



Planning and Development Acts 2000 to 2018

Planning Authority: Carlow County Council

Planning Register Reference Number: 17/48

Appeal by Cignal Infrastructure Limited care of Jordana Corrigan of 4Site House, Raheen Business Park, Limerick against the decision made on the 1st day of November, 2017 by Carlow County Council to refuse permission to the said Jordana Corrigan for the proposed development:

Proposed Development: Construction of telecommunications infrastructure comprising of 24 metre multi-operator monopole with antenna and dishes attached, associated equipment, cabin and cabinets, fencing and access track Knockroe, Rathvilly, County Carlow.

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 antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) Carlow County Development Plan, 2015 – 2021,
- (d) the Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government,
- (e) the location of the appeal site in a rural area outside a village/small town,
- (f) the nature and scale of the proposed telecommunications support structure,

- (g) the fact the proposed development would satisfy a demonstrated need for improved telecommunications services in the area, and
- (h) the height of the proposed telecommunications structure and the proximity to established residential properties,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would 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 the Appropriate Assessment Screening Report submitted by the applicant and concurred with the conclusions that the small development area is not located in proximity to the drainage ditch/stream and the ground does not slope towards it. The proposed development would not constitute a significant risk to water quality during construction or operation. Given the limited scope of the proposed development, the distance to the River Slaney, the presence of a vegetative buffer and the dilution factor provided in the riverine environment, any impacts on water quality due to inadvertent spillages of hydrocarbons during construction would be negligible and that no impacts during operation are predicted. In completing the screening exercise, the Board concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

The Board further considered that the proposed monopole telecommunications structure, while noticeable would not be intrusive, would not seriously injure the residential amenities of property in the area, would not seriously injure the visual amenities of the area, would not substantially impact on the character of the area, would be acceptable in terms of environmental impacts, would provide essential telecommunications coverage to the area and would not, therefore, be contrary to the proper planning and sustainable development of the area.

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 to the planning authority on the 14th day of August, 2017 and the 6th day of October, 2017, 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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

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

3. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

Reason: In the interest of visual amenity.

4. Within six months of the date of cessation of use, the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated at the developer's expense. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to the date of cessation of the use of the structure. Reinstatement shall be deemed to include the grubbing out of and replanting of the access track created in association with the development permitted herein.

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

5. 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 prior to 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. 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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.

