



An
Bord
Pleanála

Board Order ABP-319400-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 24/60018

Appeal by Eircom Limited (trading as Eir) care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 6th day of March, 2024 by Tipperary County Council to refuse permission.

Proposed Development: Erection of a 15-metre-high telecommunications shrouded pole together with antennas, dishes, associated telecommunications equipment all enclosed by security fencing and removal of an existing 12-metre-high wooden pole, all at Eir Exchange, Graigue, New Inn, County Tipperary.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the policies of the Tipperary County Development Plan 2022-2028, the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in 1996 and Circular Letter PL 07/12 issued by the Department of Environment, Community and Local Government in 2012, to the height, design, scale and location on site of the proposed development, and to the history of the site, it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and the provisions of the Tipperary County Development Plan 2022-2028. It is also considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area and would not seriously injure the visual or residential amenities of the area or the amenities of the adjacent property to the south. 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 considered the planning history of this site, in particular An Bord Pleanála Reference number ABP-311023-21 for a similar proposed 15 metres high monopole, and the related Inspectors Report and Addendum Report which was subsequent to a notice issued by the Board under section 132 of the Planning and Development Act, 2000, as amended, requesting from the applicant confirmation of the capability of repositioning the proposed 15 metres high monopole to a location at or approximate to the position of the existing 12 metres high wooden pole on the site. The applicants indicated in that case (An Bord Pleanála Reference number ABP-311023-21), that for technical reasons related to construction, the location of the existing 12 metres high wooden pole was not suitable to accommodate the proposed 15 metres high monopole and the location of the proposed 15 metres high monopole, therefore, remained to the front and west of the existing exchange building as proposed in the original application, and the Inspector in that case concluded that this would be a very prominent structure relative to the adjacent property to the south and would seriously injure the residential amenities of this property. However, the Inspector's

recommendation for refusal in that case, and which the Board subsequently agreed with, was based on the proposed location of the new 15 metres high monopole relative to the adjacent residential property to the south. In the current case (An Bord Pleanála reference number ABP-319400-24), the applicant now proposes to locate the 15 metres monopole at the position of the existing 12 metres wooden pole on site and the Board, therefore, considered that the previous reason for refusal under An Bord Pleanála reference number ABP-311023-21 has been addressed and that the telecommunications structure would not seriously injure the residential amenities of the adjacent property to the south. Furthermore, the Board concurred with the Inspector's view under An Bord Pleanála reference number ABP-311023-21 that the question of alternative sites must be balanced against the availability of an existing utility site in the village, and as referenced in the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities".

The Board considered that the 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

3. The developer/operator of the telecommunications mast shall facilitate the co-location of other third-party telecommunications antennae and associated equipment.

Reason: To encourage the co-location of telecommunications facilities and to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. Details of the specific colour finish for the telecommunications structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The applicant shall also submit to, and agree with, the planning authority prior to commencement of development a landscaping scheme for the site which shall include an enhanced screen boundary.

Reason: In the interest of the visual amenities of the area and to protect residential amenity.

5. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages 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.

7. On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense.

Reason: In the interest of clarity.

8. The construction of the development shall be managed in accordance with the Construction Management Plan to be submitted to and agreed in writing with, the planning authority prior to the commencement of development works on the site.

Reason: in the interest of public safety and residential amenity.




Stephen Bohan

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

Dated this 25th day of October 2024.