



An
Coimisiún
Pleanála

Commission Order

ABP-322039-25

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: SM254TM/02/24

Appeal by On Tower Ireland Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 29th day of January, 2025 by Limerick City and County Council to refuse a licence for the proposed development.

Licence Application: Construction of a 20-metre-high telecommunications monopole streetwork structure with ground cabinet at a grass verge along the N21 Road, all at Gortboy, Newcastle West, County Limerick.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act 2000, as amended, An Coimisiún Pleanála, directs the planning authority to **GRANT** a licence based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, comprising a 20-metre-high monopole telecommunications streetwork structure, with ground cabinet at a grass verge along the N21 Road, the provisions of Section 254 of the Planning and Development Act 2000, as amended, (in particular section 254(4) which provides for the withdrawal of the licence where the planning authority is of the opinion, inter alia, that the structure causes an obstruction in relation to the widening of a road or of any improvement of or relating to a road), Objective IN O4 of the Limerick Development Plan 2022-2028 which supports the delivery and implementation of the National Broadband Plan and any subsequent plans, the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020 respectively) and the Climate Action Plan 2025, in particular Section 10.1.8 "Digital Transformation", which supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets, it is considered that, subject to compliance with the conditions set out below, the proposed development would not cause adverse impacts on visual amenities, would not impact on the character of the setting, and would not inconvenience the safety of road users, including pedestrians and cyclists. 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, the Commission noted that the site is at a location proposed for active travel infrastructure, as identified in the Newcastle West Local Area Plan (LAP) 2023-2029, the supplemental Transport Plan, and specifically Cycling Initiative CI8 in the Transport Plan, which seeks the implementation of the Local Transport Plan for Newcastle West. The Commission, however, noted that the timetable is unclear for the design and delivery of the proposed active travel scheme, and it, therefore, accepted that the lifetime of a three-year licence may be well advanced when the approved active travel scheme is undergoing construction. The Commission was particularly mindful that the license sought is a temporary permission, and that section 254(4) of the Planning and Development Act 2000, as amended, provides for the withdrawal by the planning authority of the licence, and for the removal by the licensee of the structure at the licensee's own expense, by notice in writing from the planning authority where the planning authority is of the opinion that, inter alia, the structure causes an obstruction in relation to the widening of a road or of any improvement of, or relating to, a road.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This licence shall apply for a period of three years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. 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.

4. 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, as amended, or 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.

5. The structure shall not interfere with existing services and drainage systems and shall not obstruct pedestrian access.

Reason: In the interest of orderly development and pedestrian safety.

6. 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.

7. The developer shall allow, subject to reasonable terms, other licenced mobile telecommunications operators to co-locate their antenna onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

8. The construction of the proposed 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 proposed development, including tree protection measures, traffic and pedestrian safety measures, hours of working, noise management measures and off-site disposal of construction waste.

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


MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 25th day of June 2025.