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**Planning and Development Acts 2000 to 2021**

**Amendment of Board Order**

**Planning Authority: Donegal County Council.**

**Planning Register Reference Number: 21/51961**

**Development Concerned:** Construction of a new 18-metre monopole support structure (overall height of 19.5 metres) carrying telecommunications antennas, dishes, associated equipment, together with ground equipment cabinets, new fencing and all associated site works, at Eir Exchange, Main Street, Muff, County Donegal.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, in relation to the above-mentioned appeal by order dated the 8<sup>th</sup> day of April, 2022:

**AND WHEREAS** it has come to the attention of the Board that due to a clerical error, (a) the reference in the Reasons and Considerations section of the Order to the Dublin City Development Plan 2016 – 2022 was incorrect, and (b) the incorrect conditions were stated in the Board Order:

**AND WHEREAS** the Board considered that the correction of the above-mentioned clerical error would not result in a material alteration of the terms of the decision:

**AND WHEREAS** having regard to the nature of the issues involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the appeal the subject of this amendment.

**NOW THEREFORE** in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision so that the **Reasons and Considerations** and the **Conditions** of its order shall be as follows:

### **Reasons and Considerations**

Having regard to:

- (a) national policy regarding the provision 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 PL07/12, issued by the Department of the environment, Community and Local Government on the 19th of October 2012;
- (c) the policy of the planning authority as set out in Donegal County Development Plan 2018 - 2024 to support the provision of telecommunications infrastructure; and
- (d) the nature and scale of the proposed telecommunications support infrastructure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential

amenities of the area and would not be contrary to the overall provisions of the current Development Plans for 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 considered that the proposed telecommunications structure and associated equipment, having regard to its nature and scale within the centre of the village of Muff, would not have such a visual impact as to warrant a refusal and on balance would provide improved telecommunications infrastructure for the village and surrounding area. The proposed development would, therefore, be in accordance with 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

5. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with the 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 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.

6. 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 or 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.

7. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

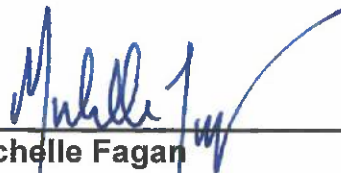
**Reason:** In the interest of visual amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including noise management measures and off-site disposal of construction and demolition waste.

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

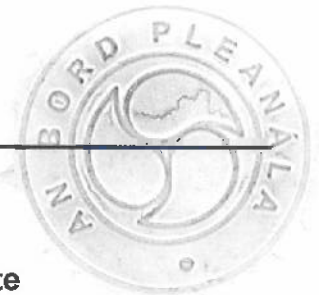
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.”



**Michelle Fagan**

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



Dated this *2<sup>nd</sup>* day of *September* 2022.