



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/390

APPEAL by Shared Access Limited care of Entrust Limited of Main Street, Kilcolgan, County Galway against the decision made on the 12th day of June, 2019 by Limerick City and County Council to refuse permission.

Proposed Development: The removal of an existing 6.5 metre floodlight pole and replacement with a new 18 metre shrouded pole with floodlights attached, antennas encased within it together with dishes, RRU's cabinets, fencing and all associated site development works for wireless data and broadband services at Station Road, Blackabbey, Adare, County Limerick.

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the prominent location of the proposed telecommunications structure, adjacent to the Architectural Conservation Area in Adare town centre, a historical location from which the proposed mast would be visible, and proximate to protected structures, and in particular the Courthouse (RPS Number 870), and having regard to the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities”, issued by the Department of the Environment and Local Government in July, 1996, which states that “only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns and villages”, it is considered that the proposed development would be visually obtrusive and out of character with the town centre of Adare, would be contrary to these Ministerial Guidelines, and would seriously injure the visual amenities of the area, including those of the Architectural Conservation Area and the nearby protected structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not accept that the issues raised in the previous refusal for a similar form of telecommunications structure in the town centre (planning application register reference number 17/972, An Bord Pleanála appeal reference number 300664-18) had been resolved, and in particular was not satisfied that the appropriate balance had been struck between the technological requirements and the protection of the character of Adare. In this regard, the Board noted, notwithstanding the submission of the applicants, that the Ministerial Guidelines remain the appropriate guidance on these matters, to which the Board is statutorily obliged to have regard. The Board did not agree with the Inspector's view that the proposed development, involving the replacement of a 6.5-metre-high car park light pole with an 18-metre-high telecommunications structure, would be acceptable in terms of the Architectural Conservation Area of Adare, and was not convinced of his assessment of the impact of this development on the view of the Courthouse, a significant protected structure.

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

Dated this day of 2019.