



An
Bord
Pleanála

Inspector's Report

ABP-311262-21

Development	Attach 3 antennae and 1 dish to 30m telecommunications mast together with all associated site works.
Location	Aghamackalinn, Killybrone, Emyvale, Co. Monaghan.
Planning Authority	Monaghan County Council.
Planning Authority Reg. Ref.	21352.
Applicant(s)	Cignal Infrastructure Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	First Party.
Appellant(s)	Cignal Infrastructure Limited.
Observer(s)	None.
Date of Site Inspection	1 st day of November, 2021.
Inspector	Patricia-Marie Young

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy & Context	5
5.1. National Policy Provisions.....	5
5.2. Local Planning Context	7
5.3. Other	8
5.4. Natural Heritage Designations	9
5.5. EIA Screening	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response	11
6.3. Further Responses.....	12
7.0 Assessment.....	12
8.0 Appropriate Assessment.....	18
9.0 Recommendation.....	18
10.0 Direction.....	18
11.0 Reasons and Considerations	19

1.0 Site Location and Description

- 1.1. The 0.015ha appeal site is situated in the Townland of ‘Aghamackalinn’ just inside the border of County Monaghan with Northern Ireland. The modest in area site contains an existing mast structure with a number of antenna and structures thereon together with associated ground level equipment surrounded by a tall metal palisade fence. It is located beside a roughly surfaced and restricted in width access track in a high point in the landscape with the surrounding area being predominated by coniferous forests. The site itself is located c.15km to the north west of Monaghan Town and c.6km to the north west of the village of Emyvale in the rolling and in parts rugged drumlin landscape of County Monaghan. The wider area is predominated by pockets of forestry and small parcels of land mainly in use as grazing land.

2.0 Proposed Development

- 2.1. Planning permission to install 3 no. 2.9m omni antennas and 1 no. 0.6m dish to an existing 30-metre telecommunications support structure, (making a total height of 33.4m), together with mounting supports and associated ground-mounted equipment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 6th day of August, 2021, planning permission was **granted** for the proposed development set out under Section 2.1 subject to 5 no. conditions. Of relevance to the grounds of this appeal are the requirements of Condition No. 1 which reads:

“1.

- a. *The developer shall pay to Monaghan County Council a sum of €21,120 in accordance with the General Development Contribution Scheme 2013-2019 (as revised) made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.*

- b. *The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).*
- c. *No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.”*

The stated reason for this condition reads: *“it is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities in the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report, dated the 5th day of August, 2021, is the basis of the Planning Authority’s decision. This report notes that the site relates to an established Information and Communication Technology in a rural area with no adjacent and/or adjoining development. Regard is had to the planning history of the site (Note: P.A. Ref. No. 09/428 and 13/320). The Planning Officer considered that the development would be no more apparent than similar developments countywide and views of it would be fleeting and unobtrusive due to its detached nature within the landscape alongside the characteristics of its landscape context. This report concludes that the proposed development complies with Ministerial Guidelines and the telecommunications provisions of Monaghan County Development Plan, 2019-2025, and the proper planning and sustainable development of the area. Therefore, a grant of planning permission subject to conditions is recommended.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. IAA: No objection.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Site**

4.1.1. **P.A. Ref. No. 09/428:**

Planning permission to erect a 30m high antenna support structure with 3 no. panel antennas and 2 no. dishes attached together with equipment cabinets, other associated equipment, fencing and associated site works was granted subject to conditions.

Condition No. 1 attached a Section 48 Development Contribution of €30890.00 and Condition No. 2 indicated that the permission was for a period of 5 years only. Condition No. 3 in part required the antennae type and mounting configuration to be in accordance with the details submitted and shall not be altered without prior grant of planning permission.

Decision date: 13/11/2009.

4.1.2. **P.A. Ref. No. 13/320:**

Retention and Planning Permission was granted for the telecommunications development granted under P.A. Ref. No. 09/428. I note that the planning permission was required for deviation of this development from the parent grant of permission.

Decision date: 27/01/2014.

