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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: LA 19-12**

**APPEAL** by Mary Howard of Claureen House, Ennis, County Clare against the decision made on the 4<sup>th</sup> day of July, 2019 by Clare County Council to grant, subject to conditions, a licence to Cignal Infrastructure Limited of Suite 309, Q House, 76 Furze Road, Sandyford Industrial Estate, Dublin in relation to the following application.

**APPLICATION:** Licence to construct a 15 metre high mobile telecommunications mono-pole to accommodate 2G, 3G, 4G, and 5G antennae and two ancillary operator cabinets at Claureen, Lahinch Road, Ennis, County Clare.

**DECISION**

**In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, An Bord Pleanála hereby DISALLOWS the appeal, based on the reasons and considerations set out below, and directs the planning authority to grant a licence subject to the conditions set out under.**

## **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 the provisions of section 254 of the Planning and Development Act, 2000, as amended, and national, regional and local policy objectives as represented in the Clare County Development Plan, 2017-2023, Objective CDP 8.44 according to which it is an objective of the planning authority to facilitate communications infrastructure development at appropriate locations in accordance with the “Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in 1996, as updated by circular letter PL 07/2012 in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed mobile telecommunications mono-pole and two ancillary operator cabinets would not seriously injure the visual amenities of the area or the residential amenities of adjoining property, would be generally acceptable in terms of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This licence shall be valid for a period of three years from the date the planning authority issues the licence. The telecommunications structure and related ancillary structures, including any access arrangements, shall then be removed and the site reinstated at the developers expense unless, prior to the end of the period, a further licence shall have been granted for their retention for a further period

**Reason:** To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

2. In the event of the telecommunications structure and related ancillary structures becoming obsolete and being decommissioned, the developer shall remove the pole and associated structures and return the site to its original condition, at their own expense.

**Reason:** To ensure satisfactory reinstatement of the site upon decommissioning of the structure.

3. The height of the proposed telecommunications structure shall not exceed 15 metres, as measured from the adjacent road level.

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

4. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of a further licence.

**Reason:** To clarify the nature and extent of the permitted development to which this licence relates and to facilitate a full assessment of any future alterations.

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

**Reason:** In the interest of public health and to prevent flooding.

6. Details of the proposed colour scheme for the pole, antennas, equipment containers and perimeter 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.

7. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

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

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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            2020.**