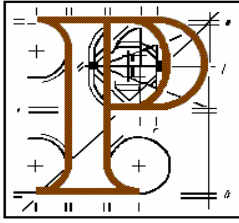


An Bord Pleanála



## Board Direction

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**Ref: 20.241658**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24<sup>th</sup>, June 2013.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Remove condition No. 10 and Reason

### Reasons and Considerations

The Roscommon County Council Development Contributions Scheme 2008 provides for a development contribution to be charged in respect of the development of communication masts. In this case the mast has already been constructed (under planning register reference number 02/677, Appeal No. PL 20.202867), and retention of the mast was permitted under planning register reference 07/2231 and the relevant development contribution has been paid. Having regard to development contributions as a charge to defray the cost of public infrastructure and services related to the carrying out of development, it is considered that the Development Contributions Scheme does not provide for the payment of repeated contributions in respect of the same mast, in the absence of a particular provision to this effect. Furthermore, the Board considers that it would not be a reasonable interpretation of the Development Contribution Scheme, which relates to the development of a communications mast, to require additional payments for retention, arising out of a

condition of a previous permission requiring that the must be reviewed after five years, to take account of changes to technology or design in the interim. The Board, therefore, considered that the terms of the General Development Contribution Scheme have not been properly applied, and that condition number 10 should be removed.

Board Member: \_\_\_\_\_ Date: 28<sup>th</sup>, June 2013  
Paddy Keogh