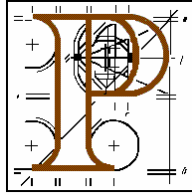


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Kerry County

Planning Register Reference Number: 11/502

An Bord Pleanála Reference Number: PL 08.239454

APPEAL by Towercom Limited of Heather House, Heather Road, Sandyford Industrial Estate, Dublin against the decision made on the 4th day of August, 2011 by Kerry County Council to refuse permission to the said Towercom Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of an existing 35 metres high telecommunications mast together with associated equipment and fencing in accordance with condition number 1 of temporary permission granted under planning register reference number 1234/06, An Bord Pleanála reference number PL 08.218403 at Knockanore Mountain, Urlee, Lisselton, County Kerry.

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

Having regard to –

- (a) the national strategy regarding the improvement of mobile communications services,
- (b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) the planning history of the site,
- (d) the general topography of the area and the separation from residential buildings,
- (e) the sharing of the structure and site with other operators, and
- (f) the location of the proposed development on a site which does not come within the scope of specific restrictions with regard to development in scenic or natural amenity areas,

it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (1) This permission shall apply for a period of five 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, planning permission shall have been granted for their retention for a further period.
- (2) 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 permission.

Reason: In the interest of visual amenity and to enable the impact of the development to be re-assessed, having regard to the changes in technology and design or any other changes in circumstances during the specified period.

2. The developer shall allow, subject to reasonable terms, other licensed 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.

3. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within three months from the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2011.