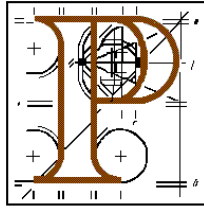


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Limerick City and County**

**Planning Register Reference Number: 17/552**

An Bord Pleanála Reference Number: ABP-300181-17

**APPEAL** by Dunnes Stores (Limerick) Limited care of Patrick O'Neill of Dunnes Stores, 46-50 South Great George's Street, Dublin 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 2 of its decision made on the 12<sup>th</sup> day of October, 2017.

**PROPOSED DEVELOPMENT:** (a) Change of use of 130 O'Connell Street from retail to licensed restaurant use, (b) the provision of new signage, and (c) all other associated ancillary site works, all at 130 O'Connell Street, 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 been properly applied in respect of condition number 2 and directs the said Council to ATTACH condition number 2 and the reason therefor.

## **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 number 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 Development Contributions Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January 2013 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.

## **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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this      day of                      2018.**