



An
Bord
Pleanála

Board Order
ABP-314316-22

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22/204

Appeal by Eircom Limited care of FocusPlus Limited of N3 Arborfield House, Dundrum Business Park, Dundrum Road, Dublin in relation to the application by Waterford City and County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 7 of its decision made on the 18th day of July, 2022.

Proposed Development: The construction of a 30 metre high free standing communications structure carrying telecommunications equipment, together with associated exchange cabinets, fencing, access gate, upgrading of existing access track and all associated site development works at Curraghmore Estate, Curraghmore Townland., Portlaw, County Waterford. The development will form part of Eircom Ltd existing telecommunications and broadband network.

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 7 and directs the said Council to REMOVE condition number 7 and the reason therefor.

Reasons and Considerations

Having regard to:-

- (a) the general arrangements regarding payment of development contributions and implementation of the scheme,
- (b) the extent of proposed telecommunications developments on the site,
- (c) the exemption provisions on page 9 of the Waterford City and County Council Development Scheme 2023-2029, and
- (d) the provisions of Planning Circular letter PL03/2018 issued by the Department of Housing, Planning and Local Government in relation to waivers for the development of masts, antennae, dishes and other apparatus or equipment being installed for such communications purposes,

the Board considered, as per the Inspector's recommendation, that the financial contribution of €10,000 (ten thousand euro) imposed under condition number 7 of planning reference number 22/204, is not justified. Therefore, it is considered that condition number 7, attached to planning reference number 22/204 should be removed.

S. Logan



Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *25* day of *October* 2023.