



An
Bord
Pleanála

Inspector's Report

ABP-322075-25

Development	Construction of two warehouse/light industrial buildings (no. 8 & no. 9) which will be sub divided into 4 separate units and all associated site works.
Location	Lower Courtstown, Little Island, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	245401
Applicant(s)	Brightland Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First V Condition (Development Contribution
Appellant(s)	Brightland Limited.
Observer(s)	None.
Date of Site Inspection	27 th May 2025

Inspector

Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The application site has a stated area of 5.462ha and is located at Courtstown in Little Island. The site is located on lands to the west of Anchor Business Park which is currently being developed for industrial/warehousing purposes. Units 4 and 5 of this development have been completed and occupied while Units 6 and 7 are nearing completion. The land to the south-east of the site adjacent to Anchor Business Park is being developed for a transport depot. There is residential development to the south and south-west of the site. The site itself comprises agricultural land. The site is inset from the hedgerow along the eastern site boundary. There is an agricultural access track to the east between the field boundary and Anchor Business Park. There is a treeline along the southern site boundary.

2.0 Proposed Development

- 2.1. Construction of two warehouse/light industrial buildings (no. 8 & no. 9) which will be sub divided into 4 separate units and all associated site works.
- 2.2. The Board will note that the appeal relates only to a First Party appeal against financial contributions (Condition No.s 40 and 42 of the Council's decision).

3.0 Planning Authority Decision

3.1. Decision

On 17th February 2025 Cork County Council decided to grant permission subject to 42 no. conditions. The relevant conditions (Conditions No 40 and 42), in the context of this First Party Appeal V Conditions, are set out in their entirety below:

Condition 40 (Special Contribution):

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 €62150.00 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 CMATS/ Little Island sustainable transport measures in the area including along Ballytrasna Rd. 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 subparagraphs (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 42 (Supplementary Contribution)

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 supplementary contribution of €587884.05 to Cork County Council in respect of the Cobh/Midleton - Blarney Suburban Rail Project. The value of this contribution is calculated in accordance with the Council's Supplementary Development Contributions Scheme in respect of this project on 17/02/2025, 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. If no substantial works have been carried out, or have been commenced, by a date 10 years after the receipt of a contribution or final instalment thereof, the contribution shall be returned to the developer, but less an amount corresponding to 75%

reduction in the roads element of the contribution charged under the Council's General Contributions Scheme, together with 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 the cost of this project which will benefit the development to which this permission relates when carried out, as provided for in the Council's Supplementary Development Contributions Scheme, made in accordance with Section 49 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

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Area Planner's Report (dated 12/09/2024) sets out the site description, description of development, planning history, summary of internal and external consultees.
- 3.2.2. It is noted that the site is zoned for 'Industry' with a specific objective LI-I-01. The principle of development was considered acceptable. Further information was recommended related to the following issues:
- EIA Screening
 - Appropriate Assessment
 - Landscaping
 - Visual Impact
 - Residential Amenity
 - Access and Traffic Impact
 - Surface Water
 - Archaeology

- 3.2.3. The report of the Senior Executive Planner (19/09/2024) concurs with said recommendation.
- 3.2.4. Further Information was requested on 13/09/2024.
- 3.2.5. A response to the request for Further Information was received on 29/11/2024.
- 3.2.6. The subsequent Area Planner's Report [dated 19/12/2024] recommends Clarification of Further Information in relation to the following issues:
- Traffic and Transport – masterplan; finalised Stage 1/2 safety audit; bike shelter provision; Footpaths/Cycle Paths provision; reduction of parking provision; revised Mobility Management Plan
- 3.2.7. The report of the Senior Executive Planner [23/12/2024] notes contents of Area Planner's report and recommends clarification of Further Information as relates to EIA Screening. in addition to that set out above.
- 3.2.8. Clarification of FI was requested on 02/01/2025. Clarification of FI was received on 21/01/2025.
- 3.2.9. Of relevance, in the context of this appeal, is that the subsequent Area Planner's report of 17/02/2025 considers 'Development Contributions', and it is noted therein that the northwestern corner of the site falls within the Supplementary Contribution Zone, and this is illustrated in Figure 1 of the Planner's Report. The Development Contributions are calculated as follows:
- Total floor area of the proposed buildings: 25,339.83 sq. m.
- General Contribution:
- 25,339.83 sq. m. X €5.60 (75% reduction in roads component) = €141,966.40
- Supplementary Contribution
- 25,339.83 sq. m. x €23.20 = €587,884.06
- 3.2.10. The subsequent recommendation was to Grant Permission with Conditions, including conditions related to the contributions above, and related to the special contribution as recommended in the reports of the Sustainable Transport Unit.
- 3.2.11. The subsequent report of the Senior Executive Planner [dated 17/02/2025] recommends a Grant of permission, subject to 42 no. Conditions.

3.2.12. Other Technical Reports

Sustainable Travel Unit – No report on the file. ¹

Area Engineer – No objection subject to conditions.

Water Services – No objection subject to conditions.

Environment – No objection subject to conditions

Archaeology – Further information requested.

Ecology – Further information requested.

Public Lighting Engineer – No objection subject to conditions.

Internal Reports Received Post Further Information

Sustainable Travel Unit [19/12/2024] Clarification of Further Information required in relation to masterplan; finalised Stage 1/2 safety audit; bike shelter provision; Footpaths/Cycle Paths provision; reduction of parking provision; revised Mobility Management Plan.

Archaeology [10/12/2024] – No objection subject to conditions.

