



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/1230

Appeal by Knockfierna Heritage Society and Folklore Group care of Patrick O'Donovan of Knockfierna Hill, Common, Ballingarry, County Limerick against the decision made on the 23rd day of February, 2018 by Limerick City and County Council to grant subject to conditions a permission to Cellcom Ireland Limited care of CMC Planning Consultants of Third Floor, Fumbally Exchange, 5 Dame Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Replacement of an in-situ 37.5 metre structure carrying telecommunications equipment with a 40 metre multi user structure of similar design, the in-situ equipment will be transferred to the new structure together with the additional equipment proposed and the obsolete structure will be removed post construction. Provision has also been made for additional telecommunications exchange cabinets as required. Retention permission is sought for two number telecommunications exchange cabins and 2.4 metre chain link compound with access off an existing track. The location is proximate to National Monument Service Record LI030-080 at Knockfeerina, Kilmacow Townland, Ballingarry, County Limerick.

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.

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:

- (a) the national strategy regarding the improvement of mobile communications services,
- (b) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) Limerick County Development Plan 2010-2016 (as extended),
- (d) Department of the Environment, Community and Local Government Circular Letter PL 07/12,
- (e) the existing pattern of development in the vicinity,

- (f) the nature and scale of the proposed telecommunications support structure, and
- (g) the demonstrated need for improved telecommunications services in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would 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 treated this proposal as a new proposal for a new telecommunications structure and considered that, notwithstanding the lack of evidence of any permission for the existing structure, the proposed development was acceptable in its context and would not be contrary to the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities" and would, therefore, not be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and submissions on file. In completing the screening exercise, the Board noted the planning authority's planners report and concluded that, by itself or in combination with other development in the vicinity, the proposed development, would not be likely to have a significant effect on any European Site in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (a Natura Impact Statement) is, therefore, not 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 the 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. The applicant shall have in place a hoarding around the site of the national monuments LI030-080 during the demolition phase and the construction phase of the proposed development. Details of the type and location of the hoarding shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of proper planning and sustainable development.

3. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment state at the expense of the operator.

Reason: In the interest of orderly development.

4. Prior to the commencement of development, the site developer or appointed contractor shall submit to the planning authority for agreement in writing a site specific waste management plan for the recovery/disposal of all wastes arising from the demolition, refurbishment and/or construction related activities of this development. The waste management plan shall include:
- (a) a list of proposed authorised waste collection permit holders to be employed,
 - (b) a list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of, and
 - (c) estimates of the proposed tonnages of construction and demolition (C&D) wastes by type, for example, soil and stone, rubble, wood, metal and plastic.

Reason: In the interest of sustainable waste management.

5. The telecommunications mast with the highest as-constructed elevation shall be lighted with a layer of fixed red medium intensity lighting in accordance with Irish Aviation Authority specifications. These lights shall be fitted as close to the top of the mast as practicable and shall be visible from every angle in azimuth.

Reason: In the interest of air traffic safety.

6. Before the erection of the telecommunications mast, the Irish Aviation Authority shall be informed of the co-ordinates of the constructed mast and the construction elevation of the highest point of each mast. Any lights or other warning devices required by the Irish Aviation Authority shall be placed on the mast in accordance with details to be agreed in writing with, the planning authority.

Reason: In the interest of air traffic safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including the location of the construction access to the subject site, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Dated this day of 2018.