



An
Bord
Pleanála

Board Order PL 91.248414

Planning and Development Acts 2000 to 2016

Planning Authority: Limerick City and County Council.

Planning Register Reference Number: 16/868.

Appeal by Donald Riordan care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick in relation to the application by Limerick City and County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 5th day of April, 2017.

Proposed Development: Alterations and extension to existing public house, provision of car parking, external play area, installation of wastewater treatment system and all associated site works at Uncle Tom's Bar, Lombardstown and Ballyvoreen, Pallasgreen, County Limerick.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council to **AMEND** condition number 3 so that it shall be as follows for the reason stated.

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.

3. The developer shall pay to the planning authority a financial contribution of €16,844 (sixteen thousand, eight hundred and forty-four 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.

