



An
Bord
Pleanála

Board Order
ABP-300326-17

Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/226

Appeal by Three Ireland (Hutchison) Limited of 28/29 Sir John Rogerson's Quay, Dublin 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 31st day of October, 2017.

Proposed Development: Construction of 24-metre high telecommunications monopole support structure, carrying antennas and transmission dishes with associated equipment units, security fencing and access track at Stonecarthy East, Stonyford, 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 reason therefor.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Kilkenny County Council Development Contribution Scheme 2016-2017, 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 Communications, Climate Action and Environment, and
- (b) the submissions made in this appeal,

the Board considered that, based on the evidence submitted, the proposed development constitutes equipment for communications purposes that forms part of the National Broadband Scheme or a subsequent endorsed initiative as defined by the Department of Communications, Climate Action and Environment, 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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.