



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 17/601242

Appeal by Three Ireland (Hutchison) Limited of 28/29 Sir John Rogerson's Quay, 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 5 of its decision made on the 12th day of January, 2018.

Proposed Development:

Construction of a 30 metre high telecommunications lattice support structure carrying antennas and transmission dishes, with associated equipment units, security fencing and access track at Springfort Retail Park, Stereame, Limerick Road, Nenagh, County Tipperary.

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 reason therefor.

Reasons and Considerations

Having regard to

- (a) the provisions of the Tipperary County Development Contribution Scheme 2015-2019, which includes an exemption for ‘masts and antennae, dish and other apparatus/equipment for communication purposes form part of the National Broadband Plan or a subsequent Government endorsed initiative as defined by the Department of Communication, Energy and Natural Resources (DCENR) they will not be subject to development contributions’, and

- (b) the information submitted in support of 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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.