



An
Bord
Pleanála

Board Order
ABP-310949-21

Planning and Development Acts 2000 to 2021

Planning Authority: Monaghan County Council

Planning Register Reference Number: 21/278

Appeal by Ontower Ireland Limited care of Indigo of Raheen Business Park, Limerick in relation to the application by Monaghan County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 1 of its decision made on the 28th day of June, 2021.

Proposed Development: Retention permission for development consisting of an existing telecommunications support structure (previously granted under Planning Reference Number 06/763) together with associated ground equipment cabinets within a fenced compound and access track, all at Stramore, Emyvale, County Monaghan.

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 1 and directs the said Council to REMOVE condition number 1 and the reason therefor.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Monaghan County Council General Development Contribution Scheme 2021 - 2026, which provides that development contributions shall not be levied in respect of any telecommunications infrastructure (masts, antennae, dishes and other apparatus or equipment being installed for such communication purposes) being deployed as part of a Government endorsed telecommunications strategy, plan or initiative, or where mobile or broadband operators demonstrate to the satisfaction of the planning authority that the proposed telecommunications development provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service;
- (b) Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government and Circular Letter 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 or initiative from the requirement to pay development contributions; and
- (c) the information submitted in support of this appeal,



it is considered that the proposed development constitutes a facility for communications purposes that forms part of the National Broadband Scheme or a subsequent endorsed initiative, as defined by the Department of Communication, Energy and Natural Resources, and that the terms of the Development Contribution Scheme have not been properly applied.

In deciding not to accept the Inspector's recommendation to attach condition number 1, the Board noted that the planning authority's current General Development Contribution Scheme provides that development contributions shall not be levied in respect of any telecommunications infrastructure (masts, antennae, dishes and other apparatus or equipment being installed for such communication purposes) being deployed as part of a Government endorsed telecommunications strategy, plan or initiative.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 11th day of May 2022.