



An
Bord
Pleanála

Board Order
ABP-308931-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/394

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

Proposed Development: The development will consist of the replacement of an existing 10m wooden pole for a 15 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 Limited existing telecommunications and broadband network at Kells Eircom Exchange, Haggard Road, Kells, County 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) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- (b) the Telecommunications Antennae and Support Structures and Department and Environment, Community and Local Government Circular Letter PL07/12,
- (c) the objectives of the Kilkenny County Development Plan 2014-2020,
- (d) the nature and scale and location of the proposed telecommunication structure,
- (e) the submissions and observations received, and
- (f) the decision of the planning authority,

and considered that the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in National Policy and the Kilkenny County Development Plan 2014-2020. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area and 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 having regard to its location within an existing and established Eircom telecommunications exchange and its function as a replacement/upgrade of an existing 10 metre mast and to the identified blackspot in coverage in Kells Village, that the proposed development was located in a highly suitable and appropriate location for the purposes of providing 2G, 3G and 4G coverage in the area. Furthermore, the Board noted availability of the proposed mast for co-location in the future in accordance with National Policy.

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. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

Reason: In the interest of orderly development.

3. The antennae type and mounting configuration shall be in accordance with the details submitted with this application, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

5. Details of the proposed colour scheme for the telecommunications structure and ancillary structures 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.

6. 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.



Paul Hyde

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

Dated this 17th day of June 2021.