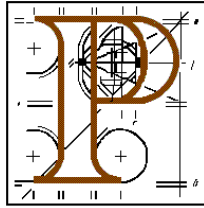


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Register Reference Number: 16/600560

An Bord Pleanála Reference Number: PL 92.247169

APPEAL by Vodafone Ireland Limited care of FocusPlus Limited of number 3 Arbourfield House, Dundrum Business Park, Windy Arbour, Dublin in relation to the application by Tipperary County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 9th day of August, 2016.

PROPOSED DEVELOPMENT: Retention of existing two number radio link dishes attached to the southern elevation of the spectator stand at Clonmel Rugby Club and all associated site works including cables and equipment, at Lawlesstown, Ardgeeha, Clonmel, County Tipperary. The development forms part of Vodafone Ireland Limited's existing GSM and 3G Broadband 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 4 and directs the said Council to **AMEND** condition number 4 so that it shall be as follows for the reason stated.

4. The developer shall pay to the planning authority a financial contribution of €2500 (two thousand five hundred 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

Having regard to the provisions of the Tipperary Development Contribution Scheme 2015-2019 and that an additional radio link dish has been attached to the spectator stand since the previous grant of planning permission in respect of which a financial levy was imposed, the Board considered that a levy under the terms of the Development Contribution Scheme in respect of the additional radio link dish would be warranted.

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.