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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 18/961**

**Appeal** by Gneeveguilla Residents care of Fred O'Sullivan of Lisheen, Gneeveguilla, Rathmore, County Kerry against the decision made on the 28<sup>th</sup> day of November, 2018 by Kerry County Council to grant subject to conditions a permission to Vodafone Ireland Limited care of Focusplus Limited of Number 3 Arbourfield House, Dundrum Business Park, Dundrum Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retain (previous reference number 11/368) an existing development consisting of an existing 30-metre-high telecommunications structure, antennas, equipment container and associated equipment within a fenced compound and access track. The development forms part of Vodafone Ireland Limited's existing GSM and 3G Broadband telecommunications network, all on lands at Bawnard Townland, Gneeveguilla, Rathmore, County Kerry.

## **Decision**

**GRANT 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 provisions of the Kerry County Development Plan 2015-2021 and Circular Letter PL07/12, to the location of the site and the nature and scale of the telecommunication structure, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following condition. Where such condition requires 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 retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Within six months of the cessation of the use, all structures on site shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reinstatement shall be deemed to include the grubbing out of the access track created in association with the development permitted herein.

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

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

**Dated this            day of            2019.**