

Planning and Development Acts 2000 to 2021

Planning Authority: Mayo County Council

Planning Register Reference Number: P20/737

Appeal by Thomas Gerard Flynn of Loughill, Ballinlough, Castlerea, County Roscommon and by Seán Flynn of Loughill, Ballinlough, Castlerea, County Roscommon against the decision made on the 20th day of May, 2021 by Mayo County Council to grant subject to conditions a permission to Cignal Infrastructure Limited care of 4Site of Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a 24 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 entrance and new access track, at Leo Townland, Ballyhaunis, County Mayo. The proposed development was revised by further public notices received by the planning authority on the 27th day of April, 2021.

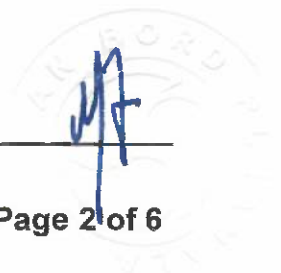
Decision

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.

Reasons and Considerations

Having regard to the following matters:

- (a) the provisions of the Mayo County Development Plan 2022-2028,
- (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 the Environment, Community and Local Government in February 2018,
- (e) the nature and scale of the proposed development,
- (f) the submissions and observations received, and
- (g) the planning officers report and decision of the planning authority,



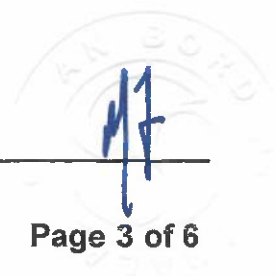
the Board considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the visual amenity of the area and would not have a negative impact on archaeological monuments in the vicinity. The proposed development, would, therefore, be 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 requested further information, by way of a Section 132 notice, with regard to the issues raised by the Inspector and considered that the responses received demonstrated that the applicant has the approval of the person who has sufficient legal estate or interest in the land which is the subject of the application.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and further information submitted on the 30th day of March 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. 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.

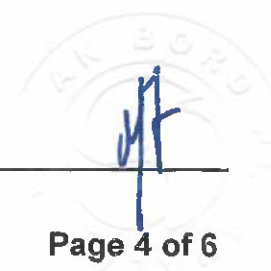
Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.

4. 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.

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.

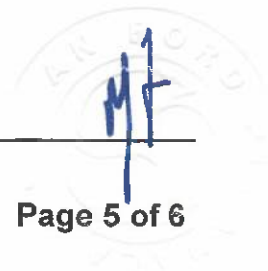


6. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.
- (b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures.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

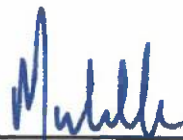
Reason: In the interest of orderly development.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.



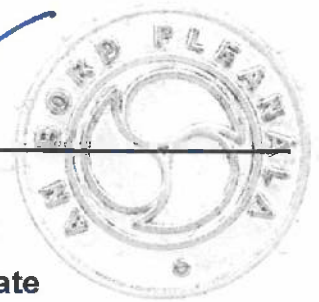
Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this

19th

day of

September

2022.