



An  
Bord  
Pleanála

## **Board Direction PL18.248750**

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 18<sup>th</sup> 2017.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, generally as recommended by the Inspector, to amend condition number 1, as set out below, for the following Reasons and Considerations.

### **Reasons and Considerations**

It is considered that the terms of the Monaghan County Council Development Contribution Scheme 2013 – 2019, as amended, had not been properly applied because the financial contribution, as set out in condition number 1 of the planning authority's decision, had been assessed under Class 5 (m) of Appendix 3 to the Scheme, which provides for the payment of financial contributions per antenna installed on an existing mast, and that the two Remote Radio Units for which, inter alia, retention has been sought form ancillary components of existing antennae and are not separate antennae for the purposes of Class 5 (m), and therefore do not fall within the terms of the Scheme. However, with the exception of these two items, it is considered that the terms of the Development Contribution Scheme were properly applied to the remaining ten additional dish-type and panel-type antennae for which retention had been sought, and which had not formed part of the previously permitted development under register reference number 10/120.

1. The developer shall pay to the planning authority a financial contribution of €51,800 (fifty-one thousand, eight hundred euro) 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, as amended. The contribution shall be paid within six months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

Note: In arriving at its decision, the Board concurred with the view expressed by the Inspector that the ten additional antennae that are the subject matter of the financial contribution would not have represented exempted development, having regard to the terms and conditions of the previous planning permission. The Board also had regard to the terms of the Development Contribution Scheme, which at Section 18 states that the exemptions/reductions in Section 19 of the Scheme are not applicable in respect of permissions for retention of development, and noted that the present application was for retention.

*[Please issue a copy of this Direction to the parties with the Board Order.]*

**Board Member**

**Date:** 18<sup>th</sup> October 2017

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Philip Jones