



Question

Whether the proposed development that will consist of the construction of a 12m pole with 1np. Antenna attached, and equipment cabinets, to form part of Eircom Ltd existing telecommunications and broadband network at Eircom Exchange, Ballyclerihan, Co. Tipperary, is or is not development, or is or is not exempted development. .

Location

Eircom Exchange, Ballyclerihan, Co. Tipperary.

Declaration

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

S5/21/98

Applicant for Declaration

Eircom Ltd.

Planning Authority Decision

Is development and is not exempted development.

Referral

Referred by

Eircom Ltd..

Owner/ Occupier	Eircom Ltd..
Observer(s)	None.
Date of Site Inspection	16 th July 2022.
Inspector	L.W. Howard.

1.0 Site Location and Description

- 1.1. The application site is located within the existing Eircom Exchange Compound, which is located within the north-western edge of the Village of Ballyclerihan (see location map attached).
- 1.2. The Eircom Exchange Compound fronts directly onto the R688 public road Ballyclerihan to Cashel. The Compound has been an established communications installation locally for over 25 years. The compound has a frontage onto the R688 of approximately 18m and a depth away from the R688 of approximately 12.5m. The Compound boundaries are marked by solid block walls on all 4 sides, with a single pedestrian entrance on the R688 frontage.
- 1.3. The current 3.2m x 3.2m application site is located within the Northern corner of the Compound, and is wholly contained within it.
- 1.4. No vehicular access is apparent from the R688 onto the Eircom Exchange Compound. A single modest gated pedestrian entrance exists along the frontage, enabling pedestrian access onto the Compound. An enlarged concrete surfaced space exists along the frontage of the compound, which appears used for parking, by Eircom vehicles when using the Exchange Compound. No road markings are apparent, clearly designating this space.

The R688 is marked with 2-solid white lines throughout its length, in the vicinity of the Eircom Exchange Compound. The outside edges of the R688 are both marked with a broken yellow line (see photographs attached taken at the time of physical inspection)..

2.0 The Question

- 2.1. A question has arisen as to whether the construction of a 12m pole with 1np. Antenna attached, and equipment cabinets, to form part of Eircom Ltd existing

telecommunications and broadband network at Eircom Exchange, Ballyclerihan, Co. Tipperary, is or is not development, or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

The Planning Authority Declaration refers to the receipt of a Section 5 application from Eircom Ltd. , under the terms of Exempted Development Class 31(b) and Class 31(f) of the Planning and Development Regulations 2001.

The development will consist of the construction of a 12m pole with 1no. antenna attached and 2no. equipment cabinets, all to form part of Eircom Ltd. Existing telecommunications and broadband network, and located within the existing Eircom Exchange Compound, Ballyclerihan, Co. Tipperary.

The Declaration is that the said construction of a 12m pole with 1no. antenna attached and 2no. equipment cabinets, is development and is not exempted development.

The Declaration indicates that the following legislative provisions were taken into account :

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended, and
- (b) Articles 6 of the Planning and Development Regulations, 2001, as amended, and
- (c) Class 31(b) and 31(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and .
- (d) Article 9(1)(a)(ii) and (iii) of the Planning and Development Regulations 2001, as amended.

Having regard to the drawings and documentation before it as part of the Declaration application, the Planning Authority concluded that the proposed development

“constitutes development within the meaning of the Planning and Development Act 2000, as amended, and is not exempted development”.

The Declaration indicates that the Planning Authority consider that the ‘planning exemptions’ under Class 31(b) and 31(f) are restricted under Article 9(1)(a)(ii) and (iii) of the Planning and Development Regulations 2001, as amended. The Planning Authority is not satisfied that :

- the development would not involve the formation of a vehicular entrance to the site from the R688.
- the development would not endanger public safety by reason of traffic hazard, or obstruction of road users”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report (26/10/2021) sets out the basis for the Planning Authority’s ‘Declaration’, and is summarised as follows :

- Clarification of –
 - detail of request made for a Declaration under Section 5 of the Planning and Development Act 2000, as amended
 - detail of works proposed
 - the site location
- Relevant Statutory Provisions

Planning and Development Act 2000, as amended

Section 3(1) states as follows – *“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structure or other land”*

Section 2(1) defines ‘works’ as –

“works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....

Section 4(1)(a)-(l) sets out what is exempted development for the purposes of this Act, and includes at (h) “*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure, or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*”.

Planning and Development Regulations 2001 (as amended)

Article 6 Identifies exempted development for the purposes of the Act. Exemptions are enabled through the provisions of the Regulations 2001 (as amended) as follows :

Class 31 The carrying out by a Statutory Undertaker authorised to provide a telecommunications service of development consisting of the provisions of –

(b) overhead telecommunications including the erection of poles or other support structures of the use of existing poles or other support structures.

