

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

## Wexford County

**Planning Register Reference Number: 20100440**

An Bord Pleanála Reference Number: PL 26.237137

**APPEAL** by Esther Brennan of Kilfree House, Dungulph, Fethard on Sea, New Ross, County Wexford against the decision made on the 22<sup>nd</sup> day of June, 2010 by Wexford County Council to grant subject to conditions a permission to Vodafone Ireland Limited of Mountainview, Leopardstown, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention (planning application register reference number 2005/0794) of an existing 24 metre high telecommunications support structure with antennas, equipment container and associated equipment within a fenced compound and access track. The development forms part of Vodafone Ireland Limited's existing GSM and 3G Broadband telecommunications network, at Dungulph Townland, Fethard, County Wexford.

## 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 antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) the general topography and landscape features in the vicinity of the site, and
- (d) the existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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.

3. 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.

4. No material change of use of the mast shall be made without a prior grant of planning permission.

**Reason:** To safeguard the amenities of the area.

5. 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            2010.**