

An
Bord
Pleanála

**Board Order
ABP-311404-21**

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: S.254.61

Appeal by Signal Infrastructure Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 5th day of August, 2021 by Kilkenny County Council to refuse a licence.

Licence Application: 15 metres high smart streetpole solution and associated cabinet, at Johnswell Road, Kilkenny.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, national, regional and local policy objectives, as represented in the Kilkenny City and County Development Plan 2021-2027 and the Department of Environment, Heritage and Local Government Section 28 Statutory Guidelines; "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously obtrusive to the amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 16th day of December, 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. (a) This licence shall apply for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.
- (b) In the event of the telecommunications structure and related ancillary structures becoming obsolete and being decommissioned the site shall be reinstated. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Following discussions with the Area Engineer regarding the relocation of the public light contained upon the pole, the developer shall remove the pole and associated structures and return the site to its original condition, at their own expense.

Reason: To ensure satisfactory reinstatement of the site upon decommissioning of the existing structure

4. The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, 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 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.

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

Reason: In the interest of public health.

6. 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.

7. Details of the proposed colour scheme for the pole, antennas, equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. The proposal shall be constructed in accordance with the requirements of the planning authority for such works.

Reason: In the interest of public health.

9. Prior to commencement of development, details of foundations for the proposed Smart Streetpole, along with design calculations, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development.

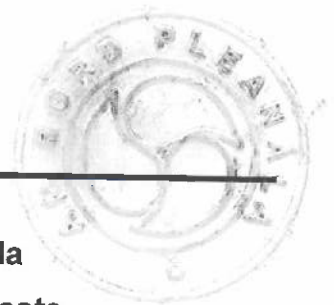
10. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

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



Mick Long

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



Dated this 20 day of March 2023.