This Exemption is subject to the following limitations –

1. Poles or other support structures carrying overhead lines shall not exceed 12m in height.
2. Poles or other support structures carrying other equipment shall not exceed 12m in height and 0.6m in diameter measures at the widest point, where other equipment means 2 transmitting or receiving dishes (the diameter of which shall not exceed 0.6m), or 1 panel antenna (the

dimensions of which shall not exceed 0.85m in length x 0.65m in width x 0.2m in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires..

3. Where a pole or poles or other support structures carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Commission for Communications Regulation.

Class 31 (f) cabinets forming part of a telecommunications system.

This Exemption is subject to the following limitations –

1. the volume above ground level of any such cabinet shall not exceed 2m³ measures externally.

Article 9 Identifies circumstances where development identified under **Article 6** loses its exempted development status.

Article 9(1)(a) the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act, if the carrying out of works would –

- (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users
- (vi) interfere with the character of a landscape, or a view, or prospect of special amenity value or special interest, the preservation of which is an objective of a Development

Plan for the area in which the development is proposed or, pending the variation of a Development Plan or the making of a new Development Plan, in the draft variation of the Development Plan or the draft Development Plan.

- **Assessment :**
 - Clarify application site location within the existing Eircom Exchange Compound, Ballyclerihan, Co. Tipperary.
 - No relevant planning history on record.
 - **“‘Is’ or ‘Is Not’ Development”**
 - Consider the proposal constitutes “works” as understood by the Planning & Development Act 2000, as amended and therefore constitutes “development” within the meaning of the Planning & Development Act 2000, as amended.
 - **“‘Is’ or ‘Is Not’ Exempted Development”**
 - Consider that the proposal meets the planning exemption under Class 31(b) and 31(f) of the Planning & Development Regulations 2001, as amended, and Conditions attached to these exemptions.
 - **“Restrictions under Article 9”**
 - having regard to the nature and scope of the proposal, reference considerations under Article 9(1)(a)(ii),(iii) & (vi) as relevant.
 - Having regard to the ‘Further Information’ (F.I.) documentation, the Planning Authority consideration it is not satisfied that the development would not involve the formation of a vehicular entrance to the site from the R688.
 - Regard given to information submitted detailing the method of construction, the plant and machinery involved, the physically restricted nature of the site and proximity to the public road – R688.

- Having regard to the above detail and information, Planning Authority conclude it is not satisfied that the development proposed “would not endanger public safety by reason of traffic hazard or obstruction of road users”.
 - Accordingly, conclude that “the planning exemption under Class 31(b) and 31(f) are restricted under Article 9(1)(a)(ii) & (iii) of the Planning & Development Regulations 2001, as amended”.
- o **Requirement for ‘Appropriate Assessment (AA)’ & ‘Environmental Impact Assessment (EIA)’**
 - Confirm proposal screened as to the requirements for AA.
 - The screening assessment shows that the proposal does not impact on any Natura 2000 site.
 - A copy of the ‘Habitats Directive Assessment Screening Report for Planning Applications’, attached as pages no.06-09 to the Planning Officers report.
 - Further, the proposed development subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development (reference ‘Preliminary Examination’ section at end of above referenced ‘Screening Report’).

- o **Recommendation**

A Question has arisen as to whether the following development on lands at Eircom Exchange Compound, Ballyclerihan, Co. Tipperary, is or is not development and is or is not exempted development.

12m pole with 1no. antenna and 2no. equipment cabinets.

Tipperary County Council, in considering this referral, had regard particularly to ::

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended, and
- (b) Articles 6 of the Planning and Development Regulations, 2001, as amended, and
- (c) Class 31(b) and 31(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, and
- (d) Article 9(1)(a)(ii) and (iii) of the Planning and Development Regulations 2001, as amended.

Tipperary County Council conclude that the proposed development as presented on the Drawings provided with the Declaration application, constitutes development within the meaning of the Planning and Development Act 2000, as amended, and is not exempted development.

The Planning Authority consider the 'planning exemptions' under Class 31(b) and 31(f) are restricted under Article 9(1)(a)(ii) and (iii) of the Planning and Development Regulations 2001, as amended. The Planning Authority is not satisfied that :

- the development would not involve the formation of a vehicular entrance to the site from the R688.
- the development would not endanger public safety by reason of traffic hazard, or obstruction of road users.

