

An
Bord
Pleanála

Board Order
ABP-311911-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

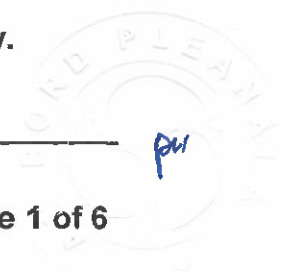
Planning Register Reference Number: 21/970

Appeal by Myfanway Humphreys of Behaghane, Castlecove, Killarney, County Kerry against the decision made on the 15th day of October, 2021 by Kerry County Council to grant subject to conditions a permission to Emerald Tower Limited care of Charterhouse of Unit 2, Listowel Business Centre, Clieveragh Industrial Estate, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erect a 15 metre monopole telecommunications structure, antennas, dishes and associated telecommunications equipment all enclosed in security fencing and extend existing access track at Behaghane, Castlecove, County Kerry.

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) the National policy regarding the provision of mobile and telecommunications services,
- (b) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996, as updated by circular Letter PL07/12, issued by the Department of the Environment, Community and Local Government on the 19th of October 2012,
- (c) the policy of the planning authority as set out in the Kerry County Development Plan (2015), to support the provision of telecommunications infrastructure, and
- (d) the nature and scale of the proposed telecommunications support infrastructure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not be contrary to the overall provisions of the current development plan for the area. 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, 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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 the commencement of development.

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

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

Reason: In the interest of public health.

5. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with the 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.

6. Site development and building works shall be carried out only between the hours of 0700 and 1900 Monday to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

Reason: In the interest of visual amenity.

8. 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 intended construction practice for the development including noise management measures and off-site disposal of construction and demolition waste.

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

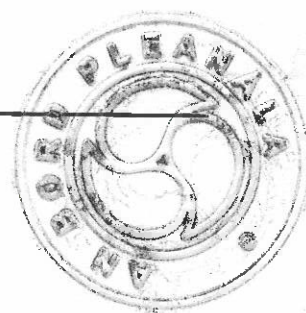
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Paul Hyde

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



Dated this 21st day of March 2022.