

An
Bord
Pleanála

Board Direction
ABP-310362-21

The submissions on this file (including the Occupier's response to the Board's Section 132 Notice) and the Inspector's report were considered at a Board meeting held on 21/03/2022.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the erection of a telecommunications mast, associated telecommunications infrastructure and an access route on an elevated site (94m ASL), just west of the village of Camp, Tralee, Co. Kerry with access off the N86 is or is not development or is or is not exempted development:

AND WHEREAS Joseph & Aine O'Dwyer requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 14th day of May 2021 stating that the matter was development and was exempted development:

AND WHEREAS Joseph & Aine O'Dwyer referred this declaration for review to An Bord Pleanála on the 27th day of May 2021:

AND WHEREAS following receipt of the Occupier's response to its Section 132 Notice, An Bord Pleanála has rephrased the question to whether the erection of a telecommunications mast, associated telecommunications infrastructure,

the provision along part of the access route of a temporary access track until the development has been completed, and the reinstatement of the land thereafter, on an elevated site (94m ASL), just west of the village of Camp, Tralee, Co. Kerry with access off the N86 is or is not development or is or is not exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

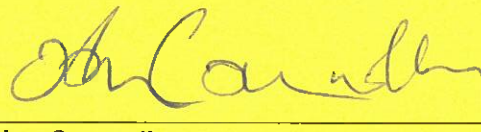
- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended, and
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The telecommunications elements of the project are exempted development under Class 31 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001, as amended,
- (b) The site is not zoned "Rural Prime Special Amenity", and so the telecommunications elements of the project are not de-exempted under Article 9(1)(a)(vi) of the Planning and Development Regulations, 2001, as amended, and
- (c) The temporary access track is exempted development under Class 16 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3) (a) of the 2000 Act, hereby decides that the erection of a telecommunications mast, associated telecommunications infrastructure, the provision along part of the access route of a temporary access track until the development has been completed, and the reinstatement of the land thereafter, on an elevated site (94m ASL), just west of the village of Camp, Tralee, Co. Kerry with access off the N86 is development which is exempted development.

Board Member:



Date: 21/03/2022

John Connolly