

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Clare County

Planning Register Reference Number: P10/877

An Bord Pleanála Reference Number: PL 03.238101

APPEAL by Hutchinson 3G Ireland Limited care of Tiger Chartered Surveyors Limited of BSM Building, Parkmore Business Park West, Galway in relation to the application by Clare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 6 of its decision made on the 23rd day of November, 2010.

PROPOSED DEVELOPMENT: Retention of a 25 metre high monopole with antennae and point to point dishes together with cabinets, associated equipment and fencing which was previously granted under planning register reference number P04/2498 and forms part of their 3G communications network at Clonmoney South, Bunratty, County Clare.

DECISION

The Board 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 6 and directs the said Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000 to REMOVE the said condition number 6 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to the fact that the Clare County Council Development Contribution Scheme in force at the time of the planning authority's decision makes provision for the levying of financial contributions in respect of "The erection of wind turbines ancillary buildings and telecommunications mast", and that the subject proposal is for the retention (rather than the erection) of a telecommunications mast, no such contribution is applicable. The Board considers that the terms of the said scheme have not been properly applied in this case.

