

An  
Bord  
Pleanála

## Board Order

**ABP-319749-24**

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 23/60520**

**Appeal** by Deirdre O'Brien and others care of Quin Gardens, Quin, County Clare against the decision made on the 26<sup>th</sup> day of April, 2024 by Clare County Council to grant subject to conditions a permission to Vantage Towers Limited care of Charterhouse Infrastructure Consultants of 27 Market Street, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erect a 30-metre-high lattice telecommunications support structure, including a headframe together with antennas, dishes and associated telecommunications equipment and works, all enclosed in security fencing and to construct a new access track and revised site entrance, all at Quingardens (Townland), Quin, County Clare.

### 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 provisions of the National Planning Framework, The Regional Spatial and Economic Strategy for the Southern Region, The Clare County Development Plan 2023-2029, and The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, and the nature, scale and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be in accordance with Objectives CDP 11.55 (Telecommunications Infrastructure) and CDP 14.3 (Western Corridor Working Landscape) of the Clare County Development Plan 2023-2029, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered 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.

### **Appropriate Assessment: Stage 1:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Poulmagordon Cave (Quin) Special Area of Conservation (Site Code: 000064) and the Old Domestic Building (Keevagh) Special Area of Conservation (Site Code: 002010) 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 the sites and that Stage 2 Appropriate Assessment is, therefore, required.

## **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Poulmagordon Cave (Quin) Special Area of Conservation (Site Code: 000064) and the Old Domestic Building (Keelvagh) Special Area of Conservation (Site Code: 002010) in view of the sites' 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 scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

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 Sites.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

1. The proposed 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 received by the planning authority on 22<sup>nd</sup> day of February, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. All the mitigation measures indicated in the Natura Impact Statement and the procedures set out in the Construction Management Plan shall be implemented in full.

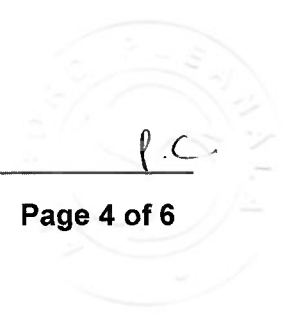
**Reason:** To ensure the protection of the integrity of European Sites and local biodiversity.

3. The mitigation measures as detailed in the Bat Survey Report shall be implemented in full as part of the development.

**Reason:** In the interest of wildlife protection.

4. Details of a colour scheme for the proposed mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

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



5. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of six months, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing with, the planning authority within seven months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the developer's expense.

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

6. Landscaping of the site shall be carried out in accordance with the landscaping scheme received by the planning authority on the 22<sup>nd</sup> day of February, 2024. This landscaping shall be implemented not later than the first planting season after commencement of development. Any planting that is diseased or fails within two years of planting shall be replaced.

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

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained.

**Reason:** In the interest of visual amenity, residential amenity and biodiversity.

8. 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.

9. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.



**Patricia Calleary**

**Member of An Bord Pleanála**

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



**Dated this 31 day of March 2025.**