5.0 **Policy & Context**

5.1. **National Policy Provisions**

5.1.1. These include but are not limited to the following in relation to the type of development proposed under this application:

- **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, DoECLG, 1996.**

These Guidelines set out the criteria for the assessment of telecommunications structures. They aim to provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

- **Circular PL 03/2018.**

This circular seeks to ensure a consistent approach is applied by all local authorities in respect of waivers applied in Development Contribution Schemes in respect of mobile phone and broadband infrastructure. It sets out that the waiver shall apply to any telecommunications infrastructure, both mobile and broadband, being deployed as part of a Government endorsed telecommunications strategy, plan, or initiative.

- **Circular PL07/12.**

This Circular Letter revises elements of the 1996 Guidelines. It notes that the Guidelines pre-dated the introduction of development contribution schemes and states that the then draft Development Contributions Guidelines require that all future Development Contribution Schemes must include waivers for broadband infrastructure provision and these waivers are intended to be applied consistently across all local authority areas.

- **Development Contributions Guidelines for Planning Authorities, 2013.**

Section 2 of the Guidelines which deals with the matter of 'Supporting Economic Development', states that planning authorities are required to include a series of waivers and reductions in their development contribution schemes. The list includes "*waivers for broadband infrastructure (masts and antennae)*".

- **Revision of Development Contribution Guidelines in respect of Telecommunications and Infrastructure, Circular Letter PL 03/2018.**

This circular relates to a revision of the 2013 Development Contribution Guidelines for Planning Authorities and contains a 'specific planning policy requirement' which pursuant to Section 28(1C) of the Planning & Development Act, as revised, is mandatorily required to be applied by planning authorities. It sets out a waiver to apply to any telecommunications infrastructure, both mobile and broadband, being deployed as part of a government endorsed telecommunications strategy, plan, or

initiative. It requires that mobile or broadband operators demonstrate to the satisfaction of the planning authority that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service. It indicates that such infrastructure shall not attract development contributions and that this waiver applies to masts, antennae, dishes and other apparatus or equipment being installed for such communication purposes.

- **National Broadband Plan, 2020.**

This document sets out the government's initiative to deliver high speed broadband services to all premises in Ireland. This will be delivered through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest

5.2. Local Planning Context

- 5.2.1. **Monaghan County Development Plan, 2019 to 2025**, is the applicable Development Plan. The site is located in unzoned rural land outside of settlement.
- 5.2.2. Section 7.2 of the Development Plan indicates that the existence of high quality and sustainable telecommunications network is vital to the continued growth of the economy and the quality of life in the County. It also recognises that there have been considerable advances in broadband over the last two decades and that this infrastructure can help to combat social exclusion by providing access to information and services in a wide variety of area.
- 5.2.3. Objective TCO 1 of the Development Plan states: *“to facilitate the development of a high quality and sustainable telecommunications network for County Monaghan to support economic growth, improve quality of life and enhance social inclusion”*.
- 5.2.4. Policy TCP 1 of the Development Plan states: *“to support the delivery of high capacity information Communications Technology Infrastructure and broadband connectivity throughout the county”*.
- 5.2.5. Policy TCP 3 of the Development Plan states: *“to achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of*

economic and social progress and maintaining residential amenity and environmental quality”.

- 5.2.6. Section 15.21 of the Development Plan indicates that the provision of telecommunications services is essential to promoting commercial and industrial development alongside enhancing social inclusion, improving personal and household security.
- 5.2.7. To this end policy TCOP 1 seeks: *“to facilitate the orderly development of telecommunications in accordance with the requirements of the ‘Telecommunications Antennae and Support Structures Guidelines for Planning Authorities’ (1996) and Circular PL 07/12 or any subsequent national guidelines in this regard”.* This section of the Development Plan also sets out the following policies which are relevant to the development sought.
- 5.2.8. Policy TCOP 2 of the Development Plan states: *“to promote best practice in siting and design for all telecommunications structures to ensure the visual amenity and the landscape character of the area is protected as far as is possible. Where possible they should be located so as to benefit from screening afforded by existing tree belts, topography, or buildings”.*
- 5.2.9. Policy TCOP 4 of the Development: *“to require co-location of antennae support structures and sites where feasible unless it demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible”.*

