

An
Bord
Pleanála

Board Direction
BD-015764-24
ABP-317403-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the established use of the site for telecommunications and related uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996 as updated by Circular Letter PL07/12 and with the relevant provisions of the Cavan County Development Plan 2022-2028, including the zoning objective for the site and would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site and would not adversely affect the setting and character of adjoining Architectural Conservation Areas, nor the setting and character of protected structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development is a project for the purposes of the EIA Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5

to the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination, screening for EIA or EIA is required.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered and acknowledged the detailed assessment of views of the proposed development, within the Inspector's report. However, the net issue for the Board was that whilst the proposed development, as reduced to 21 metres by condition no. 2, would be visible (as shown in the montage images provided by the applicant at appeal stage) this did not translate into an adverse visual impact due to various contextual realities, such as the tightness of the streetscape close to the subject site, and the broader assembly of varying existing visual elements, within longer range views of the proposed development and within which the proposed mast could readily be absorbed. Specifically, the Board considered the totality of documentation on file, including the submission of the planning authority to the Board, and concluded that the tight urban nature of the site meant that close range views from within adjoining Architectural Conservation Areas would not lead to overbearance, excessive visibility of the mast or otherwise adverse visual impact. In longer views, the Board determined that the mere fact of visibility of the proposed development did not lead to an adverse visual impact. For example, the Board did not share the opinion of the Inspector that the longer range view 1, which shows the mast visible between 2 chimney structures on the school protected structure (RPS No CV0462), would lead to an adverse visual impact, due to the background distance of the mast from the actual school building and the modest addition of the proposed development to the range of existing visual elements in this wider view around the school. Overall, the Board concluded that the presented evidence at appeal stage (with the reduced proposal of 21 metres), therefore successfully shows a mast which might be visible, but which would not dominate views, or introduce a new visual element into a pristine set piece townscape such that it would lead to a discordant impact. Furthermore, the Board considered the wording of development plan objectives RPS10, ACA3, ICT 04 AND ICT 05, and determined conclusively that no material contravention of these objectives would arise. These objectives (which are considered reasonable) are all general in wording and allow for an overall judgement to be made on the balance of presented evidence. In this case the Board

determined that the proposed development can be successfully integrated into the overall townscape and assembly of visual elements at this part of Cavan town, without adverse impact. The Board also noted and agreed with the Inspector that there is a need for the proposed development and that the proposed development would not compromise the delivery of the Abbeylands regeneration project or any related specific proposals.

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 received by An Bord Pleanála on the 21st day of June, 2023, 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 telecommunications structure shall not be higher than 21 metres.

Reason: In the interest of clarity.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Details of the materials, finishes and colour of the telecommunications support structure and associated equipment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The developer shall provide and make available at reasonable terms, the proposed communications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

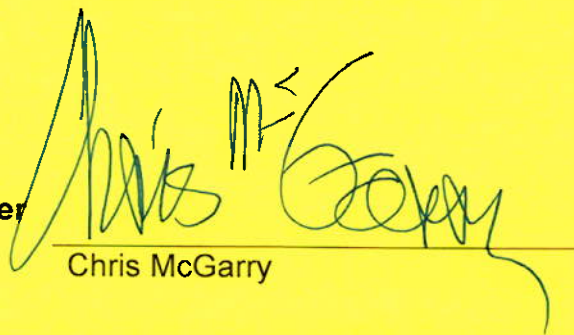
6. In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at their own expense, remove the mast, antennas and ancillary structures and equipment.

Reason: In the interest of orderly development.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Board Member



Chris McGarry

Date: 07/03/2024