

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

**Clare County**

**Planning Register Reference Number: P11/415**

An Bord Pleanála Reference Number: PL 03.239437

**APPEAL** by Towercom Limited care of David Counihan of Heather House, Heather Road, Sandyford Business Estate, Dublin against the decision made on the 25<sup>th</sup> day of July, 2011 by Clare County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Retention of an existing 12 metre high telecommunications mast, antennas and dishes together with associated equipment granted permission under planning register reference number P06/492 at the Eircom Exchange, Sladoo, Carran, County Clare.

## **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 planning history of the site,
- (d) the general topography and landscape features in the vicinity of the site, and
- (e) the distance of the proposed development from residential properties and the public road network,

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

## CONDITIONS

1. 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:** In the interest of visual amenity and to enable the impact of the development to be re-assessed, having regard to changes in technology and design or any other changes in circumstances during the specified period.

2. Any future resurfacing required within the development site (for example, vehicular access) shall be of limestone chip only.

**Reason:** To protect the grasslands on site which are protected under Annex 1 of the EU Council Directive 92/43/EEC.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the proposed structure.

**Reason:** In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. The site shall be reinstated upon removal of the telecommunications structure and ancillary structures. Details of the 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.

5. Within one month from the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal.

The form and amount of security shall be agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

---

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

**Dated this                    day of                    2012.**