5.3. Other

- 5.3.1. Monaghan County Council General Development Contribution Scheme, 2021 to 2026 is the applicable contribution scheme.
- 5.3.2. Section 5 sets out the basis of the scheme.
- 5.3.3. Section 7 sets out that in general all planning permissions granted by the Council will be subject to the Development Contribution Scheme.
- 5.3.4. Section 17 sets out the Development Contribution in Respect of Telecommunications Developments.
- 5.3.5. Section 18 sets out that exemptions/reductions set out under Section 19 will not be applicable in respect of permissions for retention development.

5.3.6. Section 19 sets out that the Planning Authority may allow full or partial exemptions from payment at its discretion, and it indicates that the onus shall be on the applicant to demonstrate that the development would be a type that would qualify for the same.

5.4. Natural Heritage Designations

5.4.1. The nearest European site is located c3.2km to the south west of the site. This site is Slieve Beagh Bog SPA (Site Code: 004167). There are no other European sites within the wider vicinity of the site.

5.5. EIA Screening

5.5.1. The development sought under this application relates to a retention of an existing telecommunications infrastructure and associated works. It is not located in an environmentally sensitive site, is significantly removed from the nearest European site, the site and the urban landscape it forms part of are serviced lands. I therefore consider that the proposed development is not likely to give rise to significant environmental effects or to warrant environmental impact assessment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this 1st Party Appeal were received by the Board on the 31st day of August, 2021, and includes the following comments:

- This appeal is made under Section 48(10)(b) and relates to Condition No. 1 only.
- In relation to Condition No. 1 the have not correctly applied the applicable development contribution scheme.
- The purpose of this development is to expand the National Digital Radio Service (NDRS) in the local area in order to maintain the needs of our Security, Fire & Safety, Health, Government & Public Service Agencies.
- Tetra Ireland is an Irish Company that owns and operates the NDRS and was appointed by the Department of Finance to build and operate the NDRS following a tender process undertaken in 2006.

- The service is purpose built secure digital radio network developed to meet Security, Fire & Safety, Health, Government & Public Service Agencies needs and provides the unique benefits of fast one-to-one and one-to-many radio communication. It offers core technologies which delivers a number of unique voice services and facilities not available with any other communications solution.
- The NDRS requires very substantial and specific geographic radio coverage to avoid communication black spots which could prejudice the safety of communities or individual Emergency Services members. Its coverage must be provided to the entire land mass of the country, the islands and 20km out to sea.
- If this service fails overlapping of sites is also a unique design requirement of Tetra technology.
- Tetra Irelands NDRS provides unique benefits to professional mobile users who require rapid, secure, dependable one-to-one and one-to-many radio communication.
- The NDRS system produces a dedicated, fully integrated, state of the art service designed to serve the needs of the Gardai, Fire Brigade, Ambulances, and a number of other Emergency Services.
- Digital radio transmissions are secured against eavesdropping and interception which is a major concern for the Emergency Services.
- Unlike analogue systems, digital radio conversations can be maintained over varied terrain and long distances.
- The service will provide air coverage available for Garda Helicopters and other aircraft. In addition, the coverage is extended off shore for Irish Coastguard Service rescue and other such operations.
- The new digital radio service will be fully integrated to provide duplex communications allowing digital radio terminals to access mobile and landline-based telephone systems.
- The digital radio provides ability to transmit data as well as voice.
- The new digital radio service will allow for interoperability with digital radio system used by the PSNI.

