

An
Bord
Pleanála

Board Order

ABP-319875-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 21/1320

Appeal by Eircom Limited care of Towercom of Usher House, Main Street, Dundrum, Dublin against the decision made on the 29th day of August, 2022 by Clare County Council to refuse permission.

Proposed Development: Replacement of a 12-metre wooden pole with a 21-metre-high telecommunications monopole together with antennas, dishes and associated telecommunications equipment, enclosed by security fencing, all at Eir Exchange, Connacht Road, Ballyminoge, Scarriff, County Clare

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of:

- (a) the National Planning Framework,
- (b) the Regional Spatial and Economic Strategy for the Southern Region,
- (c) the Clare County Development Plan 2023-2029, which seeks to provide high-speed, high-capacity digital and mobile infrastructure within the county, and
- (d) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12,

together with the location and siting of the proposed development within an existing telecommunications exchange, where an existing telecommunications pole is to be replaced on lands within the settlement boundary of Scarriff, and on lands zoned 'Utilities – UT2' under the Clare County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development, reduced in height from 21 meters to 18 meters, would not be seriously detrimental to the character of the town, and would not seriously injure the residential or visual amenities of the area, including any high amenity value views from the designated scenic route. Furthermore the Board is satisfied, based on the technical information submitted with the planning application and the appeal, and the applicant's response to the Section 131 Notice, that the coverage in the northern environs of the settlement of Scarriff is less than adequate and, having regard to the zoning objective of the subject site, which seek to facilitate such utilities, it is considered that more suitable alternative sites within the northern environs of the town serving the same population catchment were not available. Finally, it is considered that the proposed development would be in accordance with objectives CDP11.55 (Telecommunications Infrastructure), CDP14.2 (Settled Landscapes) and

CDP14.7 (Scenic Routes) 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.

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 received by the planning authority on the 2nd day of August, 2022, and the further plans and particulars received by An Bord Pleanála on the 4th day of July, 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. The height of the monopole structure shall be reduced to 18 meters.

Reason: In the interest of visual and residential amenity.

3. Details of a colour scheme for the 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.
4. 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.
5. 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.
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.
Reason: In the interest of the visual amenities of the area.

7. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

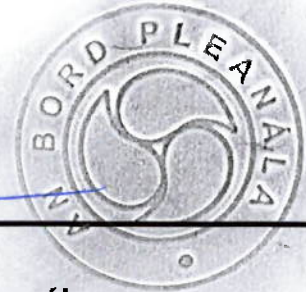
Reason: In the interest of public health.



Paul Caprani

Member of An Bord Pleanála

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



Dated this 30th day of October, 2024.