

An  
Bord  
Pleanála

**Board Direction**  
**BD-013419-23**  
**ABP-312818-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2023.

The Board decided to allow the appeal with conditions and to direct the planning authority to grant a licence, 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 the provisions of section 254 of the Planning & Development Act, 2000 (as amended), to national and local policy objectives as set out in the Kerry County Development Plan 2022-2028, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letter PL 07/12, and to the nature, scale and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the Kerry County Development Plan 2022-2028, would not be seriously injurious to the amenities of the area or residential amenity in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The licence shall be valid for a period of five years for the date of this Order. The telecommunications structure and related ancillary structures, including any access arrangements, shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

2. The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, and notwithstanding the provisions of the Planning and Development Regulations 2001, and 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.

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.

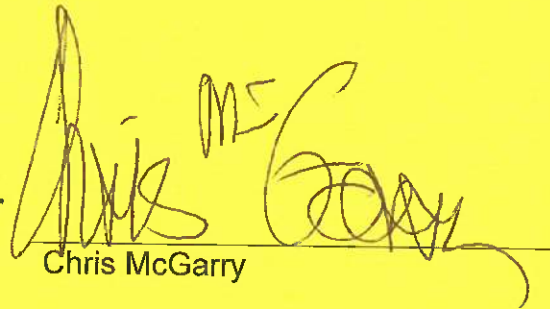
4. Details of the proposed colour scheme for the pole, antennas, equipment containers and any perimeter fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure 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.

Board Member



Chris McGarry

Date: 24/08/2023

