



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 20/0002

Appeal by Cignal Infrastructure Limited care of CMC Planning Consultants of Fumbally Exchange, Argus House, Blackpits, Dublin against the decision made on the 18th day of September, 2020 by Tipperary County Council to refuse a permission to Cignal Infrastructure Limited for the proposed development.

Application: Installation of a streetpole solution at hard shoulder adjacent to Irish Water Tower, on L1409 Road, Rosegreen, County Tipperary.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, based on the reasons and considerations under, **ALLOWS the appeal and directs the planning authority to **GRANT** a licence 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 the provisions of section 254 of the Planning and Development Act 2000, as amended, to local and national policy objectives, as set out in the South Tipperary County Development Plan 2009 (as varied and as extended) including the zoning of the lands SP: Social and Public 'To provide and improve social and public facilities', to the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996 issued by the Department of Environment, Heritage and Local Government as section 28 Statutory Guidelines, as updated by Circular Letter PL 07/12 in 2012, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The licence is for a 15-metre telecommunications structure comprising a freestanding pole with antennae and associated operator cabinet only, in accordance with the details submitted to the planning authority on the 1st day of May, 2020.

Reason: In the interest of clarity of the nature and extent of the permitted development to which the licence relates and to facilitate a full assessment of any future alterations.

2. (a) The licence shall be valid for a period of three years only from the date of this Order. The telecommunications structure and ancillary structure shall then be removed unless, prior to the end of the period, a further licence under section 254 of the Planning and Development Act 2000, as amended, has been granted for their retention for a further period.

(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 date of expiry of this licence.

Reason: To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

3. No advertisement or advertisement structure shall be erected or displayed on the telecommunications structure and ancillary structure 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.

4. Final design and construction details of the footpath and kerb line shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and shall be completed to the satisfaction of the planning authority at the developer's expense.

Reason: In the interests of orderly development, the amenities of the area and pedestrian safety.

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

Reason: In the interest of public health.

6. The structures shall not interfere with existing services or the existing drainage systems and shall not obstruct pedestrian access.

Reason: In the interests of orderly development and pedestrian safety.



Paul Hyde

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

Dated this 2nd day of NOVEMBER 2021.