

Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

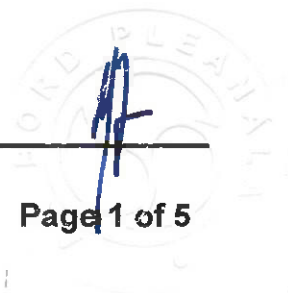
Planning Register Reference Number: P20/472

Appeal by Vodafone Ireland Limited care of Towercom of Usher House, Main Street, Dundrum, Dublin against the decision made on the 1st day of April, 2021 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Erection of a 20 metres high telecommunications support structure carrying antennas and dishes together with associated ground-based equipment all enclosed in security fencing and to remove the existing 13.5 metres high telecommunications support structure. Further public notices were received on the 9th day of March, 2021.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations 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

- (a) the provisions of the Clare County Development Plan 2017 – 2023 (as varied),
- (b) 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,
- (c) Circular Letter PL/07/12, issued by the Department of the Environment, Community and Local Government in October, 2012,
- (d) Circular Letter PL/01/2018, issued by the Department of Housing, Planning and Local Government in February, 2018,
- (e) the planning history of the site,
- (f) the nature and scale of the proposed development,
- (g) the submissions and observations on file,
- (h) the planning officers report and decision of the planning authority and

- (i) the report of the Inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the visual amenity of the area and would not seriously injure the residential amenities of adjoining properties. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

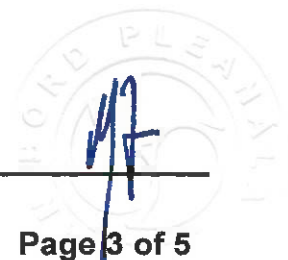
Conditions

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 particulars submitted on the 18th day of February, 2021, 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. 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.



3. 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.

4. 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.

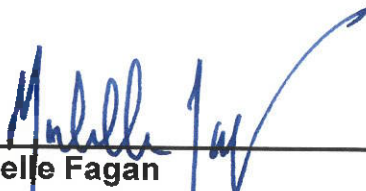
Reason: In the interest of the visual amenities of the area.

5. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.
- (b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

6. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.



Michelle Fagan

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



Dated this 30th day of July 2021