



**An  
Bord  
Pleanála**

**Board Direction  
BD-014780-23  
ABP-314841-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/11/2023.

The Board decided to refuse permission for the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed development would contravene objective KCDP 14-80 of the Kerry County Development Plan 2022-2028 which is to ensure that the location and provision of telecommunications infrastructure should minimise and/ or mitigate any adverse impacts on communities, public rights of way and the natural environment. It is considered that the proposed development would constitute an obtrusive development and would have a significant overbearing impact on the adjacent Lady's Well site, a recorded monument. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of lack of information on file, in particular the absence of in-depth analysis of alternative locations, the Board was not satisfied in terms of clarity and justification of the proposed development that all alternative locations had been fully explored. The proposed development would conflict with the '*Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities*' published by the Department of the Environment and Local Government 1996, that 'only as a last resort should free-standing masts

be located on or in the immediate surrounds of smaller towns or villages'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not agree that the proposed structure can be accommodated on site without significant adverse impacts on the visual amenities of the area or setting of the recorded monument. The Board also did not accept that landscaping at the boundaries of the site, as proposed in the Inspector's recommended conditions, would adequately screen the proposed development. The Board was of the opinion, based on the plans submitted, that there is insufficient space for adequate landscaping.

**Board Member**



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Mary Cregg

**Date:** 05/12/2023