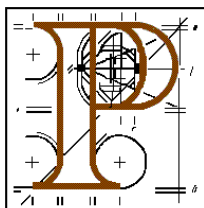


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Sligo County**

**Planning Register Reference Number: 15/342**

An Bord Pleanála Reference Number: PL 21.245902

**APPEAL** by Vodafone Ireland Limited care of 4Site Telecoms of Keating Road, Raheen Business Park, Limerick in relation to the application by Sligo County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 24<sup>th</sup> day of November, 2015.

**PROPOSED DEVELOPMENT:** Retention of existing 24 metre high multi-user telecommunications support structure with headframe, carrying associated antennae and link dishes, associated equipment cabin, within secure compound and access track at Cartron Townland, Ballinafad, County Sligo. The development will continue to form part of Vodafone Ireland Limited's existing GSM and 3G Broadband telecommunications network.

## 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 been properly applied in respect of condition number 3 and directs the said Council to **AMEND** condition number 3 so that it shall be as follows for the reasons stated.

## CONDITION

3. The developer shall pay to the planning authority a financial contribution of €15,000 (fifteen thousand 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 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. 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.

## REASONS AND CONSIDERATIONS

The proposed development is for the continuance of use of an existing telecommunications mast and mobile infrastructure. Having regard to the fact that:

- (a) the development is subject to a financial contribution under the Development Contribution Scheme 2011 – 2017, as adopted by Sligo County Council, and
- (b) the Scheme does not provide for any exemptions in respect of retention permissions for telecommunications support structures, and
- (c) a development contribution was not levied under any previous permission for this structure,

it is considered that the terms of the said Development Contribution Scheme were correctly interpreted in respect of condition number 3, and that a financial contribution in the sum of €15,000 (fifteen thousand euro) in accordance with the terms of the Scheme should be levied in this instance.

## **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.

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

**Dated this      day of                      2016.**