

An
Bord
Pleanála

Board Order
ABP-313869-22

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

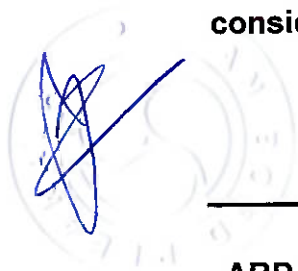
Planning Register Reference Number: 22298

Appeal by Shared Access Limited care of Pegasus Group of First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, United Kingdom against the decision made on the 1st day of June, 2022 by Waterford City and County Council to refuse permission for the proposed development.

Proposed Development: Erection of a 21 metres monopole installed on a concrete base to support telecommunications antenna, which together with the installation of dishes, remote radio units, wire mesh fencing, ground base equipment cabinets and all associated development thereto will provide mobile electronic communication services from the installation at Johnville F.C., Saint John's Park, Killure Road, Waterford.

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 nature, scale and design of the proposed development, the Waterford City and County Development Plan 2022-2028 and the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively), it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The Board also concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination or Environmental Impact Assessment is required. 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 development complies with national, regional and local guidelines as well as policies UTL 16 and DM30 of the Waterford City and County Development Plan 2022-2028 and the applicant has demonstrated sufficient justification for the mast on the subject site.

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. When no longer required, the telecommunications structure and ancillary structures shall be removed and the site reinstated. Details relating to such removal shall be submitted to and agreed in writing with the planning authority prior to removal.

Reason: To ensure satisfactory reinstatement of the site and in the interest of orderly development.

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. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work



shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

5. 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 the permission relates and to facilitate a full assessment of any future alterations.



Joe Boland

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

Dated this *24TH* day of *October* 2023.