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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1434**

**Appeal** by Vodafone Ireland Limited care of Charterhouse of Tea Lane Listowel, County Kerry against the decision made on the 30<sup>th</sup> day of January, 2019 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** Erection of a 30 metres high multi-user telecommunications lattice mast together with associated antennas, dishes and ground-based equipment all enclosed in security fencing and to remove the existing 15 metres lattice mast structure (overall height 17.5 metres) and associated equipment all at Curragh, (north-east of Exit 12 on the M7 and adjacent to Ballymany townland, County Kildare.

**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:

- (a) National strategy regarding the improvement of mobile communications services and the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 issued by the Department of the Environment and Local Government,
- (b) the Kildare County Development Plan 2017 – 2023,
- (c) the presence of existing telecommunications infrastructure on the site,
- (d) the general topography and landscape features in the vicinity of the site,
- (e) the separation distance and landscaping between it and residential development, and
- (f) the existing pattern of development in the vicinity,

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 and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the development plan; however, having regard to the provisions of Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 and, in particular, to Government policy, as expressed in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, the Board considered that planning permission should be granted for the proposed development.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require 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 carried out and completed in accordance with the agreed particulars.

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

2. Obstruction lights to be used at the top of the mast shall comply with the requirements of the Department of Defence. Details of the light, its location and period of operation, as well as details relating to the effective radiated power, operational frequency bands and the microwave back haul link, shall be submitted to, and agreed in writing with, the planning authority and the Department of Defence prior to commencement of development.

**Reason:** In the interest of public safety and to ensure the protection of essential communications infrastructure within the Defence Forces Training Centre, Curragh Camp.

3. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed during the construction of the pedestrian access track with respect to boundary hedgerow.

**Reason:** In the interests of public safety and amenity.

7. 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 prior to commencement of development 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.

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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.**