



An
Bord
Pleanála

Board Order
PL 09.248015

Planning and Development Acts 2000 to 2016

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/1200

Appeal by Nicholas Boran care of Conor Furey and Associates Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare against the decision made on the 20th day of January, 2017 by Kildare County Council to refuse retention permission for the proposed development.

Proposed Development: Retention of a wireless radio antenna to the rear elevation of existing garage measuring 1.8 metres above the existing garage ridge line at Killeel, Naas, County Kildare.

Decision

GRANT retention permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

Reasons and Considerations

Having regard to the national strategy regarding the improvement of mobile communications services and the constraints on existing broadband services in the locality, and given that the structure is not visible from the adjoining road network and wider landscape to the east and south, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not adversely affect the character of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This permission is for a period of three years from the date of this order. The telecommunications structure and any ancillary structures shall then be removed unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period on foot of an application which shall comprehensively examine alternative site locations for them.

Reason: To enable the impact of the development to be re-assessed.

2. No material change of use shall be made to the development or material alteration hereby granted without a prior grant of planning permission.

Reason: In the interest of orderly development.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2017