

An
Bord
Pleanála

Board Order ABP-318643-23

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 23/137

Appeal by Jane and Michael Ward and Others of Tullynamalra, Loughmourne, Castleblayney, County Monaghan and by Eircom Limited care of Entrust Limited of Unit 1D Deerpark Business Centre, Oranmore, County Galway against the decision made on the 17th day of November, 2023 by Monaghan County Council to grant subject to conditions a permission to Eircom Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a 21.5 metre monopole carrying antennas, a dish, associated equipment, together with ground-based equipment cabinets, fence and all associated site development works for wireless data and broadband services, at Tullynanegish, Lough Egish, Castleblayney, County Monaghan, as revised by further public notices received by the planning authority on the 24th day of October, 2023.

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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:

- (a) the provisions of the Monaghan County General Development Contribution Scheme 2021 - 2026, which includes an exemption for masts and antennae and other apparatus for communication purposes that form part of the National Broadband Scheme or subsequent endorsed initiative, as defined by the Department of Communication, Energy and Natural Resources, it is considered that the proposed development would be exempt from contributions under Section 48 of the Planning and Development Act, 2002, as amended, and
- (b) the guidance for locating telecommunications masts, as set out in the "Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities", issued by the Department of Environment, Heritage and Local Government in 1996 and the Monaghan County Development Plan 2019 - 2025, to the nature and scale of the proposed development, and to the site location, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, including the amenities of properties in the vicinity of the site and 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 on the 24th day of October, 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. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

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

3. Details of the proposed colour scheme for the pole, antennas and equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity 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. The developer shall provide and make available at reasonable terms, the proposed communications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.

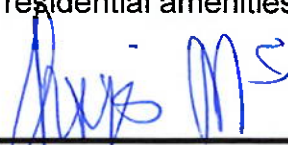
Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

6. In the event of the telecommunications structure and related ancillary structures becoming obsolete and being decommissioned, following discussions with the Area Engineer regarding the relocation of the public light contained upon the pole, the developer shall remove the pole and associated structures and return the site to its original condition, at their own expense.

Reason: To ensure satisfactory reinstatement of the site upon decommissioning of the structure.

7. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 28th day of June 2024.