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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/409.**

**Appeal** by Eircom Limited care of FocusPlus Limited of N3 Arbourfield House, Dundrum Business Park, Dundrum Road, Dublin against the decision made on the 26<sup>th</sup> day of November, 2020 by Kilkenny County Council to refuse a permission for the proposed development.

**Proposed Development:** Construction of an 18-metre-high free standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works. The development will form part of Eircom Ltd existing telecommunications and broadband network, all at Mooncoin Eircom Exchange, Chapel Street, Mooncoin, Kilkenny.

## **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**

In coming to its decision, the Board had regard to the following.

- (a) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities issued by the Department of the Environment in June, 1996,
- (b) Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (c) the provisions of the Kilkenny County Development Plan 2014-2020 and in particular:
  - (i) section 9.4.2 Telecommunications Antennae,
  - (ii) section 9.4.2.1 Telecommunications Antennae Development Management Standards,
- (d) the nature and scale of the proposed replacement telecoms monopole,
- (e) the submissions on file,

(f) the decision of the planning authority, and

(g) the report of the Inspector.

The Board considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the objectives set out in National Policy under the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities issued by the Department of the Environment in June, 1996 and Circular Letter PL 07/12 and the provisions of the Development Plan as set out below:-

**“9.4.2.1 Telecommunications Antennae Development Management Standards**

When considering proposals for telecommunications masts, antennae and ancillary equipment, the Council will have regard to the following:

a) the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of sensitive landscape (See Chapter 8 Heritage) or historic importance; b) the potential for co-location of equipment on existing masts; and c) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities 156 and Circular Letter PL 07/12”.

The Board was satisfied that the proposed development, having regard to its limited nature and scale at the existing Eir Exchange, would not seriously injure the residential amenities of adjoining properties and would not seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the proposed development , subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, would not seriously injure the residential amenities of the area and of property in the vicinity by reason of the limited scale and height of the proposed structure and would be in accordance with National, Regional and Local Policy as set out in the reasons and considerations above.

## Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 2<sup>nd</sup> day of November, 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 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 Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

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



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Paul Hyde

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

Dated this 10<sup>th</sup> day of MAY 2021.