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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: PL 19/06**

**Appeal** by Glencar Residents care of Johnny McCollum of 11 Ashbrook, Letterkenny, County Donegal against the decision made of the 11<sup>th</sup> day of June, 2019 by Donegal County Council to grant, subject to conditions, a licence to Cignal Infrastructure Limited care of Jason Redmond and Associates of 5 Lismard Court, Portlaoise, County Laois.

**Application:** Licence for the erection of a signal smart streetpole solution and operator cabinet at Doctor McGinley Road, Ballyboe, Glencar, Letterkenny, County Donegal.

**Decision**

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála hereby **DISALLOWS** the appeal based on the reasons and considerations under and directs the planning authority to grant a licence 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 the provisions of Section 254 of the Planning and Development Act 2000, as amended, to national, regional and local policy objectives, as represented in the Donegal County Development Plan 2018-2024, to support the development of a sustainable telecommunications network throughout the county, to the Department of Environment, Heritage and Local Government Section 28 Statutory Guidelines, “Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the site’s open space land use zoning objective, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This licence is for one number 15 metres freestanding pole and antennae and associated operator cabinet only in accordance with the details submitted to the planning authority on the 23<sup>rd</sup> day of April, 2019.

**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.

2. (a) The licence shall be valid for a period of three years only from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, a further licence under Section 254 of the Planning and Development Act 2000, as amended, has been granted for their retention for a further period.  
  
(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this licence.

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

3. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

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

4. The structures hereby permitted shall not interfere with existing services, existing drainage systems and shall not obstruct pedestrian access.

**Reason:** In the interests of orderly development and pedestrian safety.

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

**Dated this            day of            2020.**