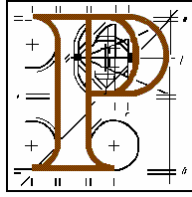


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Louth County

Planning Register Reference Number: 11/117

An Bord Pleanála Reference Number: PL 15.238961

APPEAL by Hutchison 3G Ireland Limited care of Tiger Chartered Surveyors of BSM Buildings, Parkmore Business Park West, Galway against the decision made on the 28th day of April, 2011 by Louth County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Permission for continuance of use of an 18 metre high monopole with telecommunications antennas and dishes attached thereto, along with equipment cabinets and fencing which was previously granted under planning register reference number 06/725 and forms part of their 3G communications network at Ballymageragh, Dunleer, County Louth.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND the said condition number 6 so that it shall be as follows for the reason set out:

6. Within three months of the date of this order, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to ensure the satisfactory reinstatement of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €10,000 (ten thousand euro), or
- (b) a cash sum of €10,000 (ten thousand euro), to be applied by the planning authority at its absolute discretion if the reinstatement is not completed to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the reinstatement, including all necessary demolition and removal.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the development, under which a bond for reinstatement has not previously been required under earlier planning permissions, it is considered reasonable and necessary that a financial security be taken by the planning authority to ensure satisfactory decommissioning of the installation and reinstatement of the site. Having regard to the nature and scale of the development, it is considered reasonable for the developer to agree the form of the bond with the planning authority.

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.

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

Dated this day of 2011.