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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 21/352**

**Appeal** by Cignal Infrastructure Limited care of Indigo, 4Site House, Raheen Business Park, Limerick against the decision made on the 6<sup>th</sup> day of August, 2021 by Monaghan County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Installation of three number 2.9 metres omni antennas and one number 0.6 metre dish to an existing 30 metre telecommunications support structure, (making a total height of 33.4 metres), together with mounting supports and associated ground-mounted equipment at Aghamackalinn, Killybrone, Emyvale, County Monaghan.

**Decision**

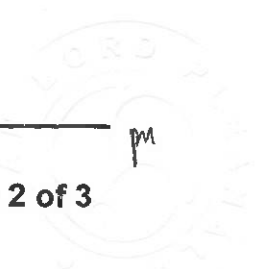
Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 1 and the reason therefor.

## Reasons and Considerations

Having regard to:


- (a) The submissions made in this appeal.
- (b) The provisions of Monaghan County Council General Development Contribution Scheme, 2021 – 2026 (adopted September 2021).
- (c) The planning history of the site.
- (d) All relevant planning provisions.
- (e) The nature, scale and extent of the proposed development sought.
- (f) The unique nature and type of telecommunications infrastructure Tetra Ireland Limited provides and the unique type of customers which use their telecommunications service.

The Board considers that condition number 1 has been incorrectly applied and determined in accordance with the provisions of the Monaghan County Council General Development Contribution Scheme, 2021-2026 (adopted September 2021), and it considers that this development, for which planning permission is sought, is exempt from the payment of such contributions on the basis of Section 19(e) of the scheme which sets out an exemption where mobile or broadband telecommunications development provide services to customers who would not otherwise be able to avail of an adequate mobile or broadband service and where the new development does not place a demand for new, upgraded or additional infrastructure or services.



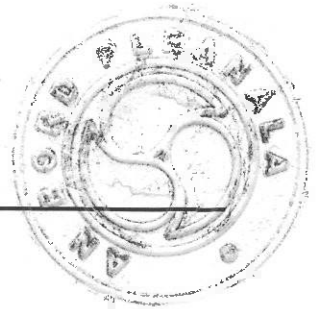
## Matters Considered

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 <sup>9<sup>th</sup></sup> day of ~~DECEMBER~~ 2021