is my opinion that no Appropriate Assessment issues arise.

10.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

11.1. My recommendation to the Commission is that Condition number 19 should be modified to replace the requirement for a payment of €48,734 with a requirement for security to secure the reinstatement of public roads which may be damaged by the transport of materials to or from the site.

12.0 Reasons and Considerations

Having regard to Section 48(2)(c) of the Planning and Development Act 2000, as amended, the terms of the Cork County Council Adopted Development Contribution Scheme 2004, to the plans and particulars submitted as part of the application, to the detailed submissions on file including that of the planning authority, and to the specified particular works to be carried out and the basis for the calculation provided by the planning authority, it is considered that a special contribution towards the upgrade of L-1221-0 Road Surface from Junction with L-1223-0 (Bells Cross) to Water Treatment Plant does not represent exceptional and specific costs in terms of public infrastructure that will benefit the proposed development within the meaning of Section 48(2)(c) Planning and Development Act 2000, as amended, but would instead be provided for under Cork County Council's adopted Development Contributions Scheme. It is therefore considered that the special contribution imposed under condition 19 for such works does not come within the scope of Section 48(2)(c) of the Planning and Development Act 2000, as amended. It is considered reasonable that the condition be modified to provide for the requirement for a bond or other security to secure the reinstatement of public roads which may be damaged as a result of the proposed development.

Condition 19:

Prior to commencement of development the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads from the junction with L-1223-0 (Bells Cross) to the Water Treatment Plant which may be damaged by the transport of materials to or from the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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."

Bernadette Quinn
Planning Inspector

01st July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501033-CK-26
Proposed Development Summary	The upgrade of the existing Mallow Water Treatment Plant and all associated site works.
Development Address	Mallow Water Treatment Plant, Ballyellis, Mallow, Co. Cork, P51 P489
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2. ☒ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**

☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold**
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	

Yes ☐	
No ☒	

Inspector: __________________________________ **Date:** ________________________