



An
Bord
Pleanála

Board Direction ABP-301992-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/02/2019.

The Board decided, as set out in the following Order, that:

Board Order as follows: -

WHEREAS by order dated the 19th March, 2008, An Bord Pleanála, under register reference number PL13.223356 (06/1145), granted, subject to conditions, a permission to Bill and Gerard Keary, care of McCutcheon Mulcahy of 6 Joyce House, Barrack's Square, Ballincollig, Co Cork, for development comprising a mixed use residential, commercial and community facilities development. The planning permission (which was extended under 11/7084 until 16/06/2017), and amended under 15/463 and 16/623 and construction commenced under PL13.223356 all at Kilmallock Road, Crossagalla, Co Limerick:

AND WHEREAS condition 2 attached to the said permission required:

Prior to the commencement of development, a contribution of €3,490,197.26 shall be paid to Limerick County Council in accordance with the provisions of the Development Contribution Scheme made by Limerick County Council on the 19th December, 2003 in respect of public infrastructure and facilities benefitting development in the area of the Planning Authority and that is provided or, that is intended will be provided, by or on behalf of Limerick County Council.

Reason: - The developer shall contribute towards the expenditure incurred, or intended to be incurred, in the provision of public infrastructure and facilities benefitting development within County Limerick

AND WHEREAS the developer and the Planning Authority failed to agree on the above details in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 4th day of July, 2018 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, hereby determines that the Board agrees that the amount payable within the terms and conditions of the permission under condition 2 is €3,490,197.26 in accordance with the terms and conditions of the development contribution scheme applicable at the date of grant of permission.

REASONS AND CONSIDERATIONS

Having regard to the planning history, the submissions from the parties and the nature and scale of the development in question which is substantially complete and occupied the Board considered that the amount payable in accordance with the terms and conditions of the permission under condition 2 is the amount provided for in the contribution scheme applicable on the date of the grant of permission, which is €3,490,197.26, and that the reduction provided for in under the current contribution scheme is not applicable in this case.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions and the provisions in the Urban Regeneration and Housing Act, 2015 in particular, Subsections 3A(a) and 3A(b).

Board Member:

Date: 21/02/2019

Terry Ó Niadh