



Board Direction

Ref: 16.247527

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6th, February 2017.

The Board decided to treat this case under section 139 and section 48 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:

Remove condition number 2 and Reason

Remove condition number 5 and Reason

REASONS AND CONSIDERATIONS

The requirement of condition number 2 as imposed by the planning authority would serve to annul the exempted development provisions of Class 31(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. In the absence of any justification for such a measure, the Board was not satisfied that the requirements of condition number 2 of the Planning Authority notification of decision to grant planning permission were justified.

The proposed development is for continuance of use of an existing telecommunications mast and mobile phone infrastructure. In the absence of any specific provision in the Mayo County Council Development Contribution Scheme for the levying of financial contributions in respect of telecommunications masts and mobile phone infrastructure, it is considered that the terms of the Scheme have not been properly applied by the planning authority in this instance. Furthermore, it is considered that it would be inappropriate to attach a development contribution condition under

Section 48 of the Planning and Development Act, 2000, as amended in this instance as development contributions have been paid for this development at this site under planning register reference numbers 02/492 and 07/586 and to apply a development contribution condition in this instance would amount to double charging. Accordingly, the Board decided that .it would be appropriate to remove condition number 5 as attached to the Planning Authority notification of decision to grant planning permission.

Board Member: _____
Paddy Keogh

Date: 7th, February 2017