



Planning and Development Acts 2000 to 2018

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 19/2

Appeal by Vodafone Ireland Limited care of FocusPlus Limited of 3 Arbourfield House, Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 19th day of February, 2019 by Sligo County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of an existing 24-metre high telecommunications support structure with antennas, equipment container and associated equipment within a fenced compound and access track. The development forms part of Vodafone Ireland's existing GSM and 3G broadband telecommunications network at Cleavry, Castlebaldwin, County Sligo.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 4 and the reason therefor.

Reasons and Considerations

The proposed development is for continuance of use of an existing telecommunications mast and mobile phone infrastructure where significant contributions have already been paid in relation to the development under planning register reference number PL 13/224. 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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.