

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Monaghan County

**Planning Register Reference Number: 15/236**

An Bord Pleanála Reference Number: PL 18.246407

**APPEAL** by Highpoint Communications Limited care of Planning Resource of The Management Suite, 41 Clearwater Court North, Royal Canal Bank, Ashtown, Dublin in relation to the application by Monaghan 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 15<sup>th</sup> day of March, 2016.

**PROPOSED DEVELOPMENT:** Retention permission for an existing 24 metres high monopole telecommunications structure carrying six number radio antennas and two number RT link dishes together with associated equipment and access track at Tullyvaragh Lower, Castleblayney, County Monaghan, as amended by the further public notice received by the planning authority on the 19<sup>th</sup> day of February, 2016.

## 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 AMEND condition number 2 so that it shall be as follows for the reason stated.**

2. The developer shall pay to the planning authority a financial contribution of €25,630 (twenty-five thousand, six hundred and thirty 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 Board noted that a financial contribution has not previously been paid in respect of this telecommunications infrastructure. Accordingly, the Board considered that the payment of a financial contribution under the terms of the Monaghan County Council General Development Contribution Scheme 2013–2019, in respect of the development to be retained would be warranted in this instance. Furthermore, having regard to the planning history of the site (including the previous grant of planning permission under planning register reference numbers 06/919 and 13/297) and to the precedent established by the Board decision in the case of Appeal reference number PL18.242962 (which refers to the same site and development as the concurrent appeal under appeal reference number PL18.246408), the Board decided to treat this appeal in a similar manner and, therefore, to treat the mast and original 3 antennas as a single unit and to charge separately for the additional 3 antennas at the relevant rate.

## **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.**