

An
Bord
Pleanála

Board Order
ABP-309785-21

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/754

Appeal by Kieran Sexton and others care of Boyce Architects of Farrihy, Dromcollogher, County Limerick and by Broadford Community Development Association care of Mary Lee Geary of Tullaha, Broadford, Charleville, County Limerick against the decision made on the 4th day of March, 2021 by Limerick City and County Council to grant subject to conditions a permission to Eircom Limited care of FocusPlus Limited of 3 Arbour Field House, Dundrum Business Park, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of an 18-metre-high free-standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works, all at Broadford Eircom Exchange, Tullaha, Broadford, 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 coming to 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 Environment and Local Government in 1996;
- (b) “Circular Letter PL07/12 - Telecommunications Antennae and Support Structures Guidelines” issued by the Department of Housing, Local Government and Heritage in March, 2021;
- (c) the objectives of the Limerick County Development Plan 2010 – 2016;
- (d) the nature, scale and location of the proposed telecommunication structure;

- (e) the submissions and observations received with the application and the appeal; and
- (f) the decision of the planning authority,

and considered that the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in National Policy and the Limerick County Development Plan 2010 - 2016. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area and 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, having regard to its location within an existing and established Eircom telecommunications site, its function as an upgrade of an existing communications installation, and the lack of suitable alternative location due to the nature of the land in the area, that the proposed development is located in a suitable and appropriate location for the purposes of providing 3G and 4G coverage in the area . Furthermore, the Board noted the availability of the proposed mast for co-location in the future in accordance with National Policy.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of February 2020, 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 proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when no longer required. The site shall be reinstated to its predevelopment condition on the removal of the telecommunication structure and ancillary structures, at the expense of the developer.

Reason: In the interest of orderly development.

3. The antennae type and mounting configuration shall be in accordance with the details submitted with this 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 planning 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. The proposed cabinets at the base of the free-standing structure shall be acoustically insulated cabinets. Details of the insulated cabinets shall be submitted to, and agreed in writing with, the planning authority within two months of the grant of this permission.

Reason: In order to minimise any potential noise nuisance.

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

Reason: In the interest of public health.

6. Details of the proposed colour scheme for the telecommunications pole, antennas and equipment containers 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.

7. 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.

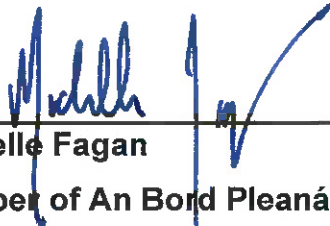
Reason: In the interest of the visual amenity of the area.

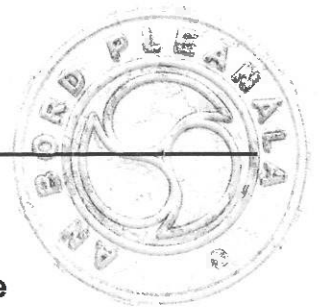
8. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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, site-specific measures for handling surface water, and traffic management measures.

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


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



Dated this 23rd day of July 2021.