



Planning and Development Acts 2000 to 2020

Planning Authority: Carlow County Council

Planning Register Reference Number: 20/254

Appeal by ESB Telecoms Limited of 43 Merrion Square East, Dublin against the decision made on the 17th day of September, 2020 by Carlow 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 communication structure carrying antennae and dishes with all associated ground-mounted equipment, within an existing 2.4 metre high palisade compound following on from previous planning register reference number 10/208. All at Electricity Supply Board's Bagenalstown 38kV substation, Kilcarrig, Bagenalstown, County Carlow.

Decision

Having regard to the nature of the conditions 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 conditions numbers 2 and 3 and the reasons therefor.

Reasons and Considerations

Having regard to:

- (a) the planning history relating to the site and the established use of the site for telecommunications infrastructure,
- (b) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996 and Circular Letter PL07/12, issued by the Department of the Environment, Community and Local Government in October, 2012,
- (c) the provisions of the Carlow County Development Plan 2015-2021 which encourages co-sharing of masts, and

(d) the provisions of the Planning and Development Regulations, 2001, as amended, in respect of exempted development for telecommunications infrastructure and the Conditions and Limitations contained therein,

it is not considered that conditions numbers 2 and 3 are necessary or justified in this case.

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.

Dave Walsh

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

Dated this day of 2021.