

An
Bord
Pleanála

Board Direction
BD-015894-24
ABP-317812-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/03/2024.

The Board decided, by a majority of 2:1, 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 National Planning Framework,
- the policy of the planning authority, as set out in the current Kerry County Development Plan 2022-2028, to support the provision of telecommunications infrastructure,
- the objectives of the Listowel Municipal District LAP 2020-2026 relating to the village of Moyvane,
- the Guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to planning authorities in July 1996, as updated by Circular Letter PL07/12, issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,
- the general topography and landscape features in the vicinity of the site,
- the existing pattern of development in the vicinity,

it is considered that, subject to the conditions set out below, the proposed development would be acceptable in terms of location and would not seriously impact on the landscape or the visual and residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered the proposed development and concurred with the Inspector's conclusion 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, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination or Environmental Impact Assessment is required.

Conditions


1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

3.	<p>Details of a colour scheme for the telecommunications support structure and associated ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>The applicant shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.</p> <p>Reason: In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.</p>
6.	<p>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 the date of this order.</p> <p>Reason: In the interest of public safety.</p>

7. Within six months of the cessation of the use, the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement 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.

Board Member


Mary Cregg

Date: 26/03/2024