Ecology [16/02/2024] – No objection subject to conditions.

Internal Reports Received Post Clarification of Further Information

Traffic & Transport [24/02/25] – No objection subject to conditions including a condition related to a special contribution of €62,150.46 towards the provision of CMATS/Little Island Sustainable Transport measures, including along the Ballytrasna Road.

3.3. Prescribed Bodies²

Uisce Éireann [09/08/2024] – No objection in principle.

¹ The Board will note that a report from the Sustainable Travel Unit is referred to in the Planner's Report of 12/09/2024. This report is not on the file. I would note said report was requested from Cork County Council on 13th June 2025 but at the time of completion of this report, has not yet been received, noting that the Sustainable Travel Unit report received by the Board on 20th June 2025 is an internal report that is responding to the applicant's Further Information submission, and as such would appear to post-date the Planner's Report of 12/09/2024.

Transport Infrastructure Ireland [09/08/2024] – The development should be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment.

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

- 4.1.1. There is significant planning history related to the wider industrial park site and surrounding area as set out in Section 4 of the Executive Planner's Primary Report (12/09/2024), and as summarised below.

Location: Lower Courtstown

24/4687 – Permission Granted for the construction of 1 light industrial unit with ancillary office space, car parking and all associated site development and landscaping works at Unit 6, Lower Courtstown, Little Island, Cork. (decision date 17/06/2024). Applicant: Brightland Limited

23/5640 - Permission Granted for the construction of 1 no. light industrial unit, (change of plan from 2 no. warehouse units permitted under planning reg 22/5398), revised carparking with increased car parking numbers, sprinkler tank and pump house, an increase in operating hours and all associated site development and landscaping works. [decision date 20/11/2023] Applicant: Brightland Limited

23/4651 – Permission Granted for Development at the existing distribution centre (including ancillary internal offices), which consists of retention of (1) increased internal office floor area, (2) alterations to elevations of building to include windows at first floor of south elevation to facilitate increased ancillary internal offices. [decision date 30/05/2023] Applicant: Brightland Limited

23/4452 – Permission Granted for Permission for retention of development at the existing distribution centre (including ancillary internal offices) which consists of the retention of (1) increased internal office floor area (2) alterations to elevations of building to include windows at ground and first floor of south elevation to facilitate increased ancillary internal offices and an additional roller door, single door, and

window on the east elevation (3) 32 no. car parking spaces. [decision date 08/05/2023] Applicant: Brightland Limited.

22/5398 – Permission Granted for Construction of the following: (1) Two no. warehouse units (Unit No. 7A & Unit No. 7B) with ancillary office space, (2) Minor alterations to the northern end of the commercial park access road which was granted under planning permission reference no. 21/04093, (3) Signage, car parking, site fencing, site lighting, drainage systems and roof top solar PV panels and (4) all associated site development and landscape works [decision date 19/09/2022] Applicant: Brightland Limited.

21/4093 - Grant permission for the Construction of the following (1) Two no. light industrial / warehouse units (Unit No. 5 and Unit No.6) with ancillary office space (Unit No. 5 is suitable for sub-division into two no. units) (2) ESB sub-station building (3) minor alterations to the commercial park access road and associated spur roads for access to the individual sites to that which was granted under Planning Ref. No. 17/6290 (4) Signage, car parking, site lighting, storm water attenuation systems and roof top solar PV panels and (5) all associated site development and landscape works.[decision date 07/07/2021]. Applicant: Brightland Limited.

17/6290 – Grant permission for Extension of the existing commercial park access road off the regional Courtstown Road. There will be approximately 680 linear metres of a single carriageway road including spur roads for access to six potential industrial sites with a footpath and grass verge on each side to provide access to surrounding lands. The proposed scheme will also include the construction of a mini roundabout, associated drainage works, services ducting, gas and water main installation, public lighting and all associated site works. (Planning Permission previously granted under Planning Reg. No. 07/7192).[Decision date 26/10/2017]. Applicant: Brightland Limited.

17/4638 – Permission Granted for Construction of a distribution centre with ancillary offices, vehicular entrance and car parking, ESB substation, storm water attenuation system together with all other ancillary site works (Planning permission previously granted under Planning Reference Number 07/5768). [decision date 17/07/2017]. Applicant: Brightland Limited.

12/5723 – Permission Granted for Construction of approx 663 linear metres of a single carriageway road including spur roads with a footpath and grass verge on each side to provide access to surrounding lands from a road granted planning permission under ref 05/8924, the regrading of approx 7561m² of land including the removal of rock at the south end of the site from a local high point of 23.5m to a finished level of approx 15m OD(M), new stone entrance walls with illuminated signage on either side of the road granted under planning ref 05/8924 at the junction of this road and the Courtstown Road and all associated landscaping works, 1 no. security hut integrated into the new stone entrance wall on the east side of the road granted under planning ref 05/8924, alterations to previously approved planning permission ref 05/8924 to provide a lay by/car park for 1 no. car, 2 no. ESB substations and all associated site works - Extension of duration of permission granted under Planning Reg. No. 07/7192 [decision date 17/10/2012] Applicant: Ankra Development Limited.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The current plan, which was also operative at the time of the grant of permission, is the Cork County Development Plan 2022-2028.
- 5.1.2. The application site is located within the development boundary for Little Island as defined in the Cork County Development Plan 2022 on land zoned for 'Industry' with a specific objective LI-I-01 as follows:

Industry. This site is located in close proximity to the Cork Harbour Special Protection Area. Screen planting and sensitive landscaping along the northern and eastern boundaries will be required to create a buffer between the SPA and the developed portion of the site and to protect views of Little Island from the N25. Areas within this site may be used by Special Conservation Interest bird species for which the Cork Harbour SPA is designated. Account will be taken of same when considering new development proposals in this area.

