



An  
Bord  
Pleanála

**Board Order**  
**PL 91.249186**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 16/1196**

**Appeal** by Homely Developments Limited care of HRA Planning of 3 Hartstonge Street, Limerick in relation to the inclusion of special contribution condition number 7 by Limerick City and County Council in its decision made on the 9<sup>th</sup> day of August, 2017.

**Proposed Development:** Construction of a mixed-use development consisting of 201 number dwelling units, neighbourhood crèche, associated access roads, new connections to public water main, foul and surface water drainage, footpaths, parking, refuse areas, proposed landscaping and all ancillary site works and demolition of a structure formally used as a dwellinghouse. The proposed 201 number residential units consist of 138 number semi-detached dwellings, 29 number terraced dwellings, 17 number duplex dwellings and 17 number apartments. Access to the proposed development will be via a new access road with junction to existing R510 road. The application site is adjacent to sites containing a Protected Structure (reference number 1657) and a Recorded Monument (reference number L1013-009), all at Baunacloka, Mungret, County Limerick.

## Decision

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE the said condition number 7 and the reason therefor.**

## 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 and County Council’s requirement of the developer, by way of condition number 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,

