

An  
Bord  
Pleanála

Board Order  
ABP-311789-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 21/51599**

**Appeal** by Cignal Infrastructure Limited care of Indigo Telecom Group, Raheen Business Park, Limerick against the decision made on the 30<sup>th</sup> day of September, 2021 by Donegal County Council to refuse permission to Cignal Infrastructure Limited for the proposed development.

**Proposed Development:** Construction of a 25-metre artificial pine tree, multi-user telecommunications support structure solution carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4 metres palisade fence compound with access track. A Natura Impact Statement (NIS) accompanies this application, all at Devlin or Barr or Ballyconnell, Creeslough, County Donegal.

## **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 national policy to improve connectivity and telecommunications infrastructure in rural communities, to the objectives set out in the Donegal County Development Plan 2018 - 2024 in relation to telecommunications provision in the County, to the planning history of the site and the changed form and appearance of the proposed development compared to the previously refused proposal on site, and notwithstanding the designation of the area as being of especially high scenic amenity in the statutory Development Plan, to the documentation submitted with the application and the appeal which confirms a need for the telecommunications infrastructure, and to the design form, from which it is considered that it has been demonstrated that special conditions apply to permit the proposed development at this location, and subject to compliance with the conditions set out below, it is considered that the proposed development would contribute to the improvement of telecommunications in the area, would be in accordance with the relevant objectives, as set out in the current Donegal County Development Plan, would not significantly negatively impact on the visual amenity 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 considered the specific design form of the proposed development and determined that it would result in a substantially less intrusive visual form in the landscape compared to that proposed under a previous planning refusal at this site for telecommunications infrastructure (planning register reference number 20/50287, An Bord Pleanála reference number ABP-307695-20) and furthermore, that the documentation submitted with the application and the appeal provided sufficient evidence relating to need to justify the use of this site for the installation of telecommunications infrastructure.

## 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 developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

**Reason:** In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

3. 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.

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the 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.

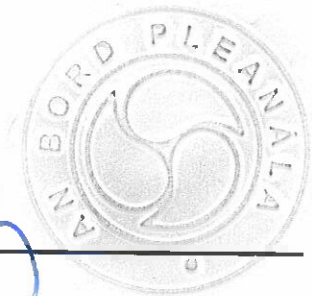
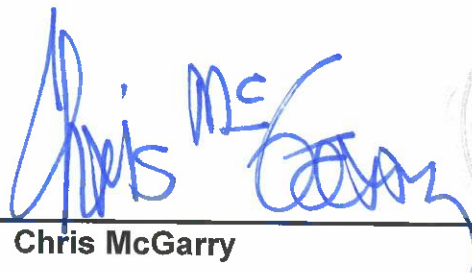
**Reason:** In the interest of the visual amenities of the area.

6. On decommissioning of the telecommunications structure, the telecommunications structure and ancillary structures, including fencing, shall be removed and the site shall be reinstated at the operator's expense.

**Reason:** In the interest of clarity.

7. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.



**Chris McGarry**

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

Dated this **20<sup>th</sup>** day of **May** 2022.