

## LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) REGULATIONS 1997

The Minister for the Environment, in exercise of the powers conferred on him by section 10 of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963) and by section 4 of that Act as amended by section 43 of the Local Government (Planning and Development) Act, 1976 (No. 20 of 1976), hereby makes the following Regulations:

### REG 1

#### Citation

- (1) These Regulations may be cited as the Local Government (Planning and Development) Regulations, 1997.
- (2) These Regulations, the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994), the Local Government (Planning and Development) Regulations, 1995 (S.I. No. 69 of 1995), the Local Government (Planning and Development) (No. 2) Regulations, 1995 (S.I. No. 75 of 1995) and the Local Government (Planning and Development) Regulations, 1996 (S.I. No. 100 of 1996) may be cited together as the Local Government (Planning and Development) Regulations, 1994 to 1997.

### REG 2

#### Commencement

- These Regulations shall come into operation on the 13th day of February, 1997.

### REG 3

#### Amendment of Article 8 of 1994 Regulations

- Sub-article (1) of article 8 of the Local Government (Planning and Development) Regulations, 1994 is hereby amended by the insertion after the definition of "industrial undertaker" of the following definition:  
" "mobile telephony" means public mobile telephony:

### REG 4

#### Amendment of Second Schedule to the 1994 Regulations

- Class 29 of Part 1 of the Second Schedule to the Local Government (Planning and Development) Regulations, 1994 is hereby amended by the insertion after paragraph (h) thereof of the following:

#### Column 1

#### Description of Development

Column 2  
Conditions and Limitations "(i) antennae for mobile telephony by way of attachment to an existing antenna support structure used in connection with radio transmission or reception.1. The number of such antennae shall not exceed twelve, of which not more than four shall be of the dish type (whether shielded or not).2. (i) The dimensions of any such antenna provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding

type already attached to the structure. (ii) Otherwise, the dimensions of any such antenna provided shall not exceed:— (a) in the case of any panel type antenna, 1,500 x 400 x 150 (Length x Width x Depth in mm), (b) in the case of any co-linear type antenna, 5,000 x 100 (Length x Diameter in mm), and (c) in the case of any dish type antenna (whether shielded or not), 1,800 mm in diameter.

3. The attachment of such antennae shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits for non-ionising radiation emissions included as a condition of the granting of a licence under section 111 of the Postal and Telecommunications Services Act, 1983.

4. The attachment of such antennae may be carried out by way of a platform only where the antenna support structure already incorporates a platform.

5. The height of the existing structure (including any antenna thereon) shall not be exceeded. (j) an antenna support structure in place of an existing antenna support structure.

1. The replacement shall take place within a period of not longer than one month following the removal of the existing structure.

2. (i) The height of the replacement structure shall not exceed the height of the replaced structure. (ii) The width of the replacement structure shall not exceed the width of the replaced structure except where the replaced structure was two metres or less in width, in which case the width of the replacement may be up to 100 per cent greater than the width of the replaced structure, all measurements to be taken at the widest point. (iii) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.

3. (i) The antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure and, an additional 12 antennae for mobile telephony, of which not more than four of the additional 12 shall be of the dish type (whether shielded or not).

(ii) The dimensions of any replacement antenna shall not exceed the greatest length, width or depth of any replaced antenna of corresponding type.4. (i) The dimensions of any additional antenna for mobile telephony provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure. (ii) Otherwise, the dimensions of any antenna provided shall not exceed: (a) in the case of any panel type antenna, 1,500 x 400 x 150 (Length x Width x Depth in mm), (b) in the case of any co-linear type antenna, 5,000 x 100 (Length x Diameter in mm), and (c) in the case of any dish type antenna (whether shielded or not), 1,800mm in diameter.5. The replacement of an antenna support structure together with any replacement or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits for non-ionising radiation emissions included as a condition of the granting of a licence under section 111 of the Postal and Telecommunications Services Act, 1983."

GIVEN under the Official Seal of the Minister for the Environment,  
this 12th day of February, 1997.

BRENDAN HOWLIN,  
Minister for the Environment.

#### EXPLANATORY NOTE.

These Regulations amend the Second Schedule to the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994) which prescribes development which is exempted development for the purposes of the Local Government (Planning and Development) Act, 1963. The new Regulations provide that, subject to certain limitations, the addition of antennae for mobile telephony to an existing radio mast is exempted development. The replacement of masts is also exempted development provided, inter alia, that the replacement does not exceed the height of the original mast and complies with the other prescribed requirements.