3.2.2. Other Technical Reports

4.0 Planning History

No relevant planning history apparent.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The new 'Tipperary County Development Plan 2022-2028, for the entire County of Tipperary, was made on the 11th July 2022, and became effective on the 22nd August 2022.
- 5.1.2. Volume 2 : 'Settlement Guide & Settlement Plans' designates Ballyclerihan as a "2(a) Service Centre (Population over 400)", and for which a "Settlement Plan" has been completed (see copy attached).
- 5.1.3. The Application Site located within Ballyclerihan, is designated with the "Existing Residential" Zoning Objective – "To preserve and enhance existing residential development and residential amenity and provide for additional facilities where gaps are identified".

5.2. Natural Heritage Designations

None

6.0 The Referral

6.1. Referrer's Case

- 6.1.1. The referral was lodged by 'Focusplus' on behalf of Eircom Limited. Having particular regard to the Planning Authority's stated reasons, the main grounds of the referral can be summarised as follows :
- 6.1.2. The existing Eircom Exchange Compound has been an established communication installation for over 20years.
- 6.1.3. The addition of the proposed 12m structure would be an upgrade to the existing installation.
- 6.1.4. Once completed, the upgraded installation would not result in an increase in the number of persons visiting the Compound. It will only be used 2 or 3 times per year to access the equipment.

6.1.5. Therefore, the proposed development would have no impact on the traffic of the R688 main road.

6.1.6. Reference this opinion as consistent with An Bord Pleanala decisions under :

PL18.241306 “traffic generated by the proposal post the construction stage would be minimal and so I raise no objection to the proposed means of access”, and

ABP-308491-20 “the issue of potential traffic hazard, having regard to the nature of the development, the level of traffic generated during the operational period is likely to be minimal, and during the construction period standard traffic management measures would be appropriate”.

6.1.7. Clarify that all vehicles will use the existing parking area that Eir regularly uses for their large maintenance vehicles. Reference ‘Image-1’ included in the documentation as illustrative of such use.

6.1.8. This has been an established parking area used by ‘Eir employees’ for over 20-years, and is more than capable to accommodate all constructive vehicles. Reference ‘Image-2’ included in the documentation as illustrative of such historical use.

6.1.9. The proposed Eir Ltd development would not cause any traffic hazard or obstruction of road users. There is an established access for maintenance vehicles to the existing Compound.

6.1.10. Having regard to the Information submitted in these documentation, request that An Bord Pleanala “overturn the decision of Tipperary County Council and deem the development as exempt”.

6.2. Planning Authority Response

6.2.1. No direct response apparent to the “Grounds for Appeal” submitted by ‘Focusplus’ on behalf of Eircom Limited.

6.2.2. In response to request made by An Bord Pleanala dated 23rd November 2021, the Planning Authority respond as follows (25/11/2021) :

- Confirm no record of previous planning decisions on the application site.
- Date of Section 5 application to the Planning Authority was 26th August 2021.

- Description on the Section 5 application confirmed as follows – “the development will consist of the construction of a 12m pole with 1no. antenna attached and 2no. equipment cabinets. The development will form part of Eircom Ltd. Existing telecommunications and broadband network”.
- Further Information requested on 28/09/2021, received on 06/10/2021 and the Section 5 Declaration issued on 27/10/2021.
- Confirm Eircom Ltd. is the owner.

6.3. Owner / Occupier’s Response

Not relevant in this case.

6.4. Further Responses

None.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000 (as amended)

Section 2(1) *“Works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...”*.

Section 3(1) *“Development’ means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structure or other land”*.

Section 4(1) Identifies exempted development for the purposes of the Act.

7.2. **Planning and Development Regulations, 2001**

Article 6 Identifies exempted development for the purposes of the Act.

Article 9 Identifies circumstances where development identified under article 6 loses its exempted development status.

7.3. **Other**

None.

8.0 **Assessment**

8.1. Having regard to the terms of the 'referral' as stated to the Board, and to the terms of the 'Declaration' as issued by the Planning Authority, and bearing in mind that a 'referral' to the Board under Section 5 of the Act is for a review of the 'Declaration', I express the understanding that the purpose of this 'referral' is not to determine the acceptability or otherwise of the proposed construction of a 12m pole with 1no. antenna attached and equipment cabinets, in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes 'development', and if so falls within the scope of 'exempted development'.

