



An  
Bord  
Pleanála

**Board Direction**  
**BD-015424-24**  
**ABP-315856-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2024.

The Board decided to grant 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 the nature and scale of the proposed development, to the established use of the site for telecommunications uses, the provisions of the Kilkenny City and County Development Plan 2021 and the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board concurred with the Inspector that the development is a project for the purposes of the EIA 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 EIA or EIA is required.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and further information received by the planning authority on the 30<sup>th</sup> day of December 2022, 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.

(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) 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 removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

**Reason:** In the interest of orderly development.

3. Drainage maintenance and improvement works and 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. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages 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.

5. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

**Reason:** In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

6. The developer shall ascertain the requirements of the Irish aviation authority in respect of the need for any red obstacle light to be fitted to the mast. Details in respect of this matter shall be agreed with the planning authority within two months of this order.

**Reason:** In the interest of public safety.

**Board Member**

  
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Mary Cregg

**Date:** 19/02/2024