



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 06/1145

WHEREAS by Order dated the 18th day of June, 2007, Limerick County Council, under planning register reference number 06/1145, granted subject to conditions a permission to Bill and Gerard Keary care of McCutcheon Mulcahy of 2/3 Crawford Business Park, Proby's Quay, Cork for development comprising mixed use residential, commercial and community facilities development at Killmallock Road, Crossagalla, County Limerick. The planning permission was extended under planning register reference number 11/7084 until the 16th day of June, 2017, and was amended under planning register reference numbers 15/463 and 16/623, and construction commenced under planning register reference number 06/1145:

AND WHEREAS by Order dated the 20th day of March, 2008, under appeal reference number PL 13.223356, An Bord Pleanála, following an appeal against condition number 2 (financial contribution) of planning register reference number 06/1145, considered that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 2 and directed the Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000 to attach condition number 2 and the reason therefor.

AND WHEREAS condition number 2 attached to the permission required the developer, prior to the commencement of development, to pay to Limerick County Council a contribution of €3,490,197.26 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:

AND WHEREAS the developer and the planning authority failed to agree on the above details in compliance with the terms of the 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, and based on the Reasons and Considerations set out below, hereby determines that the amount payable within the terms and conditions of condition number 2 is €3,490,197.26 (three million, four hundred and ninety thousand, one hundred and ninety seven euro and twenty six cent) 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 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.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.