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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: 17/1046**

**Appeal** by Skycrest Limited care of HRA Planning of 3 Hartstonge Street, 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 2 of its decision made on the 22<sup>nd</sup> day of February, 2018.

**Proposed Development:** Change of use of part of the ground floor from retail/commercial use to restaurant use at numbers 109/110 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 not been properly applied in respect of condition number 2 and directs the said Council 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.

## **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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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**