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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/7**

**Appeal** by Hibernian Cellular Networks Limited care of Charterhouse of Tea Lane, Listowel, County Kerry against the decision made on the 4<sup>th</sup> day of May, 2018 by Clare County Council to refuse permission.

**Proposed Development:** Retention of the existing 42 metre high telecommunications support structure carrying transmission equipment and ground based equipment all enclosed in security fencing together with access track at Letteragh Townland, Mount Ben Dash, Kilmaley, County Clare as amended by the revised newspaper notice received by the planning authority on the 10th day of April, 2018.

**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 Clare County Development Plan 2017-2023
- (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 location of the site outside any heritage landscape or other significant scenic designation in the development plan for the area,
- (e) the general pattern of development in the vicinity, and
- (f) the planning history of the area,

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

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of April 2018 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 and the development shall be 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 within 3 months of the date of this Order.

**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 orderly development.

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**Terry Ó Niadh**

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

**Dated this            day of            2018.**