

An
Bord
Pleanála

Board Direction
BD-015559-24
ABP-316301-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/02/2024.

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

In coming to its decision, the Board has had regard to the following:

- (a) National Planning Framework
- (b) National Broadband Plan
- (c) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- (d) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Circular Letter PL07 /12, issued by the Department of Environment, Community and Local Government,
- (e) The objectives of the Kilkenny County Development Plan 2021-2027,
- (f) The Ferrybank Belview Local Area Plan 2017

- (g) The nature, scale and location of the proposed telecommunication structure,
- (h) The submissions and observations received,
- (i) The decision of the planning authority, and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with referenced policy, guidance and statutory plans, would not be seriously injurious to the amenities of the area, or residential amenity in the vicinity, would not interfere with the safety of pedestrian and road traffic and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered 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 as amended by the further plans and particulars received by An Bord Pleanála on the 17th day of April 2023, 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 antennae type and mounting configuration shall be in accordance with the alternative configuration, a 24m Monopole with Headframe, as submitted with this appeal on the 17th day of April 2023 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. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its pre-development condition at the expense of the developer.

Reason: In the interest of orderly development

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the monopole as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.


5. Details of the proposed colour scheme for the telecommunications structure and ancillary structures 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.

6. (a) 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 and
(b) the proposed cabinet, monopole and compound area shall be maintained regularly and shall be kept graffiti free.

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

Board Member



Una Crosse

Date: 27/02/2024