An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 16/113

An Bord Pleanála Reference Number: PL 08.246492

APPEAL by Vodafone Ireland Limited care of Focusplus Limited of 3 Arbourfield House, Dundrum Business Park, Windy Arbour, Dublin in relation to the application by Kerry 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 31st day of March, 2016.

PROPOSED DEVELOPMENT: Retention permission (previous planning register reference number 10/677) for development at Awnaskirtaun Townland, Rathmore, County Kerry. The development consists of an existing 26 metre high telecommunications structure, antennas, equipment container and associated equipment within a fenced compound and access track. The development forms 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 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

Having regard to the fact that a section 48 Development Contribution in the sum of €14,000 has been previously levied and paid under planning authority planning register reference number 10/677, in respect of the telecommunications infrastructure on this site, the Board considered that the levying of a further financial contribution under the terms of the Kerry County Council Development Contribution Scheme 2011 in respect of the same telecommunications infrastructure would amount to double charging and would be unwarranted.

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.