

An  
Bord  
Pleanála

**Board Direction**  
**BD-009964-22**  
**ABP-310469-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/02/2022.

The Board decided to uphold the appeal generally in accordance with the Inspector's recommendation, and to direct the planning authority to remove condition no 2 for the following reasons and considerations,

#### **Reasons and Considerations**

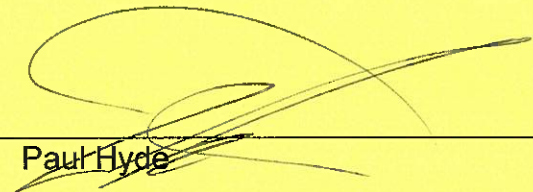
Having regard to

- (a) the general arrangements regarding payment of development contributions and implementation of the scheme.
- (b) the extent of existing telecommunications developments on the site.
- (c) the provisions of the Kilkenny County Development Contributions Scheme, specifically the exemptions provided for on Page 6.
- (d) The provisions of Planning Circular letter PL03/2018.

Having regard to the nature of the existing and proposed telecommunications infrastructure proposals on the site, the lack of any material intensification of demand on existing infrastructure or requirement for new or upgraded infrastructure arising from the permitted use, and to the exemption provisions on Page 6 of the adopted Kilkenny County Council Development Contribution Scheme, 2016-2017, the provisions of Circular letter PL03/2018 in relation to waivers for the development of masts, antennae, dishes and other apparatus or equipment being installed for such communications purposes, that the financial contribution as set out under Condition

2 of planning reference number 20/563, is not justified. Therefore, it is considered that the provisions of the adopted development contributions scheme nor of Planning circular letter PL03/2018 have not been properly applied such that Condition Number 2, attached to Planning Reference number 20/563 should be removed.

**Board Member**



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Paul Hyde

**Date:** 08/02/2022