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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Waterford City and County Council**

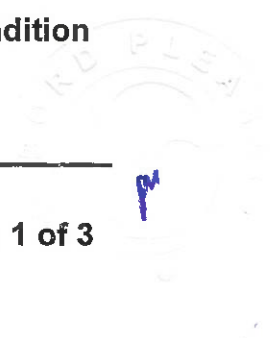
**Planning Register Reference Number: 21/357**

**Appeal** by On Tower Ireland Limited care of Charterhouse Infrastructure Consultants of Unit 2, Listowel Business Centre, Clieveragh Industrial Estate, Listowel, County Kerry in relation to the application by Waterford City and 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 22<sup>nd</sup> day of June, 2021.

**Proposed Development:** Retention of the existing 7.5 metre high telecommunications support pole with antennas, link dishes and associated telecommunications equipment and security fencing at Carrickbeg Hill, Carrick Beg, Carrick-on-Suir, County Waterford.

**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 been properly applied in respect of condition number 2 and directs the said Council to **AMEND** condition number 2 so that it shall be as follows for the reason stated.



2. The developer shall pay to the planning authority a financial contribution of €10,000 (ten thousand euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## **Reasons and Considerations**

Having regard to the provisions of the Waterford City and County Council Development Contribution Scheme 2015 – 2021, the Guidelines for Planning Authorities on Development Contributions issued by the Department of the Environment, Community and Local Government in 2013, Section 48(10)(b) of the Planning and Development Act, 2000, as amended; and that there is no provision within the Development Contribution Scheme for an exemption for a development for retention permission (including that of 'Broadband Infrastructure'), and that a financial contribution was not levied under any previous permission for the development, it is considered that the terms of the

Council's Development Contribution Scheme for the area have been properly applied by the planning authority in respect of Condition Number 2.

## 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.

  
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Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board



Dated this 30<sup>th</sup> day of NOVEMBER 2021