

An
Bord
Pleanála

Board Direction
BD-016286-24
ABP-316253-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/05/2024.

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 provisions of section 254 of the Planning & Development Act, 2000 (as amended), to the relevant provisions of the Kilkenny County Development Plan 2021-2027, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letters PL 07/12 and PL 11/2020, 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 development plan, would not be seriously injurious to the amenities of the area, or residential amenity in the vicinity, would not interfere with the convenience and safety of pedestrian and road traffic and would, otherwise, be in accordance with the proper planning and sustainable development of the area. In this regard the Board noted that issues relating to landowner consent fall outside the remit of the Board, noting Section 34(13) of the Planning and Development Act 2000 (as amended).

The Board was satisfied that the development is compliant with section 10.4.1.4 and objectives 10I and 10J of the Kilkenny County Development Plan 2021-2027. In this regard the Board noted that the development was located approximately 85m from a

school, which it did not consider to be 'close proximity'. The Board also accepted the technical reports submitted by the applicant and agreed with the inspector that these suitably justified the requirement for a mast at this location and was satisfied that the applicant's long term plans were clear from the material on file.

The Board has considered the proposed development and concur with the inspector that the development is a project for the purposes of the EIA Directive, however, the Board has concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination 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 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. The licence shall be valid for a period of 5 years from 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, a further Section 254 licence has 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.

3. Where it transpires the location of the cabinet, monopole and associated infrastructure conflicts with the Planning Authority's plans for the area and that the land is required by the Planning Authority in the performance of its

statutory functions. The cabinet, monopole and associated infrastructure shall be removed on request.

Reason: In the interests of orderly development

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

Reason: In the interest of public health and to prevent flooding.

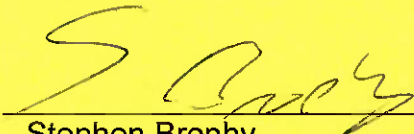
5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

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

6. The proposed cabinet, pole and hardstanding area shall be maintained regularly and shall be kept graffiti free.

Reason: In the interests of visual amenity of the area.

Board Member


Stephen Brophy

Date: 13/05/2024