- Tetra have endeavoured to provide and deliver the NDRS network where possible on existing equipment at secure structures such as Garda, Fire Brigade, Coastguard and CIE towers. There are no suitable alternatives in the Aghamackalinn area, and the site will form part of an integrated NDRS communication network in this part of Monaghan.
- A substantial development contribution of €30,890 was previously made to the Council under P.A. Ref. No. 09/428 by its developer.
- Reference is made to local and national planning provisions, guidance as well as circulars in relation to telecommunication infrastructure.
- This development is exempt under Section 19(e) and 19(p) of the 2021 to 2026 scheme.
- The Tetra antennae will provide emergency services (via broadband enabled antennas) to an area that would otherwise be deficient and as such should benefit from a 100% waiver.
- It is requested that Condition No. 1 be omitted.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response is dated the 3rd day of September, 2021, and it can be summarised as follows:

- There are no specific exemptions or waivers provided for in the Development Contributions Guidelines for Planning Authorities, 2013, or any subsequent guidance and/or circulars in relation to telecommunications infrastructure that is specifically for security, fire & safety, health, government & public service agencies in the current scheme or previous scheme.
- There is provision in the scheme to ensure that double charging does not occur, and levies are only applied to additional development. Therefore, the imposition of development contributions on new development in this case cannot be considered to be double charging as the previous levy relating to this mast was levied once for the mast and once for an additional antenna.

- The appellant has not demonstrated that they are solely for the provision of broadband infrastructure to qualify for the exemption under Section 19(e).
- The new contribution scheme came into effect on the 6th day of September, 2021.
- The appellant appears to argue that the proposed development is broadband technology and therefore should avail of the exemption set out in the previous scheme; however, the proposed development as set out clearly would facilitate both voice and broadband connectivity. Therefore, this exemption could not be applied under the previous scheme which was the scheme that was in force at the time the development contribution was determined.
- The applicant has not qualified that any of the exemptions and/or waivers in the new scheme are applicable to the proposed development under the new scheme.
- The terms of the development contribution scheme have been properly applied.
- A copy of the new scheme is attached.

6.3. Further Responses

- 6.3.1. The First Party submitted a response to the Planning Authority's response on the 22nd day of October, 2021, which raises no new issues and reiterates its contention that the proposed development under Section 19(e) and Section 19(p) is exempt from the payment of Section 48 contributions. It also reiterates that they provide emergency services to an area that would otherwise be deficient. With this infrastructure also having the ability to cover temporary border checkpoint positions. It states that the nearest Tetra installation is 8km away at Emyvale, Co. Monaghan, and in the absence of this development it would not be able to provide the same level of coverage that would be adequate for emergency services. Reference is made to the Board decision in appeal case ABP-307993-20.

7.0 Assessment

- 7.1. The applicant has lodged a separate appeal to the Board which relates to Condition No.1 only. They essentially seek that this condition be omitted from any grant of planning permission.

- 7.2. The applicant Cignal Infrastructure Ltd is making this application for Tetra Ireland Communications Ltd.
- 7.3. I note that Condition No. 1 requires the developer to pay the sum of €21,120.00 to Monaghan County Council as a development contribution in accordance with their General Development Contribution Scheme, 2013 to 2019, as amended. With this condition indicating that this goes towards expenditure incurred or proposed to be incurred by them in the provision of community, recreation, and amenity public infrastructure as well as facilities in the area.
- 7.4. The said condition further indicates under subsection: (b) that the sum to be attached be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages); and, under subsection (c) that no works shall commence until payment of the development contribution.
- 7.5. At the time, this report has been prepared I note to the Board that the said general development contribution scheme that was in place at the time this application was submitted to and determined by the Planning Authority was no longer in place and had been superseded by the Monaghan County Council General Development Contribution Scheme, 2021-2026, which came into force on the 6th day of September, 2021. Therefore, the terms of this new scheme are now applicable to the proposed development sought under this application.
- 7.6. Section 7 of the said scheme sets out that in general all permissions granted by the Council will be subject to this development contribution scheme and that the development charges shall be levied as a condition under any permission issued under Section 34 of the Planning & Development Acts, 2000, as amended.
- 7.7. On the 6th day of August, 2021, the Planning Authority granted planning permission for a proposed development consisting of the installation of 3 no. 2.9m omni antennas and 1 no. 0.6m dish to an existing 30m telecommunications support structure. Together with the existing mast that was permitted under P.A. Ref. No. 09/428 it would increase the overall height of mast and structures thereon to a total height of 33.4m. In addition to this additional mounting supports and associated ground mounted equipment is sought at the site.

