

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Tipperary County

Planning Register Reference Number: 16600945

An Bord Pleanála Reference Number: PL 92.247741

APPEAL by ESB Telecoms Limited of 27 Lower Fitzwilliam Street, Dublin against the decision made on the 8th day of December, 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: Continued use of the existing 30 metre high, free standing monopole communication structure, carrying antennae and communication dishes, within an existing 2.4 metre high chainlink fence compound previously granted temporary permission under planning register reference number 12510007 at ESB Birdhill 38kV substation, Gortybrigane, Birdhill, 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 **AMEND** condition number 3 and the reason therefor.

3. The developer shall allow, subject to reasonable terms, other licensed telecommunications operators to co-locate their antennae and dishes on the mast.

Reason: To avoid the proliferation of telecommunications structures, in the interest of visual amenity.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed continuation of use of the existing mast, to the characteristics of the surrounding area, and to the planning history of the site including the terms and conditions of the previous grants of permission, it is considered that the circumstances of the case would not necessitate a restriction on exempted development, and that the condition as proposed by the planning authority is not warranted and would conflict with the provisions of the "Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government (1996), which encourage co-location to avoid an unnecessary proliferation of masts. For this reason also, the Board considered that it would be appropriate to amend Condition 3 to provide for the co-location of equipment.

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 2017.