



An  
Bord  
Pleanála

**Board Order**  
**ABP-312334-21**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 21/855**

**Appeal** by On Tower Ireland Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway in relation to the application by Kilkenny 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 2<sup>nd</sup> day of December, 2021.

**Proposed Development:** Installation of a 24-metre telecommunication support structure carrying antennas, dishes, associated equipment, ground-based equipment cabinets, fencing and all associated site development works for wireless data and broadband services, all at Cloghala, Dungarvan, County Kilkenny.

## **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 2 and directs the said Council to REMOVE condition number 2 and the reason therefor.

## Reasons and Considerations

Having regard to:

- (a) the provisions of the Kilkenny County Development Contribution Scheme 2016-2017 which includes an exemption for masts and antennae and other apparatus for communication purposes that form part of the National Broadband Scheme, or subsequent endorsed initiative, as defined by the Department of Communications, Energy and Natural Resources, and
- (b) the information submitted in conjunction with the planning application and the appeal,

it is considered that the proposed development constitutes part of the Government's endorsed national roll out of broadband services, and that the terms of the Development Contribution Scheme have not been properly applied.

  
Eamonn Patrick Kelly

**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 29 day of May 2023.