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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 22604**

**Appeal** by Vincent Matthews care of Stephen Ward Town Planning and Development Consultants of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 15<sup>th</sup> day of September, 2022 by Louth County Council to grant subject to conditions a permission to On Tower Ireland Limited care of Seamus Carey of Indigo Telecom Group, Raheen Business Park, County Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission to construct a 33-metre lattice mobile and broadband tower with headframe carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4-metre palisade fence compound with access track, all at Cappocksgreen, Ardee, County Louth.

**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 zoning objective for the area and to the design and scale of the proposed development, it is considered that the proposed development would be in compliance with national, regional and local guidelines as well as Policy IU 44 of the current Louth County Development Plan and would 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 development would be in compliance with national, regional and local guidelines as well as Policy IU 44 of the current Louth County Development Plan and that the applicant has sufficiently demonstrated that a mast would be justified at this location.

The Board considered that the development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that 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.



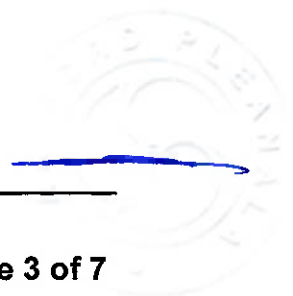
## Conditions

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. (a) This permission shall apply for a period of five years from the date of this order. The telecommunications structure and related ancillary structures including any access road shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
- (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 date of expiry of this permission.

**Reason:** To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.



3. Site development and building works shall be carried out only between the hours of 0800 and 1800 hours 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 amenities of property in the vicinity.

4. The developer shall provide and make available on reasonable terms, the proposed mast for the provision of mobile telecommunications antennae/dishes of third party licensed mobile telecommunications operators.

**Reason:** To avoid unnecessary proliferation of telecommunications structures in the landscape, in the interest of visual amenity.

5. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road, and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface.

**Reason:** In the interest of orderly development.

6. (a) As soon as practicable after the occurrence of an accidental discharge, spillage or deposit of oil, which enters or is likely to enter drainage systems and/or ground water and/or soil, the person(s) responsible for the control/custody/operation of the development shall notify the planning authority.

- (b) In the event of any spillage/discharge/deposit of oil as at (a) above, the person(s) responsible for the development shall
- (i) remedy/mitigate any effects caused by such spillage/discharge/deposit at their own expense, and/or
  - (ii) defray any costs incurred by the planning authority for the spillage/discharge/deposit.

**Reason:** In the interest of orderly development.

7. All existing hedgerow along the access track save for the section to be removed, as specified in the submitted plans, shall be protected during construction and permanently retained thereafter.

**Reason:** In the interests of visual amenity and protection of wildlife habitats.

8. (a) Road drainage across the entrance and along the public road shall not be impeded or interrupted in any way. Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property.
- (b) The applicant shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of the planning authority or pay to the planning authority the cost of making good any such damage on a demand thereof being issued by the planning authority.

- (c) All necessary measures, as may be determined by the planning authority shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.

**Reason:** In the interest of orderly development and to ensure a proper standard of development.

9. All measures, as set out in Management Plan submitted to the planning authority with the application shall be fully implemented.

**Reason:** In the interest of orderly development.

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. 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.

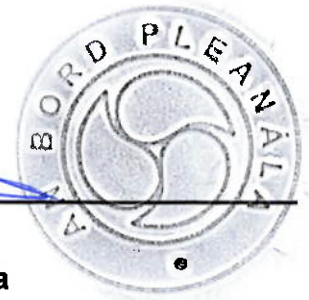
**Reason:** In the interest of the visual amenities of the area.

12. 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 prior to commencement of development.

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

  
Liam Bergin

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



Dated this *28<sup>th</sup>* day of *February* 2024.