

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/563

Appeal by Vodafone Ireland Limited care of Towercom of Usher House, Main Street, Dundrum, Dublin 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 11th day of May, 2021.

Proposed Development: Removal of the existing 15 metres lattice mast and erection of a new 20 metres lattice telecommunications support structure together with antennas, dishes and associated equipment, all enclosed in security fencing at the Eir Exchange, Smiths Road, Ballyragget, 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

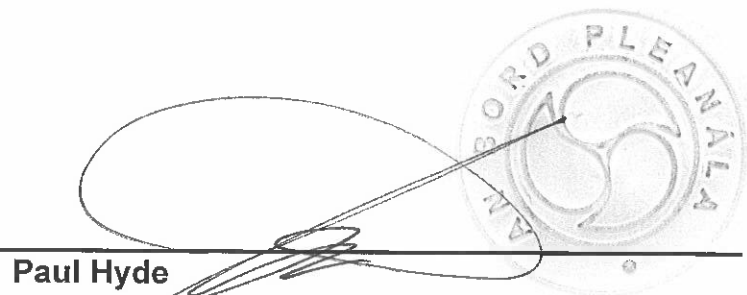
- (a) the general arrangements regarding payment of development contributions and implementation of the scheme,
- (b) the extent of existing telecommunications developments on the site,
- (c) the nature of the existing and proposed telecommunications infrastructure proposals on the site,
- (d) the lack of any material intensification of demand on existing infrastructure or requirement for new or upgraded infrastructure arising from the permitted use,
- (e) the exemption provisions on Page 6 of the adopted Kilkenny County Council Development Contribution Scheme, 2016-2017, and
- (f) the provisions of Circular letter PL 03/2018 issued by the Department of Housing, Planning and Local Government in relation to waivers for the development of masts, antennae, dishes and other apparatus or equipment being installed for such communications purposes,

it is considered that the financial contribution as set out under condition number 2 of permission granted under planning register reference number 20/563, is not justified. Therefore, it is considered that the provisions of the adopted development contributions scheme and of Planning circular letter PL

03/2018 have not been properly applied such that condition number 2, attached to planning register reference number 20/563, should 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 2nd day of *March* 2022.