



Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/750

Appeal by Michael F. Crowe of 29 Fortfield, Raheen, County Limerick against the decision made on the 25th day of September, 2020 by Limerick City and County Council to grant subject to conditions a permission to Eircom Limited trading as eir care of Towercom Limited of Tea Lane, Listowel in accordance with plans and particulars lodged with the said Council:

Proposed Development: Erection of a 21 metres high free-standing monopole telecommunications structure together with antennas, dishes and associated equipment at the eir Exchange, Avonmore Road/Mulcair Road, Raheen, 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 policy regarding the provision of mobile and telecommunications services,
- (b) the guidelines relating to Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996, as updated by Circular Letter PL/07/12, issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,
- (c) the policy of the planning authority, as set out in the Southern Environs Local Area Plan 2011 - 2017, as extended, and Limerick County Development Plan 2010 - 2016, as extended, to support the provision of telecommunications infrastructure,

- (d) the location within a site currently zoned and used for utilities and the existing pattern of development in the area, and
- (e) the nature and scale of the proposed telecommunications support structure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, or the residential amenities of the area and would not be contrary to the overall provisions of the current development plans for the area. 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 in relation to the attachment of a condition requiring the removal of the existing antenna structure installed on the main building within three months of the commissioning of the new monopole structure, the Board considered that it was not clear whether the efficient functioning of the telecommunications compound would be adversely affected by the removal of the existing antenna, notwithstanding the intention to simplify the existing configuration, given that its removal was not identified as being part of the planning application. The Board further considered that, given the established use on the site, zoned for "utility", and the localised impact of the existing antenna, it did not see the need or merit to impose a specific condition to remove it.

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. The existing trees on the site shall be retained. Details of the measures to be put in place for their protection during the construction period shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of residential and visual amenity.

3. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with the 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 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.

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

6. The proposed cabinets at the base of the free-standing structure shall be acoustically insulated in order to minimise any potential noise nuisance to the occupants of nearby residential units. Details of the insulated cabinets shall be submitted, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of orderly development and residential amenity.

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

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021