



An
Bord
Pleanála

Board Order
ABP-310527-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/306

Appeal by OnTower Ireland Limited care of 4Site of 4Site House, Raheen Business Park, Limerick 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 18th day of May, 2021.

Proposed Development: Retention of existing telecommunications support structure (previously granted under planning register reference number 11/843) together with associated ground equipment cabinets within a fenced compound and access track at Lisroe, Duagh, 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 the:

- (a) Kerry County Council Development Contribution Scheme 2017 which provides for 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 from 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 requires that planning authorities revise their development contribution schemes in order that a waiver be provided for broadband and mobile phone infrastructure (masts and antennae) being deployed as part of a Government endorsed telecommunications strategy, plan or initiative of the requirement to pay development contributions, and
- (c) the information submitted in support this appeal,

it is considered, based on the submissions made in connection with the application and the appeal, 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 services and that the terms of Kerry County Council Development Contribution Scheme, 2017 have not been properly applied. It is considered, therefore, that it is appropriate to remove condition number 2 requiring the payment of a development contribution.

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 13th day of DECEMBER 2021.