

Planning and Development Acts 2000 to 2021

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/128

Appeal by Eir (Eircom Limited) care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 5th day of May, 2021 by Cavan County Council to refuse permission for the proposed development.

Proposed Development: Replacement of an existing telecommunications support structure and attached equipment (overall height of 13.3 metres) with a proposed new lattice tower support structure (overall height of 25.5 metres) carrying replacement equipment and the addition of new telecommunications antennas, dishes and associated equipment, together with new ground equipment cabinets, fencing and landscaping at Eir Exchange, Drumalt, Arvagh, County Cavan.

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;

- Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996);
- Telecommunications Antennae and Support Structures and Department of the Environment, Community and Local Government Circular Letter PL07/12;
- the objectives of the Cavan County Development Plan 2014-2020, as extended;
- the nature and scale of the proposed telecoms monopole;
- the submissions and observations received;
- the decision of the planning authority; and
- the report of the Inspector,

and considered that the proposed development, subject to compliance with the conditions as set out below, would achieve the objectives set out in National Policy under the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) and the Telecommunications Antennae and Support Structures and Department of the Environment, Community and Local Government Circular Letter PL07/12 and the Cavan County Development Plan 2014-2020 as extended.

Furthermore, the Board was satisfied that the proposed development having regard to its limited nature and scale set against the context of the existing telecommunications structure at the Eir Exchange would not seriously injure the residential amenities of adjoining properties and would not seriously injure the visual amenities of the area. The proposed development 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 was satisfied that having regard to the existing telecommunications structure in situ that the height, scale and location of the proposed replacement structure was an appropriate and acceptable location in Arvagh.

Furthermore, the Board considered that the proposed development would not be visually obtrusive and would not seriously injure the amenities of the area. 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, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

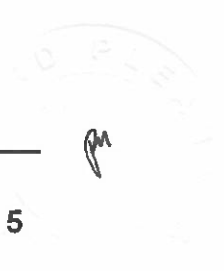
Reason: In the interest of clarity.

2. The 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 prior to the commencement of development.

Reason: In the interest of orderly development.

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

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



4. A fixed red obstacle light shall be fitted as close to the top of the structure 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 and the Irish Aviation Authority prior to commencement of development.

Reason: In the interest of public and aviation safety.



Paul Hyde

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

Dated this 16th day of FEBRUARY 2022