



**An
Bord
Pleanála**

**Board Direction
BD-018346-24
ABP-319024-24**

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

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 section 254 of the Planning & Development Act, 2000 (as amended), the provisions of the Kildare County Development Plan 2023-2029, including Section 15.11.4 'Telecommunications and Supporting Infrastructure' and Policy EC P20, and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively); it is considered that subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard, be visually intrusive, or seriously injurious to the visual or residential amenity of the area or of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

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 license shall be valid for three 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 licence shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to the potential future delivery of a cycleway in the area.

3. In the event of the licence for the telecommunications structure and ancillary structures expiring, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within one months of the structures ceasing to operate, and the site shall be reinstated in accordance with details submitted to the planning authority at the expense of the operator.

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

4. No additional dishes, antennae or other equipment, other than indicated on the drawings received by the planning authority with the proposed licence application, shall be attached to the pole or otherwise erected on the site, without first obtaining the written consent of the planning authority.

Reason: In the interest of visual amenity.

5. No advertisement or advertisement structure shall be erected or

displayed on the proposed structure or within the curtilage of the site.

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

Note: the Board agreed with the inspector's recommendation that a limited time should be applied to the duration of the licence, to allow the parties to review the matter of a potential future cycleway and related improvements at this location. However, the Board considered that three years would provide a more reasonable balance between enabling the mast to operate and requiring a future licence review. In this regard the Board also noted the provisions of Section 254(4) of the Planning and Development Act 2000, as amended, which includes a provision for a planning authority to withdraw a licence under certain circumstances.

Board Member



Chris McGarry

Date: 02/12/2024