- 7.8. This grant of permission was subject to the requirements of five number conditions with Condition No. 1, which is the subject matter of this appeal and which the First Party Appellant seeks its omission on the basis that Tetra Ireland Ltd antennas for which the proposed development is sought will provide emergency services (via Broadband enabled antennas) to an area that would otherwise be deficient, and as such should benefit from a 100% waiver, as they are installed on an existing structure for which the developer already paid a contribution of €30,890 and the development would not place any demand for new, upgraded or additional infrastructure or services.
- 7.9. This they contend is consistent with the exemption that is provided for under Section 19(e) of the 2021-2026 development contribution scheme.
- 7.10. They further contend that as the proposed development relates to an existing development to which it is ancillary to developments referred to in Section 19(a) to (o) of the scheme that Section 19(p) is also applicable as the proposed development does not place a demand for new, upgraded, or additional infrastructure or services.
- 7.11. As such Condition No. 1 which requires the developer to pay the sum of €21,120.00 as a development contribution is not applicable and should be omitted on the basis that the scheme in this case has been incorrectly applied.
- 7.12. The Planning Authority in their response to the grounds of this appeal consider that the previous development contribution scheme under which Condition No. 1 was determined was properly applied in that the proposed development as sought did not meet the criteria for any exemption or waiver contained within this scheme and that the applicant did not demonstrate or substantiate evidentially that this was not the case or have they in their appeal submission to the Board.
- 7.13. In relation to the new scheme which the Board will be determining this appeal case it similarly contends that the proposed development does not meet the criteria of any of the exemptions and/or waivers set out therein. Including Section 19(e). In relation to this section of the scheme they contend that the appellant has not clearly set out in the information provided with this application and on appeal how the proposed development is part of the National Broadband Plan. Of further concern they have provided no proof of confirmation from the Department of the Environment, Climate and Communications stating this proposed development has been provided to avail of the waiver.

- 7.14. Secondly, they contend that the appellant has not demonstrated that customers in this area would not otherwise be able to avail of an adequate mobile or broadband service to avail of a waiver.
- 7.15. Thirdly, they contend that as the purpose of the National Broadband Plan is to intervene in areas that the market will not provide any or sufficient broadband coverage and an existing telecommunications mast has been present on this site since 2009 it is not considered that a waiver to incentivise private provision at this location is applicable.
- 7.16. Fourthly they draw the Boards attention to the fact that the proposed development as set out in the documentation provided and including the appeal submission clearly sets out that it would facilitate both voice and broadband connectivity. Therefore, the proposed development can not be considered solely as providing broadband connectivity.
- 7.17. I note that Section 17 of the scheme sets out the development contribution in respect of Telecommunications Developments. It states: “*development contributions shall not be levied in respect of any telecommunications infrastructure (masts, antennae, dishes and other apparatus or equipment being installed for such communication purposes) being deployed as part of a Government endorsed telecommunications strategy, plan or initiative, or where mobile or broadband operators demonstrate to the satisfaction of the planning authority that the proposed telecommunications development provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service*”.
- 7.18. On this component of Section 17 the appellant argues in their submission to the Board that this development though being in place since 2007 will deliver on the Government’s National Broadband Plan as the documentation provided with this application and with the submissions received do not support that the proposed development forms part of any Government endorsed ‘telecommunication’ strategy, plan, or initiative.
- 7.19. On the matter of where mobile or broadband operators demonstrate to the satisfaction of the planning authority that the proposed telecommunications development provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service the documentation provided with this application indicates the

proposed development constitutes broadband infrastructure (antennae) for purposes of providing a built secure digital radio network developed to meet Security, Fire & Safety, Health, Government & Public Service Agencies needs.

