

An
Bord
Pleanála

Board Order
ABP-311531-21

Planning and Development Acts 2000 to 2021

Planning Authority: Cavan County Council

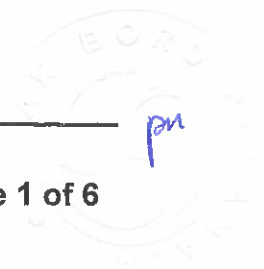
Planning Register Reference Number: 21/433

Appeal by Eircom Limited (trading as eir) care of Towercom of Unit 2, Listowel Business Development Centre, Clieveragh Industrial Estate, Listowel, County Kerry against the decision made on the 3rd day of September, 2021 by Cavan County Council to refuse a permission for the proposed development.

Proposed Development: To erect a 21 metres high monopole telecommunications structure with antennas, dishes and associated telecommunications equipment and the removal of an existing 10.5 metres high wooden pole at eir Exchange, off Fairgreen Road, Corporation Lands, Belturbet, 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:

- (a) the national policy regarding the provisions of mobile and telecommunications services,
- (b) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996, as updated by Circular Letter PL/07/12, issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,
- (c) the objectives of the Cavan County Development Plan 2014 – 2020,
- (d) the nature and scale and location of the proposed telecommunication structure and associated telecommunications equipment,
- (e) the submissions and observations on the file,
- (f) and the decision of the planning authority,

it is considered that the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in the national policy and in the Cavan County Development Plan 2014 – 2020. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area and would not seriously injure the character or setting to the nearby protected structures 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 was satisfied that, having regard to its location adjacent to an existing and established Eircom telecommunications exchange and its proposed use as a replacement of an existing telecommunications structure, that the proposed development was located in a highly suitable and appropriate location for the purposes of providing broadband and wireless signal coverage in the area. Furthermore, the Board noted the availability of the proposed mast for co-location in the future in accordance with the national policy.

Furthermore, the Board considered that having regard to the Cavan County Development Plan 2014 – 2020 and the Architectural Heritage Protection Guidelines, the proposal would not interfere with the setting of Belturbet Church of Ireland and the Church of the Immaculate Conception and was satisfied that its presence would not detract significantly from them. The proposal would not seriously injure the historic townscape of Belturbet or its visual amenities.

The Board was also satisfied that, having regard to the Cavan County Development Plan 2014 – 2020 and the Telecommunications Antennae and Support Structures Guidelines, the fact that the proposal constituted a replacement of existing telecommunications infrastructure, the developer had satisfactorily demonstrated that the established site would be appropriate. Furthermore, the Board was satisfied that the proposed structure would not be unduly overbearing or seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

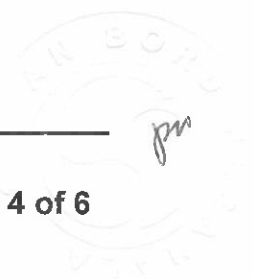
Conditions

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 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.

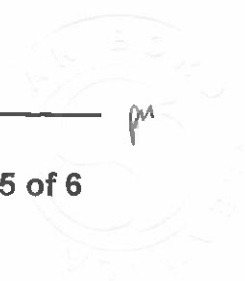
Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

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.



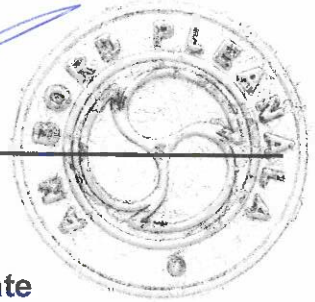
6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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 24th day of March 2022