The south western boundary contains the site of CO 077-025 Castle. This is a Recorded Archaeological Monument. The Zone of Archaeological Potential associated with the medieval castle may be quite extensive. Any development at the

south west quadrant of the site will require a detailed Archaeological Assessment to clarify there is no subsurface archaeology within the development site before development can be considered in this area including geophysical survey and licensed archaeological testing

Volume 4 South Cork

Section 2.6 Little Island

Movement Sections 2.6.27-2.6.29

Figure 4.2.6 Little Island Active Travel Interventions

Active Travel Sections 2.6.30 to 2.6.33

Public Transport Sections 2.6.34 to 2.6.36

Multi modal transport hub Section 2.6.37

Other relevant Provisions

Volume 1 Appendix D: Core Strategy Critical Infrastructure:

Table D1 Countywide Strategic Infrastructure

1. Investment to deliver CMATS identified interventions required up to 2026 and 2031 to support the NPF growth to be accommodated under the County Development Plan 2022-2028 (currently under Review), and thereafter investment in the required interventions identified within CMATS for the 2031 to 2040 period.

18. Advancing transport study measures for Little Island

Table D2: Settlement Specific Key Infrastructure

Little Island - Implementation of measures from the Traffic and Transport Study.

5.2. **Cork County Council Development Contribution Scheme**

Current Scheme was Adopted by Council on 23rd February, 2004. Rates are set from 1st January 2015 until further notice. ³

³ I have placed a copy of the Contribution Scheme and a Schedule of the current rates applicable on the file for the Board's consideration.

The Development Contribution Scheme includes the 'General Scheme' and the 'Supplementary Scheme'. Appendix 1 refers to 'Special Contributions'.

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 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'.

General Scheme

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.

It is noted that the general scheme

- Indicates the contribution to be 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 different classes of development.
- Reflects the objectives as set out in the County Development Plan, namely:
Sanitary Services, Roads and Traffic Management, Community and Recreational Amenity.
- Responds to the differing demands arising from different scales of development.
The Scheme differentiates between the various developments based on the relative demands imposed on the provision of services.

Supplementary Contribution Scheme (under Section 49) - Cobh/Midleton - Blarney Suburban Rail Project

The project will consist of works and provision of rolling stock associated with:

- reopening of, and operation of suburban services on, the Cork-Midleton line
- provision of new services between Blarney and Cork (some to continue to Mallow)

- upgrading of rolling stock and frequency on the Cobh line, as demand increases

Area to which the Scheme Applies

The Scheme applies to areas, which are:

- (a) within 1 kilometre of the Cork-Blarney, Cork-Cobh and Cork-Midleton lines, or of Cobh Station and (the disused) Blarney Station, or of the point where the disused Cork-Youghal line crosses the eastern boundary of Midleton Town, and
- (b) in the functional area of Cork County Council

This includes all areas within 1 kilometre of a station, and also areas served by main roads (including the new and old N20 and N25 routes), which run parallel to the rail lines, and which could provide convenient access for residents of the corridor to park and ride stations. Businesses would benefit from reduced road congestion.

Sections of these lines run through Cork City, and Cobh and Midleton Towns. The Council will consult with these authorities regarding the possibility of co-operation with them in promoting this project.

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).

Appendix 1 - 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).

Reduction: If no substantial works have been carried out, or have been commenced, by a date ten years after the date of receipt, contribution will be returned to developer, but less an amount corresponding to the 75% reduction in roads contributions under the General Contributions Scheme, which applies to developments liable to contribute to the Supplementary Scheme, together with the appropriate interest.

5.3. Section 28 Guidance

Development Contributions Guidelines for Planning Authorities (2013)

It is stated that the primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed. The Guidelines aim to assist planning authorities in achieving a balance between the costs of services provided and the need to support economic activity via Development Contribution Schemes.

In relation to Special Development Contributions the Guidelines note the following:

'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 relation Supplementary Development Contribution Schemes, it is noted:

Section 49 of the Act provides for the drawing up of a supplementary development contribution scheme to facilitate a particular public infrastructure service or project which is provided by a local authority or a private developer on behalf of and pursuant to an agreement with a local authority (e.g. through Public Private Partnership), and which will directly benefit the development on which the development contribution is imposed. A good example of such schemes include those prepared to support the delivery of public transport projects like the LUAS network and Cork-Midleton rail line.

Planning Guidelines 13, Development Management Guidelines 2007

Section 7.12 of the Guidelines provides guidance on planning conditions relating to development contributions.

Although there is no entitlement to appeal against the principle of attaching a condition formulated in accordance with a general or supplementary scheme, the contribution requirements of any such scheme may be the subject of a valid appeal

where the applicant considers that the terms of the scheme in question were not properly applied. The planning decision should clearly set out how the relevant terms were interpreted and applied to the proposed development; as well as being best practice this will help to minimise unnecessary appeals.

In relation to 'Special Contribution' Requirements it is stated:

'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.

6.0 Legislative Context

6.1.1. Section 48 Development Contributions

Section 48(1) - *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, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).*

Section 48(2)

(a) - Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

(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.

