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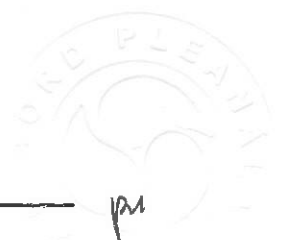
**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/410**

**Appeal** by Eircom Limited care of FocusPlus Limited of Number 3 Arbourfield House, Dundrum Business Park, Windy Arbour, 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 10<sup>th</sup> day of June, 2021.

**Proposed Development:** Construction of an 18-metre-high free-standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works. The development will form part of Eircom Limited existing telecommunications and broadband network, all at Eircom Exchange, Dromultan, Scartaglen, Killarney, 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/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 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, as defined by the Department of Communication, Energy and Natural Resources (DCENR)'
- (b) Circular Letter 07/12 issued by the Department of the Environment, Community and Local Government and Circular and PL03/2018 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 of initiative from the requirement to pay development contributions, and

(c) the information submitted in support of this appeal,

it is considered, based on the evidence submitted, 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 the planning authority's Development Contribution Scheme have not been properly applied. The condition requiring the payment of the contribution should, therefore, be removed in order to comply with Section 48(2)(c) of the Planning and Development Act 2000, as amended.

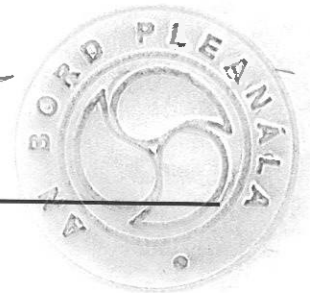
### **Matters Considered**

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 13<sup>th</sup> day of DECEMBER 2021.