8.2. **Is or Is Not Development**

8.2.1. The first matter for the Boards attention is to determine whether or not the construction of a 12m pole with 1no. antenna attached and equipment cabinets, constitutes 'development'. Development is defined in the Act as the carrying out of any 'works' on, in, under or over land or the making of any material change of use in any of the structures or other land. 'Works' includes the act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

- 8.2.2. Having regard to all of the information available, I believe the intention of Eircom Ltd. as stated, is the construction of a 12m pole with 1no. antenna attached and equipment cabinets, on a presently undeveloped portion of its lands within the existing Eircom Exchange Compound at Ballyclerihan, County Tipperary (see attached copies of relevant drawings and site layout plan included in the current 'referral' documentation, Google-Earth Satellite & Streetview Imagery, and photographs taken at the time of physical inspection).
- 8.2.3. In my view therefore, the construction of the 12m pole with 1no. antenna attached and equipment cabinets, clearly involves 'works', as defined in Section 2(1), and as such is 'development' within the meaning at Section 3(1) of the Act. While the development may not yet have commenced, I am satisfied that the 'proposed works' constitute 'works' and therefore 'development'.
- 8.2.4. I note that this is not disputed by Eircom Ltd. the owner / operator at the existing Eircom Exchange Compound, and who have made the current 'referral' to the Board under Section 5 of the Act.

8.3. Is or is not exempted development

- 8.3.1. Whereas in the Section 5 'referral' application documentation, Eircom Ltd. do not dispute the terms of the Declaration as issued by the Planning Authority that the 'proposed works' constitute 'works' and therefore 'development', Eircom Ltd. does clarify their appeal is against the Declaration made by the Planning Authority that the proposed development is not 'exempted development'. Specifically, Eircom Ltd. reference the exemption relief enabled under Class 31(b) and 31(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended, as being relevant and applicable to their application.
- 8.3.2. Having regard to the information available, I share the view understood of both of the Planning Authority and Eircom Ltd. that the proposed "12m pole with 1no. antenna attached and equipment cabinets" meets the planning exemption under Class 31(b) and 31(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001,

as amended, and the Conditions attached to these exemptions, limiting their application.

- 8.3.3. In this regard it is apparent that Eircom Ltd. had regard to these limitations in their definition of the scope of the proposed development (ie. Poles not to exceed 12m height and volume of cabinets above the ground level, forming part of a telecommunications system, not to exceed 2m³ measured externally).

8.4. Restrictions on exempted development

- 8.4.1. However, whereas Article 6 identifies exempted development for the purposes of the Act, Article 9 identifies circumstances where development identified under Article 6 loses its exempted development status. In the current case, the Planning Authority reference Article 9(1)(a)(ii) & (iii) as being relevant, setting the instances where development to which Article 6 relates, shall not be exempted development for the purposes of the Act, if the carrying out of works would –

“(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width”,
and

“(iii) endanger public safety by reason of traffic hazard, of obstruction of road users”.

- 8.4.2. I have had regard to all of the information on file, and with particular reference to the information and project details submitted to the Planning Authority as ‘Further Information F.I.’, and to my own observations made at the time of physical inspection (see photographs attached). Firstly, I am not satisfied that the proposed development would not involve the formation of a vehicular entrance onto the Eircom Exchange Compound, within which the application site is located. Relevant drawings and site layout plans submitted, together with the Photographs attached, clearly show that excepting for the modest gated pedestrian entrance onto the Compound, all of the remainder of the approximately 18m frontage to the R688 comprises of a solid block wall.

8.4.3. Noting Eircom Ltds. clarification as F.I. that construction machinery and plant will be required to complete construction in accordance with the programme of works submitted as F.I., I am inclined to consider as reasonable that even a modest breach of the compound road frontage onto the R688 must be affected in order to facilitate effective movement of necessary machinery, plant, materials and personal onto and off the Compound during works undertaken. In my view this is unavoidable. In fact, Eircom Ltd. (c/o Focusplus) appear to concede this in their F.I. response to Issue No.1 raised by the Planning Authority, wherein they state – “Vehicular access will be required ...”.

The fact that Eircom Ltd. commit as part of their ‘Program of Works’ and in F.I. response to Issues raised for clarification by the Planning Authority, to storage and parking of construction materials, machinery, plant and personnel vehicles within the Eircom Exchange Compound and the existing lay-by further substantiates the need for creation of a new opening within the compound boundary frontage directly onto the R688.

8.4.4. Secondly, Eircom Ltd. have submitted details both in their original ‘Referral’ submission to the Planning Authority, their subsequent F.I. submission to the Planning Authority and in their current Section 5 ‘Referral’ application to the Board, detailing clarifying and substantiating vehicular access, construction methodology and ‘-program of works’, the construction compound, construction machinery, plant and personal vehicles parking, construction traffic management, the duration of the period of construction and the parking of maintenance vehicles and frequency of maintenance visits to the site once the installation is operational.