Section 48(3)

(a) - A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

Section 48(10)(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.*

Section 48(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,

(b) where the works in question—

(i) are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)),

(ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)), or

(iii) where the local authority decides not to proceed with the proposed works or part thereof.

the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,

(c) where under subparagraph (ii) or (iii) of paragraph (b), 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.

Section 48(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.*

Section 49 Supplementary Development Contributions

Section 49(3)(a) *Notwithstanding subsection (3) and section 48(10), the Board shall consider an appeal brought to it by an applicant for permission under section 34, in relation to a condition requiring the payment of a contribution in respect of a public infrastructure service or project specified in a supplementary development contribution scheme, where the applicant considers that the service or project will not benefit the*

development to which the permission relates and section 48(13) shall apply to such an appeal.

Natural Heritage Designations

- 6.1.2. The application site lies partly within the Great Island Channel pNHA. Great Island Channel SAC lies 25m to the north of the application site.

6.2. EIA Screening

- 6.2.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A First Party Appeal V Conditions (Financial Contributions) was received on 14th March 2025. The appeal relates to Conditions No. 40 and 42 of the Council's decision. I have summarised the Grounds of Appeal below:

Condition No. 40 (Special Contribution)

- The special contribution charges sought under Condition No. 40, for the provision of CMATS/Little Island sustainable transport measures along Ballytransna Road are neither exceptional nor specific to the development.
- Therefore not in accordance with the requirements of Section 48(2)(c) of the Planning and Development Act 2000 (as amended).
- Imposition of the condition relates to an internal report from the Sustainable Transport Unit (STU) of Cork County Council dated 19th of December 2024.
- Works specific to condition 40 are not specific to the proposed development and do not give rise to an additional exceptional cost on public services, which are not covered by the Cork County Council General Development Contribution Scheme.
- Internal reports make no reference to the need for 'exceptional works'.

- Little Island Sustainable Transport Interventions (LISTI) project is an ongoing wider environmental initiative focused on establishing various sustainable transport facilities. – includes addition of new bus routes, bicycle lanes and footpaths.
- Imposition of special contribution condition requires PA to be explicit about the specific exceptional costs they will incur.
- No basis for the calculation has been set out.
- Absence of information on the nature and scope of the required works.
- No justification for the required contributions.

Condition No. 42 (Supplementary Contribution)

- Contributions levied under the Cobh/Midleton – Blarney Suburban Rail Supplementary Contributions Scheme is not applicable to the proposed development having regard to the Council's own parameters for the application of the scheme and government precedent in the area.
- Purpose of the Cobh/Midleton-Blarney Suburban Rail Supplementary Contributions Scheme is better utilisation of the rail system with the principle that development located to benefit from improved rail services should pay the supplementary contributions.
- Nearest railway station is located at Ballyhennick – 2.9km walk from the subject site/staff members would not reasonably walk to/from same.
- Nature of the permitted development (warehousing) means it will not reasonably benefit from the day-to-day use of the rail system in respect of day-to-day operations.
- Condition 2 restricts the use of the permitted development for warehousing.
- Majority of the site/permitted floorspace is outside the Council-defined catchment zone for levying of this contribution.
- Only 1,520 m² of permitted 25,339 m² is within the contribution area/notwithstanding the levy does not apply to the subject permitted development.

- Has not been subjected on adjacent schemes – confirms area is not within the area of influence to benefit from the suburban rail scheme.
- Arbitrary 1km radius does not apply and has not been applied by the council heretofore.
- Are committed to supporting public transport provision in the area/work with the Council and NTA to provide facilities for bus services bus terminal, toilet facilities etc.

7.2. Planning Authority Response

7.2.1. A response from the PA was received on 10th April 2025 and is summarised below:

- The Little Island Sustainable Transport Interventions (LISTI) is the implementation of an element of the Cork Metropolitan Area Transport Strategy (CMATS) as is the permitted Little Island N25 pedestrian and cycle bridge.
- Reference is made to the Little Island Transportation study which highlights severe peak hour traffic congestion.
- LISTI have been granted Part 8 permission/will include bus, cycling and walking infrastructure between Little island Railway Station and Little Island, from Dunkettle Interchange, and within key employment and residential areas in Little Island.
- Measures connect to Courtstown/provide for improved connectivity to the wider sustainable transport network.
- Section from the R623/Ballytrasna Road junction to the Ballytrasna Road/Harbour Point business park junction is to commence construction shortly and will include enhanced pedestrian, cycle and public transport infrastructure.
- A terminus has been constructed at Anchor Business Park by the Park's operator.
- Subject site can be accessed via N25 Junction No. 2, formed by the intersection of R623 with the N25.
- R623/Ballytrasna Road junction provides access to the east of the island via Ballytrasna Road.

- Access to the development site is via an existing junction formed by Anchor Business Park access road's intersection with Ballytrasna/Courtstown Road.
- Ballytrasna Road provides access to a significant quantity of mixed development on the east side of the Little Island.
- Reference is made to the previously permitted development (21/4093) which states that there would be 50-100 employees/estimated 112 movements per day.
- Cost of LISTI is estimated at €6.7m (2020 estimate).
- Cost of permitted pedestrian and cycle bridge – outline cost estimate of c7.723m (2022 estimate).
- Not feasible to fund these schemes from general contributions/may be feasible with grants and special contributions.
- Applicant/appellant relies on the additional infrastructure/was incorporated in the submitted Mobility Management Plan and the Traffic and Transport Assessment.
- CDP includes for the high-level implementation of the Little Island Transport Strategy.
- No scheme is outlined in the plan.
- Infrastructure is subject to funding.
- Cost is based on the proportional benefit to the development and is based only on the section of LISTI that directly benefits and enables the scheme (Ballytrasna Junction to Courtstown)/the minimal value was used in the analysis.
- Was based on the proposed development employment level as a proportion of the employment envisaged in the LITS.
- Has been based on previous, lower cost estimates than anticipated costs, previously used for the business park development within inflation applied since the last application (1 year and 2 months at 8%).
- Cost calculation set out in submission.
- Refer to precedent (Gouldings application in Marino Pt, Great Island) - would increase demand on the R624 – Refused by the Board due to road capacity – logic could be applied here but was not due to the potential for LISTI to be

constructed within a reasonable timeframe including a priority bus service with lanes at R623/Ballytrasna Junction and stops adjacent to the subject site as mitigation, subject to funding.

