



Board Direction

Ref: 21.245902

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15th, April 2016.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Amend condition number 3, as follows

REASONS AND CONSIDERATIONS

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate. The amount of the contribution shall be €15,000 (fifteen thousand euro) subject to any applicable indexation provisions of the Scheme from the date of the schemes adoption. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 fact that

- (a) the development is subject to a financial contribution under the Development Contribution Scheme 2011 – 2017 adopted by Sligo County Council Scheme, and
- (b) the Scheme does not provide for any exemptions in respect of retention permissions for telecommunications support structures, and
- (c) a development contribution was not levied under any previous permission for this structure.

it is considered that the terms of the Development Contribution Scheme were correctly interpreted in respect of condition number 3, and that a financial contribution in the sum of €15,000.00 in accordance with the terms of the scheme should be levied in this instance.

Board Member: _____
Paddy Keogh

Date: 20th, April 2016