

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/1335

Appeal by Patrick Byrne of Castleroe, Maganey, County Kildare and by Others against the decision made on the 11th day of November, 2021 by Kildare County Council to grant subject to conditions a permission to Signal Infrastructure Limited care of Indigo of 4Site House, Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: To construct a 30 metre high multi-user lattice tower telecommunications support structure, carrying antenna and dishes enclosed within a 2.4 metre high palisade fence compound together with associated ground equipment and associated site works including new access track at Maganey Upper, Castleroe West, 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:

- (a) National Planning Framework – Project Ireland 2040,
- (b) The Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- (c) The Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, issued by the Department of Environment and Local Government Circular Letter PL07/12,
- (d) The objectives of the Kildare County Development Plan 2017-2023,
- (e) The nature, scale and location of the proposed telecommunications structure, and the separation distances between and adjoining properties / structures,

the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in National Policy and the Kildare County Development Plan 2017-2023. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area or result in a significant negative impact on the special character and

appearance of protected structures or sites of archaeological importance and would otherwise 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 proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from the site when it's no longer required. The site shall be reinstated to its pre-development conditions 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. 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 the development.

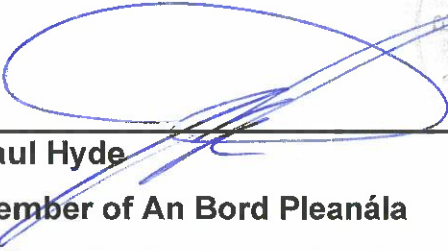
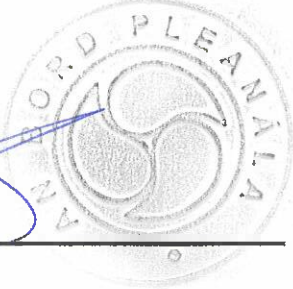
Reason: In the interest of visual amenity.

5. 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 prior grant of planning permission.

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

6. Prior to construction, a traffic management plan including details of road signage warning the public of the site entrance during construction stage, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

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

Dated this *7th* day of *April* 2022