- 7.20. With Tetra Ireland Ltd being awarded from the Department of Finance in 2006 the contract to purpose built and provide this particular infrastructure and with the equipment that they propose to locate on this site forming part of the Managed National Digital Radio Services network with the equipment facilitating voice and data communications simultaneously.
- 7.21. In this respect the appellant contends on behalf of Tetra Ireland Ltd that their service that they provide can be considered broadband technology from which they offer emergency services and their other customers core technologies which delivers a number of unique voice and data services as well as facilities that are not available with any other communications solution.
- 7.22. As part of their response to the Planning Authority's response they provided two Coverage Maps for emergency coverage for the area in which the site is situated as well as its broader geographic location including the position of the nearest Tetra installation. These maps show the existing level of coverage and the proposed level of coverage this installation would provide at Aghamackalinn, Killybrone, Co. Monaghan.
- 7.23. In examination of these two maps they illustrate that the existing context whereby the appellants nearest installation at Emyvale, Co. Monaghan, is in adequate to provide the same level of coverage for emergency services and the proposed development would in the immediate and wider vicinity of Aghamackalinn would be significantly improved.
- 7.24. Thus, it would appear that the appellants on behalf of Tetra Ireland Ltd have generally provided a demonstration that in terms of the service that it provides and the customers it serves would be able to avail of an improved mobile and/or broadband service.
- 7.25. Alongside this it would be a development that due to it being installed at an existing telecommunications site which can accommodate its need in terms of containing an existing mast as well as suitable ground area to accommodate the other equipment proposed.

- 7.26. In relation to Section 19(p) of the scheme this I consider overlaps with the last component of Section 19(e) in that the proposed development is a type of development that is provided for under Section 19(a) to (o) but crucially as a new development it would not, if implemented, place a demand for new, upgraded, or additional infrastructure or service.
- 7.27. On this point I consider it incumbent to note that any maintenance of this equipment would not be of a level that could be considered to place significant additional volumes of traffic on the substandard access track that provides access to this site from the public network.
- 7.28. I have had regard to the planning history of the site. Including the parent grant of permission and the development contributions paid as part of compliance with this grant of permission. This application relates to new development and under the terms of the scheme there are no exemptions and/or waivers for it.
- 7.29. I have also noted the appeal cases referred to by both parties in the making my assessment above.

7.30. **Conclusion**

Based on the above considerations I am of the view that the Board should direct the Planning Authority to omit Condition No. 1 from the Planning Authority's notification to grant of planning permission for P.A. Ref. No. 21/352 based on the proposed development being a type of development that is exempt from the payment of contributions under Section 19(e) of the Monaghan County Council General Development Contribution Scheme 2021-2026 on the basis that the appellant on behalf of Tetra Ireland Ltd has demonstrated to the Board on appeal that the proposed telecommunications development provides unique and specialised telecommunication services to customers who would not otherwise be able to avail of them adequately in this locality or is it a service that is provided by other operators. In addition, the proposed development, if permitted, does not place a demand for new, upgraded or additional infrastructure or services.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

- 9.1. In accordance with Section 48 of the Planning and Development Act, 2000, as amended, the terms of the Monaghan County Council General Development Contribution Scheme, 2019 to 2025, and based on the reasons and considerations set out below, I consider that Condition number 1 for the reasons and considerations set out below should be omitted from the Planning Authority's notification to grant permission for P.A. Ref. No. 21/352. I therefore recommend that the Board direct the Planning Authority to **omit** condition number 1 accordingly and provide an advisory note as a precaution to ensure that the proposed development is used solely by Tetra Ireland Ltd only and when no longer in use by them removed.

10.0 **Direction**

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 under the terms of Section 19(e) of the Monaghan County Council General Development Contribution Scheme, 2019 to 2025, the applicable contribution scheme for the area considers that condition number 1 has been incorrectly applied and determined in accordance with this scheme.

11.0 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.
- (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 Ltd provides and the unique type of customers which use their telecommunications service.

The Board considers that condition no. 1 has been incorrectly applied and determined in accordance with the provisions of the Monaghan County Council General Development Contribution Scheme, 2021-2026, 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.

Patricia-Marie Young
Planning Inspector

17th day of November, 2021.