



An
Bord
Pleanála

Board Order
ABP-308818-20

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/913

Appeal by Eircom Limited trading as Eir care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 5th day of November, 2020 by Limerick City and County Council to refuse a permission to Eir for the proposed development.

Proposed Development: Erection of a 24-metre high lattice telecommunications support structure together with antennas, dishes and associated equipment all enclosed in security fencing and the removal of the existing 12-metre timber pole telecommunications support structure (overall height 14.5 metres). The proposed development is located within the curtilage of the former railway station for Croom, a Protected Structure. All at Eir Exchange, Tooreen (Townland), Croom, 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

In making its decision, the Board had regard to the following:

- (a) the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996,
- (b) the Telecommunications Antennae and Support Structures Guidelines and Circular Letter PL07/2012 published by the Department of Housing, Local Government and Heritage on 9th March, 2021,
- (c) the Limerick County Development Plan 2010 – 2016:
 - (i) Objective IN O50: Facilitation of Telecommunications Facilities
 - (ii) Objective IN O51: Facilitation of Co-Location of Telecommunication Facilities
 - (iii) Objective IN O53: Minimising Impact of Transmission Network
 - (iv) Objective IN O54: Broadband Connectivity
 - (v) Objective IN O55: Co-ordinated Development
- (d) the Croom Local Area Plan 2020 – 2026, Objective IN 09: Telecommunications
- (e) the nature and scale of the proposed replacement telecoms monopole,

- (f) the submissions and observations received,
- (g) the decision of the planning authority, and
- (h) the report of the Inspector,

and considered that the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in National Policy under the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July, 1996, the Telecommunications Antennae and Support Structures Guidelines and Circular Letter PL07/2012 published by the Department of Housing, Local Government and Heritage on 9th March, 2021, the Croom Local Area Plan 2020 – 2026, and the Limerick County Development Plan, 2010 - 2016 as follows:

Objective IN 09: Telecommunications

It is the objective of the planning authority to facilitate proposals for telecommunication masts, antennae and ancillary equipment where it can be established that there would be no negative impact on the surrounding area and that no other mode or location can be identified which would provide adequate telecommunication cover to the standard required by local land uses.

Objective IN O50: Facilitation of Telecommunications Facilities

It is an objective to support the development of telecommunication facilities and support the timely commissioning of transmission infrastructure.

Proposals for the erection of masts, antennae or ancillary equipment for telecommunication purposes will take the following into account:

- the proper planning and sustainable development of the area;
- social, environmental and cultural impacts of the infrastructure proposed;
- a design that will achieve least environmental impact consistent without incurring expensive cost, and

- proximity to structures that are listed for preservation, national monuments, etc.

Objective IN O51: Facilitation of Co-location of Telecommunication Facilities

It is the objective of the planning authority to encourage the clustering and co-location of telecommunication masts, antennae or ancillary equipment and more favourable consideration will be given to their location near existing similar type structures.

Furthermore, the Board was satisfied that the proposed development, having regard to its limited nature and scale set against the context of the existing telecoms mast at the Eir Exchange, would not seriously injure the residential amenities of adjoining properties and would not seriously injure the visual amenities of the area. It was also considered that the proposed development would not affect the character and setting of the protected structure Croom Railway Station - Protected Structure RPS Number 122. 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 to refuse permission, the Board was satisfied that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, would not seriously injure the residential amenities of the area or of property in the vicinity given the limited scale and height of the proposed structure and would be in accordance with National, Regional and Local Policy, as set out in the reasons and considerations above.

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 condition. Where such condition requires 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 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.

3. 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.

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

5. The transmitter power output, antennae type and mounting configuration shall be in accordance with the details submitted with the planning application and, notwithstanding the provisions of the Planning and Development Regulations, 2001, and any statutory provisions amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development and to facilitate a full assessment of any future alterations.



Paul Hyde

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

Dated this 10th day of May 2021.