



An
Bord
Pleanála

Board Direction
BD-000281-18
ABP-300102-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/05/2018.

The Board decided to grant a temporary permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- a) National strategy regarding the improvement of mobile communications services and the *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996*, issued by the Department of the Environment and Local Government;
- b) The location of the proposed development within an existing mart site;
- c) The presence of telecommunications equipment within the mart site;
- d) The general topography and landscape features in the vicinity of the site;
- e) The separation distance and landscaping between it and residential development; and
- f) The existing pattern of development in the vicinity;

it is considered that subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

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. This permission shall be for a period of seven years from the date of this order.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

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

Reason: In the interest of public health.

4. 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.

5. The existing telecommunications antennae mounted on the adjoining mart building shall be permanently removed upon commissioning of the new monopole support structure and associated antennae.

Reason: In the interest of orderly development and visual amenity.

6. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

Reason: In the interest of visual amenity.

7. 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, as amended. The contribution shall be paid prior to commencement of development 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Note 1: In deciding not to accept the Inspector’s recommendation to grant a permanent permission, the Board noted the circumstance pertaining to this development, in particular its location within an “expansion area” in Kilcullen village centre and the inclusion of an indicative design brief for the area in the Kilcullen Local Area Plan 2014-2020. The Board therefore considered that permission for a period of seven years from the date of this order was more appropriate in order to allow for a subsequent review of development at this location.

Note 2: Copy of Board Direction to issue with the Board Order.

Board Member

Date: 08/05/2018

Maria FitzGerald