

An
Bord
Pleanála

Board Order
ABP-316566-23

Planning and Development Acts 2000 to 2022

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.22/215

Appeal by Vantage Towers Limited care of Charterhouse Telecommunications Consultants Limited of HQ, 27 Market Street, Listowel, County Kerry against the decision made on the 3rd day of April, 2023 by Leitrim County Council to refuse permission for the proposed development.

Proposed Development: Erection of a 24 metre high lattice telecommunications support structure together with antennae, dishes and associated telecommunications equipment all enclosed in security fencing with a new access track at Laghta (Townland), Kinlough, County Leitrim, as amended by the revised public notice received by the planning authority on the 13th day of March, 2023.

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.

Board Order Quashed
By order of the High Court

Dated 08/05/2024

Signed: Secretary *Eileen W. James*
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Reasons and Considerations

Having regard to the provisions of the Leitrim County Development Plan 2023-2029 and 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 PL 07/12 issued in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive, would not seriously injure the amenities of the area or the residential amenities of properties in the vicinity and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the 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 as amended by the further plans and particulars submitted to the planning authority on the 27th day of February, 2023, 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) 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.

3. The transmitter power output, antenna 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 this permission relates and to facilitate a full assessment of any future alterations

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.

Board Order Quashed
By order of the High Court

Dated 08/05/2024
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Signed: Secretary

Eileen W. O'Connell

CMG

5. 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.

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 without a prior grant of planning permission.

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

7. 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: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

8. The construction of the development shall be managed in accordance with a Construction Environmental 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 hours of working, noise management measures, invasive species management plan and off-site disposal of construction/demolition waste.

Board Order Overlaid
By order of the High Court

Dated 08/05/2024
Signed: Secretary

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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.

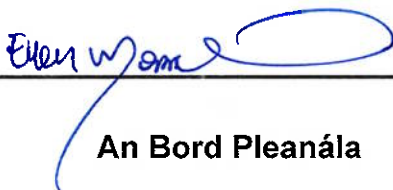


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 31st day of August 2023.



Board Order Quashed
By order of the High Court

Dated 06/05/2024

Signed: Secretary