



An
Bord
Pleanála

Board Direction
ABP-306604-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS by Order dated the 25th, day of July 2017 An Bord Pleanála under appeal No. 92.248107 granted, subject to conditions, planning permission to Three Ireland (Hutchison) Ltd. care of Peadar McQuaid of 28 to 29 Sir John Rogerson's Quay, Dublin for development comprising of the Construction of a 27 metres high telecommunications support structure carrying antennas and transmission dishes with associated equipment units, security fencing and access track all at Timoney, Knock, Roscrea, Co. Tipperary.

AND WHEREAS condition number 7 attached to that permission required the developer to 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, as amended, and the condition required that the contribution be paid prior to commencement of development 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, and that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the details of the application of the terms of the Scheme in compliance with the terms of the condition and the matter was referred by the developer to An Bord Pleanála on the 31st, day of January, 2020 for determination:

NOW THEREFORE An Bord Pleanála, pursuant to the imposition and wording of Condition No. 7 attached to the Board's decision in Appeal No. PL 92.248107 and based on the Reasons and Considerations set out below, hereby determines that the outstanding amount payable to Tipperary County Council is NIL.

REASONS AND CONSIDERATIONS

The Board granted planning permission under appeal reference number PL 92.248107 (planning register reference number 166006563) for the development the subject of this request for a determination, and imposed condition number 7 requiring the payment of a contribution under the provisions of the Tipperary County Council Development Contribution Scheme 2015-2019. Section 10.0 of the Development Contribution Scheme provides for certain exemptions from development levies that might otherwise apply including a 100% waiver from contributions otherwise payable under Class 22 and Class 23 of the Development Contribution Scheme where (as in the current instance) *'masts and antennae, dish and other apparatus/equipment for communication purposes form part of the National Broadband Plan or a subsequent Government endorsed initiative as defined by the Department of Communication, Energy and Natural Resources (DCENR)'*. The Board has had regard to the submissions made in relation to the application under planning register reference number 166006563 (Appeal No. PL 92.248107), the material submitted by the referrer and the planning authority in this request for a determination. The Board is satisfied that the referrer is entitled to the benefit of the full waiver provided for in

Section 10.0 of the Development Contribution Scheme and that the amount payable to Tipperary County Council under the terms of the Development Contribution Scheme is NIL.

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.

Board Member:

Date: 20/10/2020

Stephen Bohan