- Applicant has confirmed capacity issues at R623/Ballytrasna Junction/has assumed mode shift to sustainable travel.
- Without infrastructure in place, assumptions made in the applicant's traffic and transport assessment are invalid as it relies in the implementation of the LITS.
- Existing CMATS and LISTI measures identified connect to Harbour Point Business Park/works are requested to connect the Part 8 LISTI pedestrian and cycle scheme to Anchor Business Park.
- Required funding is not in place.
- Bus terminus referred to by the applicant is an extension to the CMATS/LISTI measures.
- Proposed works would be of benefit to, and an enabler for, this residential development.

7.3. Further Responses

7.3.1. A submission from the appellant responding to the PA's submission was received on 12th May 2025 and I have summarised same below:

- Submission from PA confirms appellant's opinion that the charges are neither exceptional or specific to the development.
- Constitute a double-charge having regard to Cork County Council's Development Contribution Scheme.
- Costs involved in Condition No. 40 are speculative in nature.
- PA response refers to Condition No. 40 only/can be inferred that Council are accepting the appeal argument as relates to condition No. 42 (Cork Suburban Rail Project).
- The LISTI has been a long time in Planning/LISTI projects were well known in advance of the preparation and adoption of the current Development Plan.

- Plan led objectives for the area do not state that special contributions will be levied on developments in the area to deliver LISTI improvements.
- Council have not updated their Development Contribution Scheme/have full discretion to do so.
- Development of the site was envisaged in the plan period/not amending the Development Contribution Scheme does not give the Planning Authority discretion to charge special development contributions on an ad-hoc basis for general improvements in a wider area.
- General nature of the works, including the wider benefits, are outlined in the PA's submission.
- PA states it will be not possible to fund all improvements from the General Development Contributions 'alone' – acknowledgment that there is a roads/transport component in the Council's General Development Contributions Scheme/Confirms there is an element of double charging.
- PA submission does not address the 'specific' or 'exceptional' test set out in the legislation.
- General statements that the development is reliant on local improvements.
- Did not acknowledge at any point that special development contributions would be levied.
- Internal reports make no reference to the need for 'exceptional works'.
- The outline cost calculation is light on information as required under the guidelines/no breakdown of the actual works costs/not possible to comment on the figures presented/all of which is secondary, as the attempts to level the special contribution do not in itself comply with the guidelines.
- Reference to the Board's refusal as relates to the relocation of the Gouldings Chemical Plant to Marino Point (ABO-312981 refers) is not considered comparable/ this is a large scale SEVESO uses/Development Plan is very prescriptive on the need for upgrading of the subject road in question/refusal also refers to the larger matter of rail-freight policy and commitments for same in the Port of Cork Masterplan.

- No justification for any costs – wider upgrade works do not meet the definition of exceptional works , as set out in the development Management Guidelines 2007.

8.0 Assessment

- 8.1. In the first instance, I would noted the provisions of Section 48(13)(a) of the Planning and Development Act 2000, as amended (“the Act”) which sets out that, 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.
- 8.2. As such, and having regard to the foregoing and all the correspondence and submissions on file, I consider that the main issues for assessment in this case are as follows:
- Condition No. 40 (Special Contribution) and the application of Section 48(2)(c) and Section 48(12)(a) of the Act.
 - Condition No. 42 and the application of the Supplementary Contribution Scheme.
- 8.2.1. **Condition No. 40 (Special Contribution) and the application of Section 48(2)(c) and Section 48(12)(a) of the Act**
- Condition No. 40 (Special Contribution)
- 8.2.2. Under the terms of Condition No. 40 of the Planning Authority’s decision (see detailed wording of same in Section 3 of this report) the PA have set out that a special contribution of €62,150 is payable towards works related to the ‘CMATS/ Little Island sustainable transport measures, in the area including along Ballytrasna Rd’. I would note that Ballytrasna Road runs to the south of the application site.
- 8.2.3. The appellant contends that the ‘special contribution’ provisions of s.48(2)(c) of the Act do not apply to this case, as the works are neither exceptional nor specific to the development. Furthermore, it is set out that the Council’s calculation of the contribution is not clear and there is an absence of information in relation to same.

