An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20150864

An Bord Pleanála Reference Number: PL 26.245702

APPEAL by ESB Telecoms Limited of 27 Lower Fitzwilliam Street, Dublin in relation to the application by Wexford County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 21st day of October, 2015.

PROPOSED DEVELOPMENT: Continuation of the use of the existing 30 metre high, free standing monopole communication structure, carrying antennae and communication dishes, within an existing 2.4 metre high palisade compound (previously granted temporary permission under planning register reference number 20101253) at the existing communications compound at Electricity Supply Board's former Enniscorthy Area Office, Moyne Upper, Enniscorthy Rural, County Wexford.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to REMOVE condition number 2 and the reason therefor.

REASONS AND CONSIDERATIONS

The proposed development is for continuance of use of an existing telecommunications mast and mobile phone infrastructure. Having regard to the original permission for this mast for a temporary period granted under planning authority register reference number 20053147, which included a condition requiring the payment of a financial contribution under the then applicable Development Contribution Scheme, and having regard to the fact that such condition was complied with, it is considered that the development contribution now being imposed by the planning authority under condition number 2 would amount to double charging. In the absence of any specific provision in the Wexford County Council Development Contribution Scheme for the levying of repeat contributions in respect of development previously permitted for a temporary period only, it is considered that the terms of the Scheme have not been properly applied.

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.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2016.

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