



An
Bord
Pleanála

Board Direction
BD-001195-18
ABP-301227-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 26th 2018.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided, generally in accordance with the Inspector's recommendation, and for the reasons and considerations set out below, that the planning authority be directed to remove condition number 2, and the reason therefor.

Reasons and Considerations

The current Limerick City and County Development Contribution Scheme 2017 – 2021, at paragraph 10, provides for an exemption from the requirement to pay a development contribution in respect of a change of use where the development would not lead to a need for new/upgraded infrastructure/services or a significant intensification of demand for existing services, or where a development contribution has previously been paid in respect of the existing use. On the basis of the documentation submitted on the file, it is considered that the planning authority has not demonstrated that the proposed change of use would result in the need for new or upgraded infrastructure/services, or a significant increase in the demand for existing infrastructure/services, or that it has taken into account the contributions previously paid in respect of the

existing use on the site. Therefore, it is considered that the terms of the Planning Authority's Development Contribution Scheme have not been properly applied, and that the imposition of condition number 2 of the planning permission requiring the payment of the contribution was not appropriate.

Note. The Board assessed this appeal solely on the basis of whether or not the terms of the applicable Development Contribution Scheme were properly applied, as is required by the legislative provisions of Section 48 of the Planning and Development Act 2000, as amended. Issues relating to "double charging" and the "unreasonableness" of the financial contribution, or wider issues of proper planning and sustainable development, referred to in the grounds of appeal, were not considered, as these are outside of the Board's limited role in Section 48 appeals.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 26th September 2018

Philip Jones