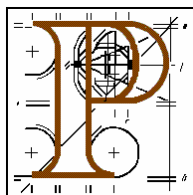


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Roscommon County

Planning Register Reference Number: 12/441

An Bord Pleanála Reference Number: PL 20.241658

APPEAL by Meteor Mobile Communications Limited care of Tiger International of BSM Building, Parkmore Business Park West, Galway in relation to the application by Roscommon County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 14th day of February, 2013.

PROPOSED DEVELOPMENT: Continuance of use of an existing 30 metres lattice support structure carrying GSM telecommunications equipment, associated equipment container and palisade fencing as previously granted under local authority reference number PD/07/2231 at Castleruby Townland, Tulsk, County Roscommon which forms part of the cellular digital and broadband communications network.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, 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 10 and directs the said Council under subsection (10) (b) of section 48 of the 2000 Act, to REMOVE condition number 10 and the reason therefor.

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 PD/02/677, An Bord Pleanála appeal reference number PL 20.202867), and retention of the mast was permitted under planning register reference PD/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 considered 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 mast 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.

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.

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

Dated this day of 2013.