



An
Bord
Pleanála

Board Direction
BD-017964-24
ABP-319875-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/10/2024.

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 provisions of:

- (a) The National Planning Framework,
- (b) The Regional Spatial and Economic Strategy for the Southern Region,
- (c) The Clare County Development Plan 2023-2029, and
- (d) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, and
- (e) The Clare County Council Development Plan which seeks to provide high-speed, high capacity digital and mobile infrastructure within the County,

together with the location and siting of the proposed development within an existing telecommunications exchange, where an existing telecommunications pole is to be replaced on lands within the settlement boundary of Scarriff, and on lands zoned 'utilities – UT2' under the Clare County Development Plan 2023-2029, it is considered that subject to compliance with the conditions set out below, the proposed development reduced in height from 21 meters to 18 meters would not seriously be detrimental to the character of the town, and would not seriously injure

the residential or visual amenities of the area including any high amenity value views from the designated scenic route. Furthermore the Board is satisfied based on the technical information submitted with the application and appeal and the applicants response to the S131 Notice, that the coverage in the northern environs of the settlement of Scarriff is less than adequate and, having regard to the zoning objective of the subject site, which seek to facilitate such utilities, it was considered that more suitable alternative sites within the northern environs of the town serving the same population catchment were not available. Finally it is considered that the proposed development would be in accordance with objectives CDP11.55 (telecommunications infrastructure), CDP14.2 (settled landscapes) and CDP14.7 (scenic routes) of the Clare County Development Plan 2023-2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

EIA Screening

The Board noted that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board agreed with its Inspector that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore no preliminary examination, screening for environmental impact assessment, or environmental impact is required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and further information submitted to the Planning Authority on 2nd August 2022, and the further information submitted to the Board on July 4th 2024, 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 height of the monopole structure shall be reduced to 18 meters.

Reason: in the interest of visual and residential amenity.

3. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

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

4. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 6 months, the structures shall be removed, and the site shall be reinstated within 3 months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within 7 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.

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

5. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained.

Reason: In the interest of visual amenity, residential amenity and biodiversity.

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

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

Reason: In the interest of public health.

Board Member



Paul Caprani

Date: 24/10/2024