

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 16/113**

An Bord Pleanála Reference Number: PL 09.246458

**APPEAL** by ESB Telecoms Limited of 27 Lower Fitzwilliam Street, Dublin against the decision made on the 5<sup>th</sup> day of April, 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:** Retention of continuation of the use of the existing 33 metre high free standing lattice communication structure, carrying antennae and communication dishes, within an existing 2.4 metre high fenced compound previously granted temporary permission under planning register reference number 11/336 at Moneycooly, Maynooth, County Kildare.

## **DECISION**

Having regard to the nature of the conditions 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 conditions numbers 2 and 6 and the reasons therefor.

## REASONS AND CONSIDERATIONS

Having regard to:

- (a) the Guidelines relating to Telecommunications Antennae and Support Structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (b) Circular Letter: PL 07/12 which was issued by the Minister for the Environment, Community and Local Government on the 19<sup>th</sup> day of October, 2012,
- (c) the provisions of the Kildare County Development Plan 2011-2017 which encourage co-location of antennae on existing structures, masts and tall buildings,
- (d) the provisions of the Planning and Development Regulations 2001, as amended, in respect of exempted development for telecommunications and, in particular, the limitations contained therein, and
- (e) the nature and scale of the development proposed for retention and the existing character and pattern of development in the vicinity of the site,

the Board did not consider that particular circumstances arose that would necessitate the limiting of exempted development in this case.

## **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.

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

**Dated this      day of                      2016.**