



An
Bord
Pleanála

Board Order
ABP-311248-21

Planning and Development Acts 2000 to 2021

Planning Authority: Monaghan County Council

Planning Register Reference Number: 21/276

Appeal by Emerald Tower Limited care of Phoenix Tower International of 10 Earlsfort Terrace, Dublin 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 12th day of August, 2021.

Proposed Development: Erection of a 27 metres high lattice telecommunications support structure together with antennas, dishes and associated equipment, and removal of the existing 15 metres monopole telecommunication structure at Elvey, 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 Council to REMOVE condition number 1 and the reason therefor.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Monaghan Local Authorities General Development Contributions Scheme 2013–2019 operative when the planning authority attached condition number 1 to the grant of permission under planning register reference number 21/276,
- (b) the mandatory provisions of Circular PL 03/2018, under Section 28(1C) of the Planning and Development Act, 2000–2021, which are applicable to the telecommunications development proposed under this application, and
- (c) the fulfilment of the conditions for a waiver of the normal development contribution, set out in these mandatory provisions, by the proposed telecommunications development,

it is considered that the planning authority, in attaching condition number 1, failed to properly apply its Development Contribution Scheme in the light of the mandatory provisions of Circular PL 03/2018 and so this condition for payment of a development contribution 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.