



An  
Bord  
Pleanála

**Board Order**  
**ABP-314421-22**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 21/400**

**Appeal** by Kate Sheppard of Rathkyle, Ballyragget, County Kilkenny against the decision made on the 26<sup>th</sup> day of July, 2022 by Carlow County Council to grant subject to conditions a permission to Cignal Infrastructure Limited care of Indigo Telecom Group, 4Site House, Raheen Business Park, County Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a 30 metre multi-user lattice telecommunications support structure, carrying antenna and dishes enclosed within a 2.4 metre high palisade fence compound together with associated ground equipment cabinets, and associated site works including new access track and to replace existing gated access. The installation will form part of eir mobile telecommunications network at Cloghrystick, Milford, County Carlow, and revised by further information received the planning authority on the 1st Day of June, 2022.



## **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, extent and design of the proposed development, the provisions of the Carlow County Development Plan 2022-2028 and relevant National Guidance, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The applicant has provided sufficient information to demonstrate that the site is appropriate for a telecommunication installation and that there is a need for this structure in this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board concurred with the Inspector that for purposes of the Environmental Impact Assessment Directive, the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination, screening for Environmental Impact Assessment or Environmental Impact Assessment is required.

## **Appropriate Assessment Screening**

The Board considered the 'Report in support of Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) which were submitted with the application. An Appropriate Assessment was carried out in relation to the potential effects of the proposed development on designated European sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the:

- The River Barrow and River Nore Special Area of Conservation (SAC, Site Code: 002162) – the site is c. 300 metres away from the River Barrow to the West, and
- The Slaney River Special area of Conservation (SAC, Site Code: 00781) – the site is 13.5 kilometres east of the site and not hydrologically connected to the site;

are the only European sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for these sites and for which Appropriate Assessment is required.

The Board considered the Natura Impact Statement and other relevant submissions including expert submissions and carried out an appropriate assessment of the implications of the proposed development in view of the site's conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field. In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site.



Following the Appropriate Assessment, the Board was satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002162 or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars submitted on the 1<sup>st</sup> of June 2022 and by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> of September 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. 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, or 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.

3. (a) Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.
- (b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site.

**Reason:** In the interest of public health and to prevent pollution.

4. 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.

5. Mature trees and hedgerows along the perimeter of the site shall be retained. 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.

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.

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



7. The access from the public road, internal access route and traffic arrangements serving the site, shall comply with the detailed standards of the planning authority for such works and any works shall be carried out at the developer's expense.

**Reason:** In the interests of pedestrian and traffic safety.

8. The mitigation and monitoring measures set out in Section 7 of the Natura Impact Statement, submitted with the application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.

9. A management plan for the control of alien invasive species, including a monitoring programme, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity and to prevent the spread of alien plant species.

10. 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.



11. The construction of the development shall be managed in accordance with a Construction Environment 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 the intended construction practice for the proposed development, including hours of working, traffic management during the construction phase, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed during the construction of the access track with respect to boundary hedgerow.

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

12. When the telecommunications structure and ancillary structures are no longer required, they shall be removed and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the planning authority prior to the removal of the structures.

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



---

**Joe Boland**

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

Dated this 6<sup>TH</sup> day of December 2023.