



An
Coimisiún
Pleanála

**Commission Order
PL-501419-CE-26**

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 26/60128

Appeal by Towercom Limited against the decision made on the 29th day of April, 2026 by Clare County Council to refuse permission.

Proposed Development: Construction of telecommunications infrastructure comprising of an 18-metre monopole support structure (21.1 metres overall structure height-to-top of omni antennas) carrying antennas, dishes and associated telecommunications equipment, together with new ground level equipment cabinets, fencing and all associated site works. The proposal includes the removal of an existing 10-metre wooden pole with emergency services equipment to be replaced onto the new support structure, all at Eir Exchange, Ballyminoge, Scarriff, County Clare.

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 national, regional and local policy objectives, as set out in the Clare County Development Plan 2023 -2029, in support of the development of a sustainable telecommunications network; the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12; the location and siting of the proposed development in an existing telecommunications exchange within the settlement boundary of Scarriff, and on lands zoned 'Utilities – UT2' under the Clare County Development Plan 2023-2029, the separation distances to nearby residential properties and the existing screening on site which would be further improved by condition, it is considered that, subject to compliance with the conditions set out below, the proposed development, to replace the existing pole on site with an 18 meter monopole and associated infrastructure, would not seriously injure the residential or visual amenities of the area including any high amenity value views from the designated scenic route and would not be detrimental to the character of the town. Furthermore, the Commission is satisfied based on the technical information submitted with the application and appeal that the applicant has demonstrated the need for the proposed development and that suitable alternative sites serving the same population catchment are not available. The proposed development would be in accordance with objectives CDP11.55 (telecommunications infrastructure), CDP14.2 (settled landscapes) and CDP14.7 (scenic routes) of the Clare County Development Plan 2023-

2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted that the applicant had submitted an assessment of nine alternative sites in the surrounding area including existing buildings, sports grounds and greenfield sites. The Commission considered that the assessment was sufficiently comprehensive and accepted the conclusions therein. While noting the Inspector's comments that the applicant could have undertaken further assessment of the alternatives by way of poles of increased height for example, or an assessment of a forested area to the north of Scarriff, the Commission did not consider it reasonable that an unlimited number of options required assessment in the circumstances where the proposed site was largely acceptable having regard to its existing use for telecommunications infrastructure and its UT2 zoning for utilities which is specifically reserved for the upgrading of key infrastructure including telecommunications.

In relation to the impact of the proposed development on visual and residential amenity the Commission agreed with the inspector that the proposed development would not appear unduly dominant or out of place in an urban setting within the wider town centre and nor would it have an adverse impact on the Scenic Route. The Commission did not share the opinion of the

Inspector that the proposed development would be visually dominant and overbearing on nearby residences. The Commission noted that Section 2.3 of Circular Letter PL 07/12 states that Planning Authorities should not include minimum separation distances between telecommunications structures from houses and schools as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network. While the site is in relatively close proximity to the rear of residential dwellings in the Dergview Housing Estate and on Connaught Road, having regard to the distance to the properties, the design and narrow width of the monopole, the existing screening and additional screening required by Condition, the modifications made by the applicant at appeal stage to the design and layout to further reduce the visual impact, and the fact that it would replace an existing, albeit smaller pole, the Commission considered that, while the pole will be visible to the rear of the properties, it would not be overbearing or that the visual impact was of such significance as to warrant refusal.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and further plans and particulars submitted to An Coimisiún Pleanála on 26th day of May 2026, 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. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

Reason: In the interest of the visual amenities of the area.

3. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained. Additional trees shall be planted to fill any gaps in screening. Details to demonstrate compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and biodiversity.

4. The site shall be re-instated on removal of the telecommunications structure and ancillary structures at the applicant's expense. Details relating to the removal and reinstatement, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

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. 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. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interests of visual amenity and proper planning and sustainable development.

8. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

Mary Gurne

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 25 day of September 2026.