

Planning and Development Acts 2000 to 2021

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/21/98

WHEREAS a question has arisen as to whether the construction of a 12 metre pole with one number antenna attached and equipment cabinets that will form part of Eircom Limited's existing Telecommunications and Broadband network at Ballyclerihan, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS Eircom Limited care of FocusPlus Limited of N3 Arbourfield House, Dundrum Business Park, Dundrum Road, Dublin requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 27th day of October, 2021 stating that the matter was development, and was not exempted development:

AND WHEREAS Eircom Limited referred this declaration for review to An Bord Pleanála on the 23rd day of November, 2021:

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AND WHEREAS An Bord Pleanála reformulated the question to be decided as follows:

whether the construction of a 12 metre pole with one number antenna attached and equipment cabinets positioned above the ground level, forming part of a telecommunications system, not exceeding two cubic metres when measured externally, on a portion of lands within the existing Eircom Exchange Compound at Ballyclerahan, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 31(b) and 31(f) of Schedule 2, Part 1 of those Regulations, and
- (d) the documentation and submissions on file and the report of the Planning Inspector:

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AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of a 12 metre pole with one number antenna attached and two number equipment cabinets comes within the scope of the definition of 'works' and 'development' contained in Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) the construction of a 12 metre pole with one number antenna attached would come within the scope of Article 6 (Exempted Development) and related Class 31(b) of Schedule 2 (Part 1: Exempted Development - General) of the Planning and Development Regulations, 2001, as amended, noting the development as described would be carried out by a statutory undertaker authorised to provide a telecommunications service and that it would meet the conditions and limitations set out for this class of development for it to be exempted development,
- (c) the provision of the ancillary cabinet equipment would come within the scope of Article 6 (Exempted Development) and related Class 31(f) of Schedule 2 (Part 1: Exempted Development - General) of those Regulations, noting the development as described would be carried out by a statutory undertaker authorised to provide a telecommunications service and that it would meet the conditions and limitations set out for this class of development for it to be exempted development,
- (d) on the basis of the description of the development, none of the restrictions on exemption as set out in Article 9 arise,
- (e) the works which are the subject of this referral are not likely to have significant effects on any European sites, and

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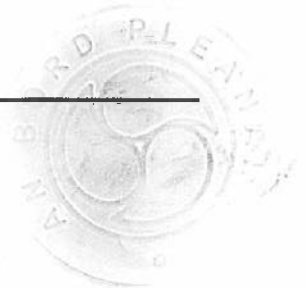
- (f) the works which are the subject of this referral do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore, are not subject to Environmental Impact Assessment requirements.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the construction of a 12 metre pole with one number antenna attached and equipment cabinets positioned above the ground level, forming part of a telecommunications system, not exceeding two cubic metres when measured externally, on a portion of lands within the existing Eircom Exchange Compound at Ballyclerahan, County Tipperary, is development and is exempted development.



Patricia Calleary

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



Dated this *22* day of *June* 2023.