

## Board Order PL 10.248622

Planning and Development Acts 2000 to 2017

**Planning Authority: Kilkenny County Council** 

Planning Register Reference Number: 17/161

**Appeal** by Cignal Infrastructure Limited care of 4Site of 4Site House, Raheen Business Park, Limerick in relation to the application by Kilkenny 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 8<sup>th</sup> day of May, 2017.

**Proposed Development:** The construction of telecommunications infrastructure comprising a 15 metre multi-operator monopole with antenna and dishes attached, associated equipment and cabinets, fencing, use of existing access and access track at Barrowmount Townland, Goresbridge, County Kilkenny.

## **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 reasons therefor.

## **Reasons and Considerations**

Having regard to:

- (a) the provisions of the Kilkenny County Development Contribution Scheme 2016-2017 and which includes an exemption for 'Masts and antennae and other apparatus for communication purposes that form part of the National Broadband Scheme or a subsequent endorsed initiative as defined by the Department of Communication, Energy and Natural Resources', and
  - (b) the submission made in this appeal,

the Board considered based on the evidence submitted that the proposed development constitutes equipment for communications purposes that form part of the National Broadband Scheme or a subsequent endorsed initiative as defined by the Department of Communication, Energy and Natural Resources, and that the terms of the Development Contribution 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

2017

PL 10.248622 Board Order Page 2 of 2