

Planning and Development Acts 2000 to 2021

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/280

Appeal by Adam Norris and others care of 36 The Drumlins, Virginia, County Cavan and by The Drumlins Residents care of Johanna White of 190 The Drumlins, Virginia, County Cavan against the decision made on the 7th day of July, 2021 by Cavan County Council to grant subject to conditions a permission to Eircom Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: The installation of an 18 metres monopole carrying antennas, dishes, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services, all at Matthews Funeral Home, Virginia Business Park, Bailieboro Road, Rahardrum, Virginia, 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

Having regard to the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities", issued by the Department of the Environment and Local Government in July 1996, to Circular Letter PL07/12 and to the Cavan County Development Plan 2014 – 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate land use under the industry/enterprise/employment zoning of the site within which tele-services are acceptable in principle. Existing landscaping and the setting of the Virginia Business Park would allow for the proposed development to be assimilated into the local townscape and be compatible with the visual and residential amenities of the area. It is further considered that access and parking arrangements would be satisfactory and that no water or Appropriate Assessment issues would arise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

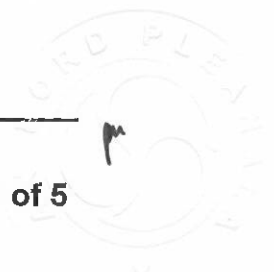
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of June, 2021, except as may otherwise be required in order to comply with the following conditions. 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. The proposed development shall be amended as follows:
 - (a) A minimum separation distance of six metres between the proposed development and the adjacent boundary wall fronting onto Bailieboro Road (R178) shall be achieved.
 - (b) All ducting for the proposed development shall be laid at a depth of 1.2 metres below the surface level of the adjacent Bailieboro Road (R178).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to comply with requirements arising from the site's location within the N3 Virginia Bypass Project Planning Referral Corridor.



3. Details of the proposed colour scheme for the telecommunications support structure, antennae and dishes, and new 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.

4. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

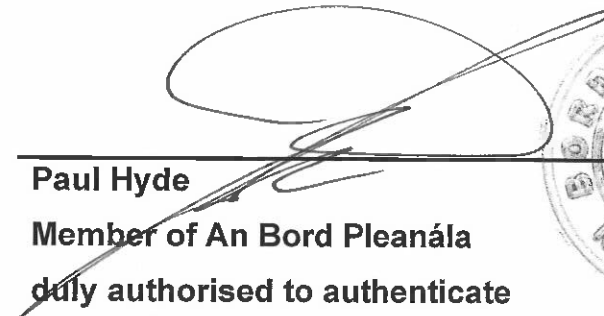
Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The construction of the development shall be managed in accordance with the Construction Management Plan submitted with the application on the 13th day of May, 2021, unless otherwise agreed in in writing with the planning authority.

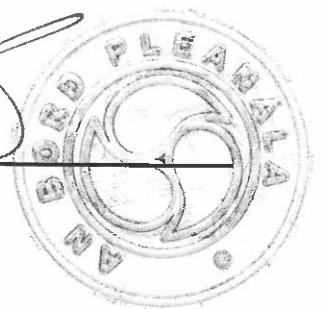
Reason: In the interests of public safety and residential amenity.

6. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs adjacent to the site which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.



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



Dated this 1st day of MARCH 2022.