



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/819

Appeal by Moquette Limited care of Meitheal Design Partners Architects of 15 Father Matthew Quay, Cork 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 16th day of April, 2019.

Proposed Development: Retention of: (1) The part demolition of existing buildings (circa 155 square metres), (2) the as-constructed front, rear and side elevations, (3) as-constructed site works and services including the rear boundary wall to Pound Lane and (4) the as-constructed alterations and extensions made to the existing ground and first floor SuperValu store and ancillary accommodation (715 square metres). The proposal involved works to the building known as "Maloney's Garage". The integrated façade of Maloney's Garage is a protected structure, (Protected Structure Reference PS-ABF-54 P. E. Ab/34) and this façade has been retained as part of the development. All at Twohig's SuperValu, Bridge Street, Abbeyfeale, County 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 current Limerick City and County Development Contribution Scheme 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. It is considered that the developer has not demonstrated that the proposed change of use would not 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 paid the contributions previously levied in respect of the previous permission or in respect of the existing uses on the site. 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 should, 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.

Terry Ó Niadh

Member of An Bord Pleanála

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

Dated this day of 2019.