

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Clare County

**Planning Register Reference Number: P15/417**

An Bord Pleanála Reference Number: PL 03.246432

**APPEAL** by Angela Collins care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 16<sup>th</sup> day of March, 2016 by Clare County Council to grant subject to conditions a permission to Brian Sexton of Clare Broadband care of MNT Draughting Services of Cooraclare, County Clare in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of broadband mast at Cloonreddan, Cooraclare, County Clare (as amended by the further public notice received by the planning authority on the 22<sup>nd</sup> day of February, 2016 which included significant further information).

## 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 nature and extent of the development proposed for retention,
- (b) the national strategy regarding the improvement of mobile communications services,
- (c) 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,
- (d) the general topography and landscape features in the vicinity of the site, and
- (e) the existing character and pattern of development in the vicinity,

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the information on the file including the documentation received by the planning authority as further information and the appeal submission, taken in combination, were adequate to allow the Board to adequately assess and determine this appeal. In all of the circumstances of the case, the Board were satisfied that the development proposed for retention was acceptable.

## CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of February, 2016 and the 10<sup>th</sup> day of February, 2016, 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 within three months from the date of this order and the development shall be in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The height of the mast to be retained shall be strictly in accordance with the dimensions indicated on the drawing and documentation submitted to the planning authority in response to their request for further information and received by the planning authority on 9<sup>th</sup>, day of February 2016. Notwithstanding the provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the configuration of the mast to be retained shall not be altered without a prior grant of planning permission.

**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.

3. In the event of the structure becoming obsolete and being decommissioned the developers shall, to the satisfaction of the planning authority, remove the mast and antennae and associated structures and return the site to its original condition.

**Reason:** In the interest of the visual amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months from the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Dated this            day of            2016.**