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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 21/804**

**APPEAL** by Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 15<sup>th</sup> day of December, 2022 by Offaly County Council to refuse permission.

**Proposed Development:** Replacement of an existing telecommunications support structure (overall height of 14.5 metres) with a proposed new lattice tower (overall height of 25.5 metres) carrying telecommunications equipment transferred from the existing structure and the addition of new telecommunications antennas, dishes and associated equipment, together with new ground level equipment cabinets, all at Eir Exchange, Ballintemple, Walsh Island, County Offaly.

**Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the provisions of the National Planning Framework, the Offaly County Development Plan 2021-2027, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, the location and setting of the site located on an existing Eir Exchange, and the nature and scale of the proposed development, which is for the replacement of an existing telecommunications support structure with a proposed new lattice tower and associated equipment, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, and would be in accordance with the relevant policies of the development plan, in particular policy ENTP-40. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that this is an application for a replacement mast within an established utilities site and, therefore, does not add to the proliferation of mast structures, that this location provides direct access to fibre at the Eir Exchange, something that is not available at other sites in the locality, and that the replacement structure provides improved coverage. The Board considered that the applicant had provided a reasoned justification for the proposed development addressing the requirements of development management standard DMS-111 (Telecommunications) and policy ENTP-44 of the Offaly County Development Plan 2021-2021 and concluded that the proposed development would be in accordance with policy ENTP-40 of the development plan.

Regarding the siting of the mast relative to adjoining residential properties, the Board considered that it is evident from the site location map submitted with the planning application that the closest residential property is not directly facing the site, and that the house is positioned at a shallow angle away from the site of the proposed development. The Board concluded that, as this is a replacement mast, and having regard to the position of the mast relative to the houses in the area, the proposed structure will not have a significant negative impact on the residential amenity of the adjoining property or other properties in the vicinity and, therefore, is not contrary to policy ENTP-43 of the Offaly County Development Plan 2021-2027.

The Board considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18<sup>th</sup> day of November, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The existing telecommunications mast shall be disassembled and removed from the site upon the commissioning of the telecommunications mast structure hereby permitted.

**Reason:** In the interest of orderly development and the proper planning and sustainable development of the area.

3. Prior to commencement of development, a traffic management plan for the construction phase of the proposed development, and the removal of the decommissioned mast, shall be agreed in writing with the planning authority. The proposed development shall be carried out in accordance with the agreed plan.

**Reason:** In the interest of traffic safety.

4. Within six months of the permanent cessation of use of the telecommunications structure and associated equipment hereby permitted, all structures on the site shall be removed at the developer's own expense, in accordance with a restoration plan to be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

**Reason:** In the interest of orderly development, visual amenity, and the proper planning and sustainable development of the area.


5. Details of the proposed colour scheme for the structure and ancillary equipment 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. The developer shall allow, subject to reasonable terms, other licenced mobile telecommunications operators to co-locate their antenna onto the proposed structure.

**Reason:** In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.  
**Reason:** In the interest of the visual amenities of the area.

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

Dated this *4<sup>th</sup>* day of *March*, 2024.