

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Clare County Council

Planning Register Reference Number: P17/631

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Appeal by Kevin O'Connor of Hardingrove, Bruree, County Limerick and by other and by Cellcom Ireland Limited care of 4Site of Third Floor, Fumbally Exchange, 5 Dame Lane, Dublin against the decision made on the 9th day of October, 2017 by Clare County Council to grant subject to conditions a permission to the said Cellcom Ireland Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of planning permission to install a 40 metres free standing multi-user structure, carrying telecommunications equipment together with associated exchange containers enclosed with palisade fencing and access gate. Retention permission for the existing exchange containers and 80 metres access track. The proposed tower is a replacement for the existing structure, which will be decommissioned and removed from site. The in-situ telecommunications equipment to be transferred post construction. The development will continue to accommodate local broadband, FM Radio, security and council services and provision has also been made for future co-location as required, all at Letteragh Townland, Ben Dash, Kilmaley, 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 location of the site outside any heritage landscape or other significant scenic designation in the development plan for the area,
- (d) the general pattern of development in the vicinity, and
- (e) the planning history of the area,

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

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, 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. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

3. The developer shall provide and make available, on reasonable terms the proposed mast for the provision of mobile telecommunications antennae/dishes of third-party licensed mobile telecommunications operators.

Reason: To avoid unnecessary proliferation of telecommunications structures in the landscape, in the interest of visual amenity.

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

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution of €271 (two hundred and seventy-one euro) in respect of public infrastructure and facilities benefitting 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 prior to the commencement of development 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

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

Dated this day of 2018