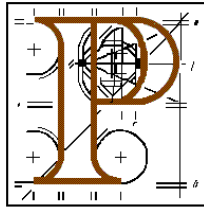


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Wexford County**

**Planning Register Reference Number: 20140653**

An Bord Pleanála Reference Number: PL 26.244071

**APPEAL** by Telefonica Ireland Limited care of Tiger and Company of BSM Building, Parkmore BP West, Galway, Ireland in relation to the application by Wexford County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 3 and 4 of its decision made on the 15<sup>th</sup> day of October, 2014.

**PROPOSED DEVELOPMENT:** Retention of an existing 21 metre high telecommunications support structure carrying antennas, radio link dishes, equipment containers and emergency generator housing in a fenced compound which was previously granted permission under planning register reference number 20090136 and forms part of the cellular digital and broad band communications network at Monasootha, Ballybeg, County Wexford.

## **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 conditions numbers 3 and 4 and directs the said Council under subsection (10) (b) of section 48 of the 2000 Act, to REMOVE conditions numbers 3 and 4 and the reasons therefor.

## REASONS AND CONSIDERATIONS

The proposed development is for the continuance of use of an existing telecommunications mast and mobile phone infrastructure. Having regard to the parent permission granted under planning register reference number 20090136, which included a condition requiring the payment of a financial contribution under the Development Contribution Scheme and which condition was complied with, it is considered that the appropriate contribution has been paid in respect of this development and that, in these circumstances, it would be an unreasonable interpretation of the Development Contribution Scheme to require a further contribution which would amount to double charging. It is, therefore, appropriate to remove conditions numbers 3 and 4.

## 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.

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

**Dated this      day of                      2015.**