



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/601

Appeal by ESB Telecoms Limited of 43 Merrion Square East, Dublin in relation to the application by Waterford City and 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 25th day of October, 2018.

Proposed Development: Retention of use of an existing 36 metre high, lattice communications structure, carrying radio antennae, including dishes, within a 2.4 metre high palisade compound, shared with other licenced operators (parent permission, planning register reference number 12/129), at ESB's Telecoms compound, Waterford Industrial Estate 38kv Substation Site, Waterford Industrial Estate, Skibbereen, Waterford.

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 been properly applied in respect of condition number 2 and directs the said Council to ATTACH condition number 2 and the reason therefor.

Reasons and Considerations

It is considered that the payment of a financial levy in the sum of €10,000 in respect of the development arises pursuant to Section 6, Category (B) 'Other non-residential Development' of the Waterford City and County Development Contribution Scheme 2015-2021. Having regard to the nature of the telecommunications mast which serves both mobile telephony and broadband equipment, it is considered that the development cannot avail of the exemption from the payment of financial in respect of broadband infrastructure contained within Section 7 of the Development Contribution Scheme which exemption relates solely to broadband. There are no other exemptions or waivers or exemptions that can be availed of by the applicant. Furthermore, based on the submitted documentation, it has not been demonstrated that a financial contribution was previously levied or paid in respect of this infrastructure. Accordingly, the issue of 'double-charging' for the same telecommunications mast and infrastructure does not arise in this instance.

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 2019.