



An
Bord
Pleanála

Board Direction
BD-004828-19
ABP-305114-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/12/2019.

The Board decided to disallow the appeal and direct the Planning Authority to grant a licence, generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

- 1.1.1. Having regard to the provisions of Section 254 of the Planning and Development Act, 2000, as amended, national regional and local policy objectives as represented in the Clare County Development Plan, 2017-2023, Objective CDP 8.44 according to which it is an objective of the planning authority to facilitate communications infrastructure development at appropriate locations in accordance with the DOEHLG Section 28 Statutory Guidelines; "*Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of adjoining property, would be generally acceptable in terms of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

2.0 Conditions.

1. The license shall be valid for three years from the date of this order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, a further licence 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 specified period.

2. PA Condition number 2
3. The height of the proposed telecommunications structure shall not exceed 15 meters, as measured from the adjacent road level

Reason: In the interest of clarity.

4. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application for the License and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of a further licence

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health and to prevent flooding.

6. Details of the proposed colour scheme for the pole, antennas equipment containers and perimeter fencing shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

7. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

Board Member

Date: 24/12/2019

Terry Ó Niadh