

An
Bord
Pleanála

Board Order ABP-318665-23

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 23/259

Appeal by Emerald Tower Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 23rd day of October, 2023 by Waterford City and County Council to refuse a licence.

Licence Application: Section 254 Licence for the installation of a 15 metre dual operator pole, associated equipment, together with ground based equipment cabinets and all associated site development works for wireless data and broadband services at N25 Spring (Marquis), Dungarvan, County Waterford.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, 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 Section 254 of the Planning and Development Act 2000, as amended,
- (b) the National Development Plan 2018-2027,
- (c) Objective 48 of the National Planning Framework 2020-2040,
- (d) the Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, and
- (e) Objective UTL 16 of the Waterford City and County Development Plan 2022-2028,

it is considered that, subject to compliance with the conditions set out below, the proposal would contribute to the roll out of broadband services in accordance with national and local objectives. This proposal would be consistent with the convenience and safety of road users, including pedestrians and would not seriously injure the visual and residential amenities of the area. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that the proposed 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 licence 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. The licence shall be valid for five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed, and the lands reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.

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. Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without written approval.

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

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. The proposed cabinets and pole shall be maintained regularly and shall be kept graffiti free.


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

6. The cabinets shall have an anti-climb device fitted and pitched metal capping to the top surface of the cabinet to prevent sitting or standing on the cabinet.

Reason: In the interest of protecting residential amenity.

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

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



Stephen Bohan

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

Dated this 4th day of December 2024.