

An  
Bord  
Pleanála

Board Order  
ABP-315775-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P22/1034**

**Appeal** by Eircom Limited trading as Eir care of Towercom of Usher House, Main Street, Dundrum, Dublin against the decision made on the 16<sup>th</sup> day of January, 2023 by Clare County Council to refuse permission for the proposed development.

**Proposed Development:** To erect a 30 metre high monopole telecommunications support structure carrying antennas and dishes together with associated ground-based equipment all enclosed in security fencing and to remove an existing 12 metre high lattice tower at the Eir Exchange, Ballynacragga, Newmarket-on-Fergus, County Clare.

## Decision

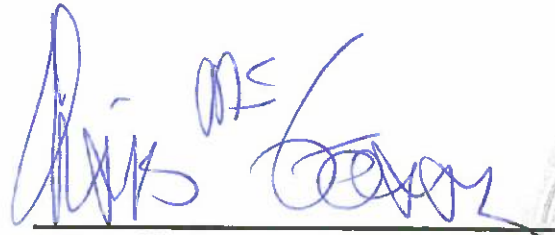
**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

It is an objective, under CDP11.55 of the Clare County Development Plan 2023-2029 to consider the provision of high speed, high-capacity digital and mobile infrastructure within the County having regard to the Department of the Environment, Heritage and Local Government 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012)'. The guidelines for planning authorities state, 'only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed or square structure'. Having regard to the additional height of the proposed structure relative to the existing and permitted structure on the site, the proposed additional height increase proposed structure relative to the existing and permitted structure on the site, the location of the site and proximity to residential properties and the inadequate justification for a structure of the height proposed at this location and the lack of detail regarding more suitable alternative site sharing options, it is considered the proposed development would be contrary to CDP11.55 of the Clare County Development Plan 2023-2029 and to the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996. The proposed development would seriously injure the residential and visual



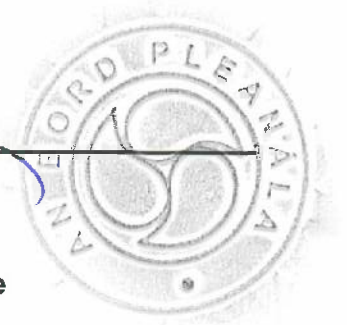
amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



**Dated this**

**18<sup>th</sup>**

**day of**

**July**

**2023.**