

An
Bord
Pleanála

Board Order
ABP-310170-21

Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P21/127.

Appeal by Cignal Infrastructure Limited care of 4Site of 4Site House, Raheen Business Park, Limerick against the decision made on the 12th day of April, 2021 by Clare County Council to refuse a permission to Cignal Infrastructure Limited for the proposed development.

Proposed Development: Construct a 30-metre multi-user lattice tower telecommunications structure, carrying antenna and dishes enclosed within a 2.4-metre-high palisade fence compound with associated ground equipment and associated site works including new access track, all at Caher Townland, Ogonnelloe, County Clare.

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

In coming to its decision, the Board had regard to the following:

- (a) The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities”, issued by the Department of the Environment and Local Government in July 1996,
- (b) Circular Letter PL07/12 Telecommunications Antennae and Support Structures Guidelines issued by the Department of Housing, Local Government and Heritage on the 9th day of March, 2021,
- (c) the objectives of the Clare County Development Plan 2017 – 2023,
- (d) the nature, scale and location of the proposed telecommunication structure,
- (e) the submissions and observations received with the application and the appeal, and
- (f) the decision of the planning authority,

and considered that the proposed development, subject to compliance with the conditions set out below, would achieve the objectives, as set out in National Policy and the Clare County Development Plan 2017 - 2023. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the location of the proposed development in a Heritage Landscape where it is a requirement, under Objective CDP13.5 of the Clare County Development Plan 2017 - 2023 (as varied) for all proposed developments to demonstrate that every effort has been made to reduce visual impact, that sites are located to avoid visually prominent locations and that site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads.

The Board is satisfied, having regard to the location of the proposed development, and to the planning history in the area (grant of permission for a 24-metre-high slimline monopole structure carrying shrouded telecommunication equipment on a site approximately 420 metres to the south of the current proposed location under An Bord Pleanála reference number PL 03.247066), that the proposed telecommunications structure would not seriously injure the visual amenities of the surrounding area, including when viewed from the R463 (Scenic Route) and from Lough Derg. The proposed development would not conflict with Objective CDP13.5 of the Clare County Development Plan 2017 - 2023 (as varied) and would be in accordance with the proper planning and sustainable development of the area. Furthermore, the Board noted that the proposed development is located in a highly suitable and appropriate location for the purposes of providing voice and broadband services in the area. The Board also noted availability of the proposed mast for co-location in the future in accordance with National Policy.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

Reason: In the interest of orderly development.

3. The antennae 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 planning permission.

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

4. 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.

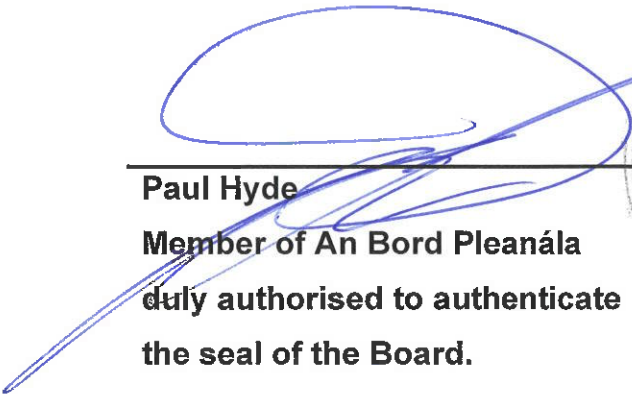
Reason: In the interest of public safety.

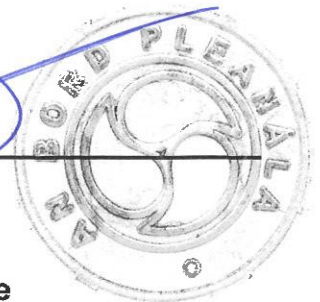
5. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. 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.


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



Dated this 21st day of September 2021.