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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 21/1245**

**Appeal** by John D. Flanagan of Ballyvara House, Doolin, County Clare against the decision made on the 10<sup>th</sup> day of March, 2022 by Clare County Council to grant subject to conditions a permission to Cignal Infrastructure Limited care of Indigo of Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Installation of a six-metre monopole extension to an existing 12-metre monopole (total height 18 metres) carrying telecommunications and broadband equipment, together with associated equipment and cabinets enclosed within a 2.4-metre palisade fence compound and associated site works, all at Liscannor, County Clare.

**Decision**

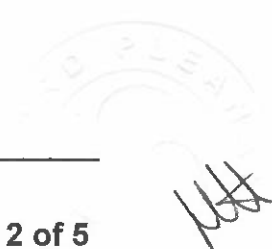
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the provisions of the National Planning Framework (2018), the Regional Spatial and Economic Strategy for the Southern Region (2020), the Clare County Development Plan 2023-2029, the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July 1996, and associated Circular Letter PL07/12, the existing mast structure on the site adjoining lands zoned for 'Utilities', and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be likely to have significant effects on the environment or on designated European Sites, and would not seriously injure the residential or visual amenities of the area, including views from the designated Scenic Route along the R478. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Appropriate Assessment Screening:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the sites' Conservation Objectives. The Board concluded that a Stage 2 Appropriate Assessment is not required.



## Conditions

1. The proposed 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 received by the planning authority on the 14<sup>th</sup> day of February, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, 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.

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

3. 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.

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

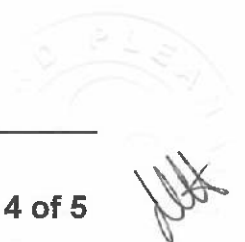
**Reason:** In the interest of public health.

5. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at its own expense, remove the mast, antenna and ancillary structures and equipment.
- (b) The site shall be reinstated upon the removal of the telecommunications 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.

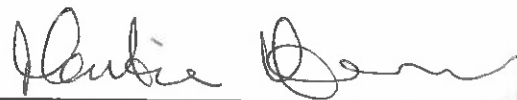
6. The developer shall provide and make available, at reasonable terms, the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

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



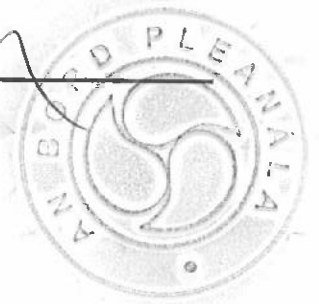
7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior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

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



**Martina Hennessy**

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



Dated this 21<sup>st</sup> day of June 2023.