



An
Bord
Pleanála

Board Direction
BD-00050-18
ABP-300181-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 27th 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 to attach condition no. 2 and the reason therefor, for the following reasons and considerations:

Reasons and Considerations

It is considered that the terms of the Limerick City and County Council Development Contribution Scheme 2017-2021 were properly applied in this instance. The exemption from payment of development contributions, under Section 10 of the Scheme, in respect of a change of use which does not lead to the need for new or upgraded infrastructure or a significant intensification of demand placed on existing infrastructure, applies only where a contribution was paid previously for the existing use, and no evidence has been provided by the applicant that contributions were previously paid in relation to the existing use in this case.

In not accepting the recommendation of the Inspector to require the planning authority to remove condition 2, the Board noted the legal provisions under Section 48 of the Planning and Development Act, 2000, as amended, whereby its sole role is to decide whether or not the terms of the adopted Development Contribution Scheme had been properly applied, and that it was not appropriate, nor within the

powers of the Board, to have regard to extraneous matters, such as compliance, or otherwise, with the 2013 Departmental Guidelines in this regard (which Guidelines are addressed to planning authorities), nor the merits of the subject development in terms of regenerating a vacant property. In addition, the Board was satisfied that the exemption set out in Section 10 of the Development Contribution Scheme applies only where a contribution was paid previously for the existing use, and that the Scheme does not provide for an exemption where the previous use existed prior to 1963.

Board Member

Date: 27th February 2018

Philip Jones