- 8.2.4. The Planning Authority (PA) are of the view that the development relies on the cited infrastructural improvements, and the assessments included with the application document, including the Mobility Management Plan and the Traffic and Transport Assessment, are based on the infrastructure being in place. It is inferred in the PA submission that that Council would have considered a refusal, if the required infrastructure was not in place. The basis of the calculation is set out in the PA's submission on the appeal (dated 10th April 2015) and it is stated in same that the cost is based on the proportional benefit to the development and is based only on the section of the Little Island Sustainable Transport Interventions (LISTI) that directly benefits and enables the scheme (i.e. the Ballytrasna Junction to Courtstown).
- 8.2.5. I would note that Section 48(2)(c) of the Act allows for special contributions where specific exceptional costs not covered by a development contribution scheme are incurred by a local authority in respect of public infrastructure and facilities which benefit the proposed development. Section 48(12) also outlines that any such condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.
- 8.2.6. 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.
- 8.2.7. The key issues in relation to Condition No. 40, therefore, are, firstly, whether or not the costs as set out in Condition 40, properly constitute specific exceptional costs, not covered by a general development contribution scheme, and which would be incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development, and secondly, has nature and scope of the works, the expenditure involved and the basis for the calculation been properly set out by the Council.

- 8.2.8. The requirement for the special contribution arises in light of the contents of the various Sustainable Travel Unit/Traffic and Transport Internal Reports (dated 19/02/204 and 24/02/2025) where said condition is recommended. As noted previously in this report, the Planner's Report of 12/09/24 refers to a report from the Sustainable Travel Unit, the date of which is not know but would pre-date the date of the Planner's Report. This report is not on file, and has not been received to date by the Board from the PA. Notwithstanding, I am satisfied that I have sufficient information on file that sets out the background to the imposition of Condition No. 40, noting in particular that the PA have had the opportunity to respond to the grounds of the appeal, and have done so.
- 8.2.9. The Council's response to the appeal sets out the background to the Little Island Transportation Study (LITS), and also sets out some detail in relation to proposed measures along the Ballytrasna Road, noting that such measures will include enhanced pedestrian, cycle and public transport infrastructure.
- 8.2.10. I would note the condition in question refers to 'CMATS/ Little Island sustainable transport measures in the area including along Ballytrasna Rd'. Aside from that which is contained in the Council's submissions on the appeal, and as set out in the various internal reports associated with the Council's decision, there is little additional information on file as to the specific works that are to be carried out on the Ballytrasna Road, apart from the above cited reference to the provision of bus, cycling and walking infrastructure as cited above.
- 8.2.11. While I acknowledge that, with regard to the evidence on file, the approved Part 8 LISTI scheme will deliver wider improvements to the transport infrastructure of the Little Island area, it is clear from the submissions on file, from both the PA and the appellant, that the benefits of said same will be widespread and are not specific to the proposed development itself. There is no reference in the PA's submissions, or internal reports, to any specific exceptional costs that are incurred by the PA as a result of the development permitted. I would note also that the General Contribution Scheme includes a category for 'Roads and Traffic Management' infrastructure, and as such I am of the view that the works cited by Council are likely to be at least partially funded from same. As such, I would concur with the appellant in this regard, in that the given the costs of implementing the LISTI scheme are at least in part covered by the General Development Contribution Scheme, which have already

been imposed on the appellant under Condition No. 41, and that the imposition of this special contribution condition would constitute a 'double-charge'.

8.2.12. Given the foregoing, I conclude that the works mentioned in condition 40 cannot be considered as specific exceptional costs, not covered in the general scheme, and the works would not solely benefit the proposed development. Therefore, I am of the view that Condition 40 is not in accordance with section 48(2)(c) of the Act.

Furthermore I am of the view that the lack of a reference to the specific infrastructure required would also not be in accordance with Section 48(12)(a) of the Act.

8.2.13. I would recommend therefore that the condition be omitted.

Calculation of Contribution

8.2.14. Should the Board not be of this view however, it still remains that the Board would require to be satisfied that the basis for the calculation has been properly set out by the PA. In this regard, I am of the view that a fundamental issue in this regard is the lack of specificity in relation to the proposed works to be carried out. It is difficult, therefore, if not impossible, to assign a cost to non-specific infrastructural improvements. If a junction was required to be upgraded, for example, to facilitate a proposed development, it would be expected that the PA would assign a reasonable cost for delivering same. In this instance, there is no specific infrastructure set out that is required to facilitate the development as permitted, and therefore an attributable cost cannot be properly set out, in my view. Rather, the PA have set out a total contribution on the basis of the proposed employment level as a proportion of the employment envisaged in the LITSI (as per the PA's submission), and applying this proportion to the cost of delivering the Ballytrasna Junction to Courtstown Phase of the LITS, with the resultant cost estimate being €62,150. Notwithstanding the lack of specificity in relation the works to be carried out, I am of the view that the method of attributing costs is somewhat unsatisfactory, in that it does not set out what costs are incurred directly as a result of, or in order to facilitate, the development in question. As such I am of the view that said method of calculation would not be in accordance with the provisions of the Development Management Guidelines (2007).

8.2.15. Notwithstanding, and as noted above, I am also of the view that the works in question (Ballytrasna Junction to Courtstown Phase of the LITSI) have a far wider benefit to the area, rather than solely benefiting the development in question here. In

this regard, I would note that the provisions on the Development Management Guidelines set out that that *‘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’*. As such, it is arguable that the contribution that is being sought by the PA under Condition 40, are for works that are benefiting the wider Little Island area and would be more appropriately sought under a separate development contribution scheme.

