



An
Bord
Pleanála

Board Direction
PL27.248163

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 31st 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- a) the nature and extent of the subject development,
- b) the national strategy regarding the improvement of mobile communications services,
- c) 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,
- d) the general topography and landscape features in the vicinity of the site,
- e) the existing character and pattern of development in the vicinity,
- f) the documentation submitted as part of the appeal which indicated the intention to replant the surrounding area with Broadleaf trees to be managed under a continuous cover forest regime, and
- g) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the visual

amenities of the area and would, therefore, 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, as modified by the further particulars submitted to the planning authority on the 18th day of November 2016 and the 30th day of January 2017, and to An Bord Pleanala on the 14th day of March 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall apply for a period of three 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: In the interest of visual amenity and to enable the impact of the development to be re-assessed, having regard to the provision of tree planting in the vicinity of the site, in the intervening specified period.

3. The site shall be reinstated on the removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this permission.

Reason: In the interest of orderly development.

4. 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, as amended. The contribution shall be paid within three months of the date of this order 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Note: In arriving at its decision, the Board concurred with the Inspector that this case represented an exceptional circumstance by reference to the Departmental Circular 07/12, justifying the imposition of a temporary duration on the grant of planning permission. Furthermore, the Board considered that a financial contribution was due, having regard to the fact that the subject application was for retention, and that the provisions of the Wicklow County Council Development Contribution Scheme specifically provide (at paragraph 5.2) that no exemptions/reductions will be allowed for retention permissions.

[Please issue a copy of this Direction with the Board Order.]

Board Member

Date: 31st August 2017

Philip Jones