

An
Bord
Pleanála

Board Direction
BD-010490-22
ABP-311332-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/04/2022.

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 the Laois County Development Plan 2017 – 2023 which supports the provision of telecommunications infrastructure and includes a plan for substantial development in the settlement of Ballacolla; it is considered that subject to the following conditions the proposed development would not be unduly visually obtrusive or seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Having regard to Circular Letter 07/12 issued from the Department of the Environment, Community and Local Government and Circular PL03/2018 issued by the Department of Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended), which requires that planning authorities revise their development contribution schemes in order that a waiver be provided for broadband and mobile phone infrastructure (masts and antennae) being deployed as part of a Government endorsed telecommunications strategy, plan or initiative, from the requirement to pay development contributions; and the information submitted in support of this application and appeal, it is considered that the proposed development constitutes infrastructure and equipment for communication purposes that form part of a government endorsed telecommunications strategy for the roll out

of broadband and mobile services, and that the payment of the contribution should therefore not be required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of April 2021, and the 19th day of July 2021 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. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

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

3. Any change in the ownership of the site or of the operator of the structure or of the use of the structure by any additional service providers shall be notified to the planning authority.

Reason: In the interests of clarity.

4. The facility shall be operated and maintained to ensure that any emissions from the development remain within Guidelines set by the International Commission on Non-Ionising Radiation Protection.

Reason: In the interests of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development. The following shall be included as a minimum:

The construction site shall be securely fenced along its perimeter and all construction activities shall take place within the site.

All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on the public road network during the course of construction.

Any damage to the public road as a result of the works shall be the liability of the developer.

Reason: In the interests of public safety and amenity.

6. Except where their removal is necessitated by the proposed development, existing mature trees on the site shall be protected during construction. Further landscaping shall be carried out in consultation with the planning authority.

Reason: In the interests of visual amenity.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

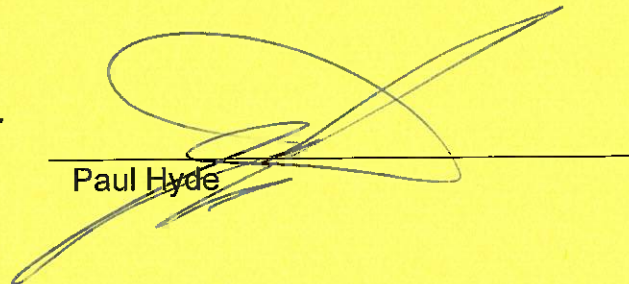
Reason: In the interest of orderly development.

8. When the structure is no longer required, it shall be demolished and removed and the site re-instated at the operators' expense.

Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of visual amenity.

Board Member



Paul Hyde

Date: 11/04/2022