An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Register Reference Number: 16/600486

An Bord Pleanála Reference Number: PL 92.247042

APPEAL by E.S.B. Telecoms Limited of 27 Lower Fitzwilliam Street, Dublin against the decision made on the 14th day of July, 2016 by Tipperary County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continuance of use of the existing 21 metre high, free standing lattice communication structure, carrying antennae and communication dishes, within an existing 2.4 metre high palisade compound previously granted temporary permission (Planning Register Reference Number 11510176) at ESB Telecoms Limited existing Tountinna Radio Site, Tountinna Mountain, Arra Mountains, Townland of Coolbaun, County Tipperary

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 3 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to;

- (a) the guidelines relating to Telecommunications Antennaes and Support Structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July, 1996, which encourage applicants to share facilities,
- (b) the provisions of the North Tipperary County Development Plan 2010,
- (c) the provisions of the Planning and Development Regulations 2001, as amended, in respect of exempted development for telecommunications and in particular the Conditions and Limitations contained therein, and
- (d) the nature and scale of the development for which retention has been sought,

the Board did not consider that particular circumstances arose that would necessitate the limiting of exempted development in this instance.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2016.