8.2.16. For the reasons foregoing, I would recommend that Condition No. 40 be omitted.

8.3. Condition No. 42 (Cobh/Midleton-Blarney Suburban Rail Supplementary Contributions)

- 8.3.1. Condition No. 42 requires a payment of €587,884.05 to Cork County Council in respect of the Cobh/Midleton - Blarney Suburban Rail Project. The value of this contribution has been calculated with reference to the Council’s Supplementary Development Contributions Scheme.
- 8.3.2. The first party appellants have set out that the nearest railway station is located at Ballyhennick (Little Island Rail Station), a 2.9km walk from the subject site and that staff members would not reasonably walk to/from same and note that the nature of the permitted development (warehousing) means it will not reasonably benefit from the day-to-day use of the rail system in respect of day-to-day operations. As such it is contended that the supplementary contribution should not be applied to the permitted development.
- 8.3.3. Notwithstanding, the appellant’s are also of the view that that the majority of the site, and the permitted floorspace, is outside the Council-defined catchment zone for levying of this contribution, and note that only 1,520 m² of permitted 25,339 m² is within the contribution area. As such, even if the supplementary contribution were applied, it should only be applied to the 1,520 m² of floorspace.
- 8.3.4. It is further set out that this supplementary contribution has not been applied on adjacent schemes, which confirms area is not within the area of influence to benefit from the suburban rail scheme.

- 8.3.5. The Council, in their submission on the appeal, have not provided a response in relation to Condition 42. Notwithstanding, this does not necessarily imply acceptance of the appellant's position, as contended in the appellant's submission.
- 8.3.6. Notwithstanding, and in order to carry out an assessment in relation to this particular condition, I am relying on the existing information on file, including the appellant's submissions and the various reports related to the PA decision, including the Area Planner's report of 17/02/2025 which considers 'Development Contributions'. It is noted therein that the northwestern corner of the site falls within the Supplementary Contribution Zone, and this is illustrated in Figure 1 of the Report.
- 8.3.7. In my view, there are two issues to consider in relation to this particular condition, firstly if the Supplementary Contribution Scheme in question is applicable to this development, and secondly, if it is, the total amount payable under the terms of the scheme.

The Applicability of the Scheme

- 8.3.8. I would note that the Special Contribution schemes applies to areas (my emphasis) which are *inter alia* within 1 kilometre of the Cork-Blarney, Cork-Cobh and Cork-Midleton lines, or of Cobh Station and (the disused) Blarney Station, or of the point where the disused Cork-Youghal line crosses the eastern boundary of Midleton Town, and (b) in the functional area of Cork County Council, and includes *inter alia* all areas within 1km of a station.
- 8.3.9. The appellants have included an illustration within the appeal submission, and it is stated that this is an extract from Cork County Council's GIS mapping, furnished to the applicant from the PA post-decision, which shows a 'Defined Rail contribution zone'. It is not clear from this illustration as to whether the zone is defined by a 1km distance from the rail lines in question, or whether it is defined by a 1km distance from a rail station, or by some other method.
- 8.3.10. As noted above, Area Planner's report of 17/02/2025 considers 'Development Contributions' and it is noted therein that the northwestern corner of the site falls within the Supplementary Contribution Zone, and this is illustrated in Figure 1 of the Report. Again, it is not clear how this Zone is defined, with reference to the terms of the Supplementary Contribution Scheme.

- 8.3.11. In any case it is possible to determine, by way of Google Mapping, and by way of the Boards internal GIS mapping, if the site falls within 1km of a rail line or rail station, cited by the Special Contribution Scheme. In this regard I would note that the site is not within 1km of any rail station and lies just outside of a 1km buffer from the rail line that runs to the east (the Cobh to Cork Line). However, I have determined that the site falls partly within 1km of the rail line to the north (the Midleton to Cork Line) and as such the Supplementary Contribution Scheme applies, in principle at least (noting the provisions of s49(3)(a) of the Act).
- 8.3.12. I would also note the N25 Road lies approximately 200m to the north of the site. I am of the view that the site can be accessed via the N25 (via the Ballytransa Road, and the R623) and this, in itself, would also mean that the terms of the scheme are applicable, again in principle.
- 8.3.13. There is no exemption or discount applied for warehouse or warehousing distribution uses as applied for here (other uses either exempt or eligible for a discount are cited within the Supplementary Development Contribution Scheme). There are no other relevant criteria set out in the Scheme that would either include or exclude this site in question.
- 8.3.14. The applicant has stated that the nature of the permitted use (warehousing) is such that the provision of an improved rail service would not benefit the permitted development, and it is noted that the nearest rail station is located 2.9 km from the site. The general thrust of the appellant's argument is that employees are very unlikely to use the rail service, and the nature of the use (warehousing) is such that an improved rail service is unlikely to benefit the development as a whole.
- 8.3.15. In this regard, I would note the provisions of Section 49(3)(a) of the Act which allows the Board to consider an appeal in relation to a condition requiring the payment of a contribution in respect of a public infrastructure, where the applicant considers that the service or project will not benefit the development to which the permission relates.
- 8.3.16. In the first instance, I would be of the view that, in the making of the scheme, and by defining the area to which it applies, the PA has already determined that those sites lying within said area will benefit from the scheme, unless a specific exemption or discount is applied. In this regard, and noting the context of this appeal, it is stated

within Supplementary Scheme itself, that 'businesses would benefit from reduced road congestion'. It is inferred then that this reduced road congestion would occur as a result of the improved rail service that is part funded by the scheme. I would be of the view that this is a reasonable position, and I would concur with same, noting the severe congestion within the area cited in various internal reports on the application, which would be of disbenefit to the applicant. As such, and while I would concur that employees may not utilise the rail service directly, given the distance to the nearest station, said employees, and the warehousing business as a whole, would benefit from the reduced congestion cited above, and subsequently I am satisfied that the rail project in question would benefit the development granted permission by the Council.

