# An Bord Pleanála



## PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## **Mayo County Council**

Planning Register Reference Number: P16/960

An Bord Pleanála Reference Number: ABP-300040-17

**Appeal** by Three Ireland Services (Hutchison) Limited of 28/29 Sir John Rogerson's Quay, Dublin in relation to the application by Mayo County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 5 of its decision made on the 2<sup>nd</sup> day of October, 2017.

**Proposed Development:** Retain the existing 36 metres high telecommunications support structure carrying antennas and link dishes together with ground based equipment and security fencing at Drumsheen, Bunnyconnellan, County Mayo.

## **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 5 and directs the said Council to REMOVE condition number 5 and the reasons therefor.

#### **Reasons and Considerations**

The proposed development is for continuance of use of an existing telecommunications mast and mobile phone infrastructure. In the absence of any specific provision in the Mayo County Council Development Contribution Scheme for the levying of financial contributions in respect of telecommunications masts and mobile phone infrastructure, it is considered that the terms of the Scheme have not been properly applied by the planning authority in this instance. Furthermore, it is considered that it would be inappropriate to attach a development contribution condition under section 48 of the Planning and Development Act, 2000, as amended, in this instance as development contributions have been paid for this development at this site and to apply a development contribution condition in this instance would amount to "double charging".

#### **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 2018.

ABP-300040-17 An Bord Pleanála Page 2 of 2