

An
Coimisiún
Pleanála

Direction
CD-020594-25
ABP-322496-25

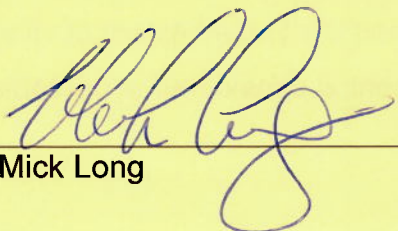
The submissions on this file and the Inspector's report were considered at a meeting held on 4/09/2025.

- (1) The Commission decided to grant permission, on a majority basis of 2:1, for the following reasons and considerations, and subject to the following conditions.
- (2) The Commission in accordance with Section 48 of the Planning Act 2000, as amended, also decided to uphold the first party appeal and remove condition 2 from planning authority register reference number 2460490, for the following reasons and considerations.

Planning

Commissioner:

Date: 04/09/2025


Mick Long

DRAFT WORDING FOR ORDER

(1) Reasons and Considerations

Having regard to the Government's guidelines on Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and the Kilkenny County Development Plan 2021-2027, the Commission was satisfied that the proposed development, to be situated in lieu of the existing telecommunications

structure on an existing utilities site, would not seriously injure the residential or visual amenity of the area and in particular would not seriously injure the character and setting of Protected Structure (RPS Ref. No. C451) and Recorded Monuments KK023-080 (Castle) and KK023-080001 (Designed Landscape). The proposed development is therefore considered to comply with guidance provided in Section 10.4.1.4 of the Kilkenny County Development Plan, 2021 to 2027, wherein the stated policy of the Council is to have regard to the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of heritage value and to have regard to the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities and Circular Letter PL 07/12. The Commission was satisfied there was sufficient technical justification provided for the location and need for the telecommunications infrastructure and that the proposed development would therefore comply with the policies and objectives within Section 10.4 of the Kilkenny County Development Plan 2021-2027. It is considered the proposed development would, therefore, comply with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission, concurred with the Inspector that the proposed development will have a greater impact than the existing telecommunications structure at this location but also agreed with the planning authority that given the existing utilities infrastructure on the site, the extensive tree cover and the limited extent of views of the proposed development the proposed development is considered acceptable at this location.

Conditions

1. The development shall be carried out and completed strictly in accordance with plans and particulars lodged on 4th April 2025, except as otherwise required by the conditions of this permission.

Reason: To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

2. On completion of installation of the new structure the existing 15m lattice structure shall be removed. No existing screening trees shall be removed from the site without the approval of the planning authority.

Reason: In the interest of visual amenity.

3. The developer shall facilitate co-location of the subject structure with other telecommunications and broadband operators.

Reason: In the interests of proper planning and sustainable development and visual amenity.

5. The number, type of antennae and dishes and their location on the mast shall be in accordance with the documents submitted with the application.

Reason: To clarify the detailed works authorised and to facilitate a full assessment of future alterations to the network.

6. (a) Any antennae, support structures and ancillary buildings and installations which become redundant shall be demolished/dismantled and removed.

(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 with the Planning Authority prior to the commencement of these removal works.

Reason: In the interests of orderly development.

7. The site and building works required to implement the development shall only be carried out between the hours of 0700 and 1900 Mondays to Fridays and 0800 to 1400 on Saturdays. No site and building works shall be carried out on Sundays and Public Holidays.

Reason: In order to safeguard residential amenity.

8. No materials or vehicles associated with this proposed development shall be permitted to be stored on the public road during the construction phase and

materials and traffic shall not cause a nuisance or block the public roadway, or neighbouring entrances.

Reason: In the interests of pedestrian and traffic safety and to protect adjoining properties.

Note

Section 34 (13) of the Local Government (Planning & Development) Acts 2000, as amended, reads “A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development.”

(2) First Party Appeal of Condition:

Reasons and Considerations:

The Commission having regard to

- a) the general arrangements regarding payment of development contributions and implementation of the scheme
- b) the extent of existing telecommunications developments on the site
- c) the nature and extent of existing and proposed telecommunications infrastructure proposals on the site
- d) the exemption provisions on page 6 of the adopted Kilkenny County Development Contribution Scheme, 2016 – 2017, and
- e) the provisions of Circular Letter PL03/2018 by the Department of Housing, Planning and Local Government in relation to waivers for the development of masts, antennae, dishes and other apparatus or equipment being installed for telecommunications purposes,

decided that the financial contribution as set out under condition number 2 of permission granted under planning register reference number 2460490, is not justified. Therefore, the adopted development contributions scheme and planning circular PL03/2018 have not been properly applied such that condition number 2, attached to planning register reference number 2460490, should be removed.