

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

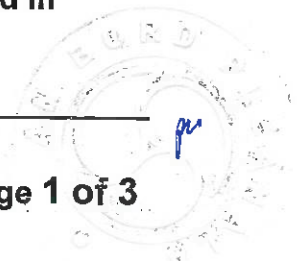
Planning Register Reference Number: 20/860

Appeal by Eircom Limited care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin in relation to the application by Kerry 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 13th day of November, 2020.

Proposed Development: Erection of a new 21 metres monopole telecommunications support structure together with antennas, dishes and associated works all enclosed in security fencing at the Eir exchange, all at Scrahannagaur, Sneem, County Kerry.

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) Kerry County Council Development Contribution Scheme 2017 which includes a reduction of 100% for “masts and antennae, dish and other apparatus/equipment for communications purposes which form part of the National Broadband Scheme (NBS) as defined by the Department of Communication, Energy and Natural Resources (DCENR)”,
- (b) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government and Circular Letter PL 03/2018 issued by the Department of Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000, as amended, which require that planning authorities revise their development contribution schemes in order that a waiver be applied in respect of broadband and mobile phone infrastructure (masts and antennae) being deployed as part of a Government endorsed telecommunications strategy, plan or initiative strategy for the roll out of broadband and mobile phone services, and
- (c) the submissions made in connection with this appeal,

it is considered that the proposed development constitutes infrastructure and equipment for communication purposes that form part of a government endorsed telecommunications strategy for the roll out of broadband and mobile phone services and that the terms of the planning authority's

Development Contribution Scheme have not been properly applied. In this regard, condition number 2 requiring the payment of the contribution shall, therefore, be removed.

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.



Paul Hyde

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



Dated this 28th day of June 2021.