



An  
Bord  
Pleanála

**Board Direction**  
**PL97.248423**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7<sup>th</sup> November 2017.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend condition 2 as follows:

**CONDITION 2:**

The developer shall pay to the planning authority a financial contribution of €198,200 (one hundred and ninety eight thousand and two hundred euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

### **REASONS AND CONSIDERATIONS**

It is considered that the planning authority did not properly apply the terms of the Limerick City and County Council Development Contribution Scheme 2013-2017. The proposed building to comprise of a library and resources centre is not considered to constitute a commercial development as set out in Appendix A of the scheme. The application of the contribution rate set out in class 11 'development not previously mentioned in the scheme' in the Table titled Other Categories of Development in Appendix A is considered appropriate.

The Board decided by a 6:2 majority that the provisions set out in section 12 of the scheme, dealing with replacement applications, do not apply, as no evidence of the payment of a contribution for the existing library has been provided.

The Board also noted that the scheme's provision for a discount of 5%, for a BER rating in excess of A, applies to residential and commercial buildings only.

Condition number 2 of the permission granted under planning register reference number 16/792 should be amended accordingly

**Board Member**

**Date:** 8<sup>th</sup> November 2017

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John Connolly