



An
Bord
Pleanála

Board Direction
PL91.249186

The submissions on this file and the Inspector's report were considered at a Board meeting held on December 15th 2017 and at a further Board meeting on January 18th 2018.

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:

Remove condition 7

Reasons and Considerations, as set out below:

Reasons and Considerations

Having regard to-

- a) Section 48(2)(c) of the Planning and Development Act 2000 (as amended), which allows for the application of a special contribution 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”;
- b) Limerick City & County Council’s requirement of the developer, by way of Condition no. 6 of the Notification of decision to grant planning permission, to pay a development contribution of €456,178, as provided for by the Development Contribution Scheme 2017-2021;

- c) Appendix B of the Development Contribution Scheme 2017-2021 (adopted in January 2017), which identified the cost of provision of the 'Mungret Distributor Road additional phase', and 'Distributor roads as identified within Local Area Plans', within the range of capital and other projects to be funded from the development fund (Scheme);
- d) The identification of indicative distributor roads within the Southern Environs Local Area Plan 2011-2017 (extended to 2021) – which includes at Map no. 3 (and in more detail at Map no. 6) the Mungret distributor roads;
- e) The indicative revised distributor road layout through the appeal site, as outlined in Figure 9 of the Traffic & Transport Assessment (Punch Consulting Engineers), submitted to Limerick City & County Council, on 7th June 2017, by way of additional information;
- f) The absence of a Supplementary Development Contribution Scheme dealing with road provision in the Mungret area;

it is considered that the cost of providing the Mungret Distributor Roads has already been included in the General Development Contribution Scheme 2017-2021 of Limerick City & County Council, and that the attachment of a condition requiring payment of a special contribution of €206,250, towards the cost of constructing the Mungret Distributor Roads would amount to double charging for the identified infrastructure. Condition 7 of the Limerick City & County Council Notification of decision to grant planning permission should, therefore, be removed.

Board Member

Date: 18.01.18

Paul Hyde