

An
Bord
Pleanála

Board Order
ABP-314847-22

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 22/810

Appeal by Eircom Limited (trading as eir), care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 16th day of September, 2022 by Limerick City and County Council to refuse a permission for the proposed development.

Proposed Development: Replacement of three number 12-metre-high timber poles with an 18-metre-high telecommunications monopole together with antennas, dishes and associated telecommunications equipment, all enclosed in timber fencing, all at eir Exchange, Corgrig, Dernish Avenue, Foynes, 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.

Reasons and Considerations

Having regard to:

- (a) The policy of the planning authority, as set out in the Limerick Development Plan 2022 - 2028, to support the provision of telecommunications infrastructure;
- (b) National policy regarding the provision of mobile and telecommunications services;
- (c) The “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 PL07/12, published by the Department of Housing, Local Government and Heritage on the 19th day of October, 2012; and
- (d) The nature and scale of the proposed telecommunications support infrastructure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be contrary to the overall provisions of the current Development Plan for the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered the proposed development and concurred with the Inspector that the proposed development is a project for the purposes of the EIA Directive. However, the Board has concluded that the proposed development does not fall within a class of development, as set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore, that no preliminary examination or EIA is 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 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 1.5-metre-high lighting finials shall be omitted from the proposed development.

Reason: In the interest of clarity and in accordance with the requirements of the Irish Aviation Authority.

3. The applicant shall provide and make available on reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.

Reason: In the interests of the avoidance of a multiplicity of telecommunications structures in the area, visual amenity and the proper planning and sustainable development of the area.

4. Landscaping proposals for the boundaries of the exchange compound (area outlined in blue on plans submitted with the application on the 25th day of July, 2022) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

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

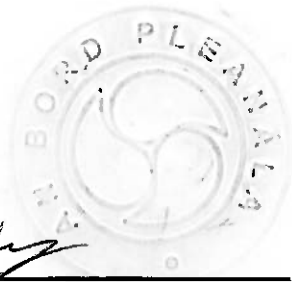

Reason: In the interest of the visual amenities of the area.

6. When the telecommunications structure and ancillary structures are no longer required, they shall be removed, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.

Reason: In the interest of protecting the visual and residential amenities of the area.

7. 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 the permission relates and to facilitate a full assessment of any future alterations.



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

Dated this 28th day of November 2023.