

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/1119

An Bord Pleanála Reference Number: PL 09.246190

APPEAL by ESB Telecoms Limited care of Deirdre Lardner of 27 Lower Fitzwilliam Street, Dublin against the decision made on the 11th day of February, 2016 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continuation of use of the existing 24 metres high, free standing monopole type communications structure, carrying antennae and communication dishes, enclosed within an existing 2.4 metres high palisade compound previously granted temporary permission under planning register reference number 10/1210 at ESB Telecoms Limited communication compound at ESB's Morristown 38 kV substation, Townland of Morristownbiller, Newbridge, County Kildare.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and location of the facility, to the exempted development provisions of the Planning and Development Regulations, 2001, as amended, and to Government policy on co-location as set out in the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in 1996, it is considered that the attachment of condition number 2 and the associated Reason is unwarranted in this instance.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.