



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/1278.**

**Appeal** by SIRO Limited care of 4Site of 4Site House, Raheen Business Park, Limerick against the decision made on the 17<sup>th</sup> day of January, 2020 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** Retention of the existing telecommunications equipment container together with associated equipment and fencing at the Athgarvan 38kV substation. The development forms part of SIRO Limited broadband telecommunications network. All at Crotanstown Road, Walshestown, Newbridge, 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 the design and scale of the development proposed for retention, to its location within an existing utilities compound, its location relative to surrounding residential properties and to the public road, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 13<sup>th</sup> day of February, 2020, 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 and the development shall be retained in accordance with the agreed particulars.

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

2. A comprehensive boundary treatment and landscaping scheme shall be submitted to the planning authority for written agreement within three months of the date of this Order. This scheme shall include the following:-
  - (a) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species and which shall be positioned along the full roadside boundary of the subject site.
  - (b) Details of a timber post and rail boundary treatment to replace the existing concrete post and rail fencing at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and in the first planting season following agreement. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from planting shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

3. Surface water drainage arrangements for the development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

4. Within three months of the date of this Order, the exterior of the telecommunications equipment container shall be finished in a dark green colour.

**Reason:** In the interest of visual amenity.

5. 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.

---

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

**Dated this            day of            2020.**