

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Wicklow County**

**Planning Register Reference Number: 16/524**

An Bord Pleanála Reference Number: PL 27.248163

**APPEAL** by Vodafone Ireland Limited care of FocusPlus Limited of N3 Arbourfield House, Dundrum Business Park, Dundrum Road, Dublin against the decision made on the 21<sup>st</sup> day of February, 2017 by Wicklow County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of an existing 30 metres high telecommunications support structure, antennas, equipment container and associated equipment within a fenced compound. The development forms part of Vodafone Ireland Limited's existing GSM and 3G broadband telecommunications network, all at Ballard Upper, Kilbride, County Wicklow.

## **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 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 18<sup>th</sup> day of November 2016 and the 30<sup>th</sup> day of January 2017, and to An Bord Pleanála on the 14<sup>th</sup> 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 from 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.

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

**Dated this            day of            2017.**