

An
Coimisiún
Pleanála

Commission Order
ABP-320797-24

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 24/142

Appeal by Shared Access Limited care of Pegasus Group of First Floor, South Wing, Equinox North, Almonsbury, Bristol, United Kingdom against the decision made on the 22nd day of August 2024, by Waterford City and County Council to refuse permission for the proposed development.

Proposed Development: The erection of a 24-metre monopole structure on concrete base to support nine number telecommunications antennae together with the installation of dishes, new 1.2-metre-wide access track and associated fencing, cabling, compound area, ground-based equipment cabinets, PDBs and all associated site works at Tramore Athletic Football Club (AFC), Corbally Lower, Tramore, County Waterford.

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 relevant provisions of the Waterford City and County Development Plan 2022-2028 and the relevant provisions of 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 unduly visually obtrusive, would not seriously injure the amenities, including ecology, 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission agreed with the Inspector that the proposed development would lie within the Settlement Area of Tramore Environs (7B), is within a landscape area classified as 'Most Sensitive', and is adjacent to, but not within, the scenic route corridor along the R675, but had regard to it being within an area which has an urban context, with an existing significant number of pole mounted flood lights and other structures associated with the playing fields. The Commission did not consider that, within that context, it would constitute an incongruous feature that would seriously injure the visual amenities or landscape character of the area.

The Commission was satisfied that the photomontages submitted with the application, and the Inspector's photographs along with other information on file, provided sufficient information to allow for an assessment of the proposed development. The Commission concluded that the proposed monopole structure would not be unduly visually obtrusive in the urban landscape or have a significant impact on the visual amenity of the surrounding area or on

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the landscape or seascape character of the area or Protected Views. Given that the proposed location of the development is within the settlement area of Tramore, the requirements in Objective L03, in relation to providing a Landscape Visual Impact Assessment or a plot of the Zone of Theoretical Visibility, were considered not applicable in this case. The proposed development would be in accordance with policies ECON 02 (Strategic Employment Locations) and ECON 22 (Sustainable Tourism), Objective UTL 16 (ICT/Communications), and section 6.7 of the Waterford City and County Development Plan 2022 -2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission 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, 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.

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.

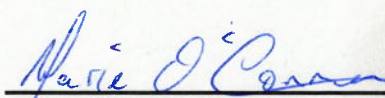
Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, and in the interests of visual amenity and proper planning and sustainable development.

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.

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 Coimisiún 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.



Marie O'Connor

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 17 day of November 2025.