8.3.17. As such I am of the view that, in principle, this supplementary contribution applies. The contention that the imposition of such contributions has not been consistently applied by the Council is not a matter for consideration under this appeal, as the appeal relates only to conditions that have been applied to this particular permission, and matters relating to conditions imposed on previous permissions are not matters to be considered in the context of this appeal, in my view.

8.3.18. The second question to consider then is the amount of contribution payable, which I have considered below.

Amount Payable Under the Special Contribution Scheme

8.3.19. The applicant is of the view that scheme is not applicable at all, and even it were, it is only the permitted floor area that is shown within the 'defined rail contribution zone', as referred to above, that is subject to the payment.

8.3.20. As noted above, I have questioned the applicability of this 'defined rail contribution zone', for reasons cited above, namely that it would not appear to correspond with a 1km buffer from either a relevant rail line, nor from a local rail station. In the absence of information as to how the Zone is defined, I am not proposing to rely on same. Notwithstanding, and as considered above, the site lies partly within the 1km radius of the rail line to the north, and is accessible from the N25, and, given I have concluded that the permitted development would benefit from said scheme, it is therefore subject to the provisions of said supplementary contribution scheme.

- 8.3.21. Of importance in this instance is that the scheme does not set out that sites that are only partially within the 1km boundary of the rail line (or indeed a rail station) should be required to pay contributions on a 'pro-rata' basis, i.e. only on those areas of the site that are within the 1km 'buffer' of the rail line, or rail station, as the case may be. Furthermore, I am not of the view that it would not be workable arrangement to determine, for every relevant site, the total floor area that falls within a 1km buffer, and the Council does not appear to have adopted this approach either in determining the applicable contribution.
- 8.3.22. As such, and given that there is no evidence to the contrary in the adopted supplementary contribution scheme, I am of the view that, if a site either partly, or in its entirety, falls within the said buffer zone, the contributions would then apply to the development permitted within that site, if said scheme were applicable to the development in question.
- 8.3.23. Notwithstanding, and as noted above, the site also benefits from access from the N25, and this in itself would render the permitted development liable, in principle, for the payment of contributions under the supplementary contribution scheme.
- 8.3.24. As such, and given the discussions above, I am of the view that the amount of contribution payable is as per the Council's Condition No. 42.
- 8.3.25. Should the Board not be of this view, and be of the view that only the area that lies within the 1km zone applies, I am of the view that there is insufficient information on file, to determine the relevant amount that should be applied, in the absence of definitive mapping that shows a defined area within which the contribution applies, and the Board may wish to consider seeking Further Information in this regard.
- 8.3.26. I conclude therefore that Condition No. 42 should remain as is.
- 8.3.27. I would further note that the imposition of a condition requiring a contribution under the Supplementary Contribution Scheme has a 'knock-on' effect of allowing for a 75% discount on the 'Roads and Traffic' contribution payable, as part of the contribution imposed under the General Contribution Scheme (Condition No. 41 in this instance), as allowed for within the General Contribution Scheme. This discount has been applied by the Council, in determining the contribution payable under Condition No. 41. Should the Board not impose same, this discount would then not apply. However, Condition No. 41 is not subject to appeal, and as per the provisions

of Section 49(3)(a) of the Act and the provisions of s48(13)(a) of the Act, the Board is limited to the considerations of the matters under appeal here (which relate to Conditions 40 and 42 only), and as such it is my view that it is not open to the Board to give consideration to the amount of contribution payable under condition No. 41 of the PA Decision (as relates to the General Development Contribution Scheme).

9.0 AA Screening

The site is located 65m south of the Lower River Shannon SAC (site code 002165). However, having regard to the nature of the appeal i.e. a First Party Appeal against Financial Conditions where the Board is restricted to considering the merits of the relevant conditions only, it is my opinion that no Appropriate Assessment issues arise.

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.

10.0 Recommendation

Having reviewed the application documents, the grounds of appeal, the planning authority's development contribution scheme, the submission of the planning authority and having regard to Section 48 and Section 49 of the Planning and Development Act, 2000 (as amended) and, based on the reasons and considerations set out below, the Board directs Cork County Council to:

1. OMIT condition number 40
2. RETAIN condition number 42

11.0 Reasons and Considerations

The Board considered that condition number 40 (Special Contribution) does not accord with the provisions of Section 48(2)(c) and Section 48(12) of the Planning

and Development Act, 2000 (as amended) as it has not been adequately demonstrated by the planning authority that the development contribution in question constitutes specific exceptional costs which benefit the proposed development, and which are not covered by the planning authority's general contribution scheme.

Furthermore, and in relation to condition number 42 (Supplementary Contribution), the Board considered that permitted development would benefit from the project in question (the Cobh/Midleton - Blarney Suburban Rail Project), by way of reduced road congestion in the immediate area that would result from improved rail infrastructure. It was further considered that the site as a whole was subject to the provisions of the Supplementary Contribution Scheme in question, noting the terms of said Supplementary Contribution Scheme, and noting that the site can be accessed from the N25 National Road, and is also within 1km of the Cork to Midleton Rail line.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rónán O'Connor
Senior Planning Inspector

20th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322075-25
Proposed Development Summary	Construction of two warehouse/light industrial buildings (no. 8 & no. 9) which will be sub divided into 4 separate units and all associated site works.
Development Address	Lower Courtstown, Little Island, Co. Cork
	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? (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)	☐ Yes, it is a 'Project'. Proceed to Q2.
	☒ No, No further action required.
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 ☐	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____