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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 20/584**

**Appeal** by Alice Flynn on behalf of the Board of Management Cappawhite National School of Cappawhite, County Tipperary and by Others against the decision made on the 31<sup>st</sup> day of July, 2020 by Tipperary County Council to grant subject to conditions a permission to Eircom Limited care of FocusPlus Limited of Number 3 Airfield House, Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The construction of a 15 metre high free standing communications structure (total height with antennas 15.1 metres) with its associated antennae, communications dishes, ground equipment and all associated site development works; the development will form part of Eircom Limited existing telecommunications and broadband network at Eircom Exchange, Cappagh, Cappawhite, County Tipperary.

## **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.**

## **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.

## **Reasons and Considerations**

Having regard to:

- (a) the guidelines relating to telecommunications antennae and support structures, issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (b) the policy of the planning authority, as set out in the South Tipperary County Development Plan 2009 - 2015 (as varied), to support the provision of telecommunications infrastructure,

- (c) the established telecommunications use on the site,
- (d) the general topography and landscape features in the vicinity of the site, and
- (e) the existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## **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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing 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.

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

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

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of public safety and residential amenity.

5. Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement 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. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall include reinstatement/reinforcement of the hedgerow along the roadside, which 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.

7. 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.

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

**Dated this            day of            2021**