



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/658

Appeal by Cignal Infrastructure Limited care of 4Site of 4Site House, Raheen Business Park, Limerick 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 7th day of November, 2019.

Proposed Development: Construction of a 24 metres multi-user lattice telecommunications support structure, carrying antenna and dishes enclosed within a 2.4 metres high palisade fence compound together with associated ground equipment cabinets and associated site works and access track within the grounds of Dicksboro GAA Club, Kilcreen, 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 the provisions of the Kilkenny County Council Development Contribution Scheme 2015-2017 which includes an exemption for masts and antennae and other apparatus/equipment for communication 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, it is considered that the proposed development constitutes a development for communications purposes which fulfils the requirement set out in the Development Contribution Scheme and that the terms of the 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 Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020