

An
Bord
Pleanála

Board Order
ABP-312818-22

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: S254

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 21st day of January, 2022 by Kerry County Council refuse a licence for the proposed development.

Licence Application: Overground communications infrastructure at public footpath along N72 at Kilquane, Barraduff, County Kerry.

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.

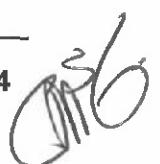
Reasons and Considerations

Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, to the national and local policy objectives, as set out in the Kerry County Development Plan 2022 - 2028, to 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 PL 07/12, and to the nature, scale and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Kerry County Development Plan 2022 - 2028, would not seriously injure the amenities of the area or the residential amenity in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The licence shall be valid for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures, including any access arrangements, shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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



2. 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 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.

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

Reason: In the interest of public health.

4. Details of the proposed colour scheme for the pole, antennas, equipment containers and any perimeter fencing 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.

5. 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 amenities of the area.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *28th* day of *August* 2023.