

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

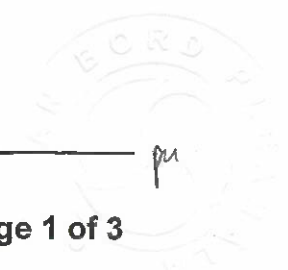
Planning Register Reference Number: EC63/20

WHEREAS a question has arisen as to whether the erection of a 12 metre high wooden pole with one antenna attached within the existing Eircom Exchange, an equipment cabinet which is less than two cubic metres, a gantry pole and RRV's at Broad Street, Adare, County Limerick is or is not development or is or is not exempted development:

AND WHEREAS John Horan of Beechlawn, Broad Street, Blackabbey Road, Adare, County Limerick requested a declaration on this question from Limerick City and County and the Council issued a declaration on the 11th day of December, 2020 stating that the matter is development and is exempted development:

AND WHEREAS the said John Horan referred this declaration for review to An Bord Pleanála, on the 18th day of December, 2020:

AND WHEREAS having regard to the nature of the referral, An Bord Pleanála is satisfied that, in the particular circumstances, the referral should be not further considered by it:

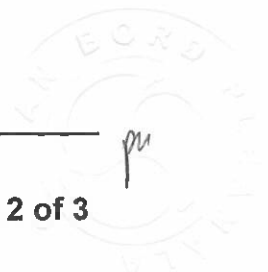


NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138(1)(b)(i) of the Planning and Development Act, 2000, hereby dismisses the said referral, based on the reasons and considerations set out below:

Having regard to:

- the section 5 declaration issued by Limerick City and Council on the 20th day of October, 2020 under file reference number EC50/20 that the construction of a 12 metre wooden pole with one number antennae attached, equipment cabinet (2.0 x 0.815 x 0.815), gantry pole and RRV's which will form part of Eircom Limited existing telecommunications and broadband network at Adare Eircom Exchange, Broad Street, Adare, County Limerick is development and is exempted development,
- the said section 5 declaration was not referred to the Board for review or challenged by way of judicial review under section 50 of the Planning and Development Act, 2000, as amended,
- the question posed in the current section 5 application and in the declaration issued by Limerick City and County Council on the 11th day of December, 2020 and referred to the Board for consideration, is the same as that subject of the extant declaration under file reference number EC50/20, and
- no change in factual or planning circumstances since the said declaration with no new information to hand,

the Board is satisfied that, in the particular circumstances, the referral should not be further considered.

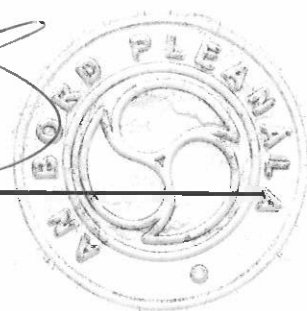


Matters Considered

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.


Paul Hyde

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



Dated this 2nd day of February 2022