

An
Bord
Pleanála

Board Order
ABP-311369-21

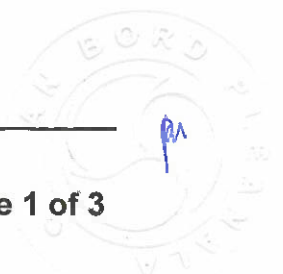
Planning and Development Acts 2000 to 2021

Planning Authority: Laois County Council

Planning Register Reference Number: 20/443

Appeal by Vodafone Ireland Limited care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin in relation to the application by Laois County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 8 of its decision made on the 16th day of August, 2021.

Proposed Development: The replacement of an existing telecommunications support structure (overall height of 16.7 metres), with a proposed new lattice tower (overall height of 25.5 metres), carrying the telecommunications equipment transferred from the existing structure and the addition of new telecommunications antennas, dishes and associated equipment, together with new ground level equipment cabinets at Eir, Ballymorris Road, Portarlington, County Laois.



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 8 and directs the said Council to REMOVE condition number 8 and the reasons therefor.

Reasons and Considerations

Having regard to the:

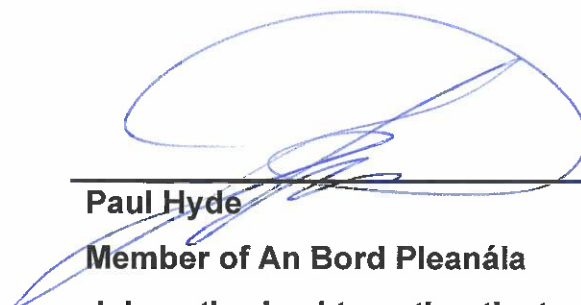
- (a) Laois County Council Development Contribution Scheme 2017 – 2023, which includes a reduction of 100% for Telecommunications 'Development consisting of masts and antennae, dish and other apparatus/equipment for communication purposes which form part of the National Broadband Scheme (NBS) or a subsequent Government endorsed initiative as defined by the Department of Communication, Energy and Natural Resources (DCENR)'
- (b) Circular Letter 07/12 issued from 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,

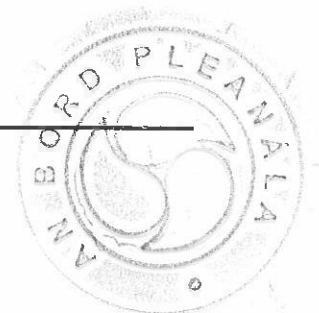
it is considered that the proposed development constitutes infrastructure and equipment for communication purposes that form part of a government endorsed telecommunications strategy for the roll out of broadband and mobile services, and that the payment of the contribution should therefore not be required. 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 11th day of April 2022