8.4.5. In addition to onsite development works, Eircom Ltd. weight reference to their active use through the duration of the construction phase, of the existing ‘lay-by’ along the Compound frontage onto the R688. Assert that this has been an established parking area for over 20-years (see ‘Images-1 and -2’ included in the appeal documentation, as well as the photographs attached, taken at the time of physical inspection). As seen in photographs, this space compromises an enlarged concrete surfaced area along approximately 3/4’s of the compound frontage onto the R688, half of which covers the R688 ‘hard shoulder’ and the other half the pedestrian sidewalk through the length of

the R688 in this vicinity and serving the established residential estate behind the Eircom Exchange Compound. I note that pedestrian movement is only facilitated by a 'sidewalk' along this one side of the R688.

8.4.6. Notwithstanding the conviction argued by Eircom Ltd., and having particular reference to the proposed construction methodology, the 'program of works', the plant, materials and machinery involved and their movement onto and off the compound, the physically restricted nature of the site, itself located within the Eircom Exchange Compound, the potential for threat to an established local pedestrian route, and the close proximity to the R688 public road (ie. Ballyclerihan to Cashel), and to my observations made at the time of physical inspection (see photographs attached), I am not satisfied that the proposed development and associated site works would not endanger public safety by reason of traffic hazard or obstruction of road users. I share the opinion of the Planning Authority in this regard.

8.4.7. Under Article 9(1)(a)(ii) & (iii) therefore, the instances where development to which Article 6 relates (ie. current Eircom Ltd. proposed development), shall not be exempted development for the purposes of the Act, if the carrying out of works would –

“(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width”, and

“(iii) endanger public safety by reason of traffic hazard, of obstruction of road users”.

8.4.8. Whereas Eircom Ltd. in their submissions distinguish between the 'construction phase', and the ongoing 'operational phase' of the development, emphasising that during 'operational phases' levels of traffic generated “would be minimal”, I express the understanding that the scope of the Boards attention and consideration under Article 9(1)(a)(ii) & (iii) is restricted to “the carrying out of works”.

8.4.9. As set out above, I am therefore not satisfied that “the carrying out of works” would not involve the formation of a vehicular entrance to the site from the R688 (Article

9(1)(a)(ii)), and would not endanger public safety by reason of traffic hazard or obstruction of road users (Article 9(1)(a)(iii)).

8.4.10. Accordingly, I conclude that the planning Exemption under Class 31(b) and 31(f) are restricted under Article 9(1)(a)(ii) and (iii) of the Planning & Development Regulations 2001, as amended. In my view therefore, the proposed development is not 'exempted development'.

8.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed 12m pole with 1no. antenna attached and equipment cabinets, on a portion of lands within the existing Eircom Exchange Compound at Ballyclerihan, County Tipperary, to the location of the application site within a fully serviced urban receiving environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

9.0 **Recommendation**

9.1. I recommend that the Board should decide this 'referral' in accordance with the following draft order.

WHEREAS a question has arisen as to whether the construction of a 12m pole with 1no. antenna attached and equipment cabinets, on a portion of lands within the existing Eircom Exchange Compound at Ballyclerihan, County Tipperary 'is or is not development' or 'is or is not exempted development':

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

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

- (a) Sections 2, 3 and 4 of the Planning & Development Act, 2000, as amended, and
- (b) Article 6 of the Planning & Development Regulations, 2001, as amended, and
- (c) Class 31(b) and 31(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended (ie. the Exempted Development regulations including the Conditions and Limitations associated with Class 31(b) and 31(f)), and
- (d) Article 9(1)(a)(ii) and (iii) of the Planning & Development Regulations, 2001, as amended, and
- (e) The provisions of the ‘Tipperary County Development Plan 2022-2028’, and
- (f) Existing use and layout of development within the Eircom Exchange Compound, the location of the proposed development within the existing Compound, all proximate to the R688 public road along the length of the Compounds NE-facing boundary frontage, and the established residential neighbourhood to the rear (west), and
- (g) The documentation and submissions received from the parties to the ‘referral’ on file, and the report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

The construction of a 12m pole with 1no. antenna attached and 2no. equipment cabinets comes within the scope of the definition of development contained in Section 3, Planning & Development Act, 2000 (as amended).

There is no relevant express exemption provided for in either Section 4, Planning & Development Act, 2000 (as amended) or Article 6, Planning & Development Regulations, 2001 (as amended).

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 12m pole with 1no. antenna attached and 2no. equipment cabinets, all to form part of Eircom Ltd. existing telecommunications and broadband network, and located on land within the existing Eircom Exchange Compound, at Ballyclerihan, County Tipperary, 'is development' and 'is not exempted development'.

LW Howard

Planning Inspector

16 December 2022