



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/1271

Appeal by Aviary Estates Limited care of Gleeson McSweeney Architects of 99 O'Connell 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 28th day of March, 2019.

Proposed Development: The subdivision of portion of the existing ground floor retail area and existing first floor retail area to form a new separate two-storey retail unit incorporating the existing mezzanine floor, the provision of new ground floor entrance to this newly formed retail unit and new external signage at Unit 6, Eastpoint Retail Park, Ballysimon Road, 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

The Limerick City and County Development Contribution Scheme 2017-2021, at paragraph 10 - Change of Use, 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 or 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. It is considered that the developer has not demonstrated that the contribution previously levied in respect of the parent permission (planning register reference number 05/1452) and existing use on the site has been paid, and that in such circumstances, the development is not exempt from paying a contribution which is required to be paid at the appropriate rate. Therefore, it is considered that the terms of the Planning Authority's Development Contribution Scheme have been properly applied. The condition requiring the payment of the contribution therefore be attached.

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.

Dave Walsh

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

Dated this day of 2019