



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 201

Appeal by Shared Access Limited care of Pegasus Group of South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, England against the decision made on the 27th day of February, 2020 by Louth County Council to refuse permission for the proposed development.

Proposed Development: Removal of existing 19.3 metre tall floodlight to be replaced by the erection of a 27 metre monopole to support telecommunications antennae for use by eir and other operators, which with the installation of dishes, remote radio units and ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services. The existing floodlight lamps will be reattached to the replacement structure at 19.3 metres at Dundalk Young Irelands GFC, Rockfield Court, Marshes Upper, Dundalk, County Louth.

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 the provisions of the National Planning Framework, the Dundalk and Environs Development Plan 2009-2015 (as varied and extended), the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, the existing pattern of development in the area, and the nature and scale of the proposed development, 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 or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission that could materially contravene the policy provisions of the Dundalk and Environs Development Plan 2009-2015 (as varied and extended) would be justified in accordance with sections 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act 2000, as amended, having regard to –

- the deficiency in mobile telecommunications coverage in the area
- the provisions of section 9.2 of the development plan
- objective 49 of the National Planning Framework 2018-2040, and
- section 1.2 of the Telecommunications Antennae and Support Structures Guidelines (1996).

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by the further plans and particulars received by An Bord Pleanála on the 23rd day of March 2020, 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. 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.

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. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages 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.

6. 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.

John Connolly

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

Dated this day of 2020