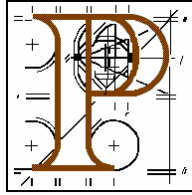


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

Westmeath County

Planning Register Reference Number: 08/4210

An Bord Pleanála Reference Number: PL25K.232354

APPEAL by Vodafone Ireland Limited care of Mono Consultants Limited of Wellington Buildings, 2-4 Wellington Street, Belfast against the decision made on the 4th day of December, 2008 by Westmeath County Council to refuse permission to Vodafone Ireland Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of telecommunications apparatus consisting of a 30 metre multi-user monopole with three number 1.9 metre panel antennas, three number 0.3 metre link dish at 25 metres, one number three metre Vodafone cabin within a proposed 2.4 metre palisade fence, all at Midland Gateway Business Park, Kilbeggan, County Westmeath.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the national strategy regarding the improvement of mobile communications services;
- (b) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) the policies of the planning authority, as set out in the Westmeath County Development Plan 2008-2014;
- (d) the zoning of the site;
- (e) the pattern of development in the area; and
- (f) the monopole design,

it is considered that the proposed development would not seriously injure the amenities of the area, or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to national policy, the location of the monopole within a business park, and accepted the need in this area, and in these circumstances, considered that the impact of the mast in the context of the surrounding built environment would not be such as to warrant a refusal of permission.

CONDITIONS

1. This permission is for a period of five years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the period of five years and to circumstances then prevailing.

2. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed with the planning authority as soon as practicable.

Reason: In the interest of orderly development.

3. No material change of use shall be made without a prior grant of planning permission.

Reason: To safeguard the amenities of the area.

4. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

5. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antenna onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory reinstatement of the site.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2009.