



An  
Bord  
Pleanála

## Board Order

**ABP-312964-22** (previous  
appeal reference number  
**ABP-307336-20**)

### **Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 191168**

**Appeal** by Hibernian Cellular Networks Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 30<sup>th</sup> day of March, 2020 by Kildare County Council to grant, subject to conditions permission to Signal Infrastructure Limited care of 4Site Networks, Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a 42-metre multi-user lattice telecommunications support structure carrying antenna and dishes enclosed within a 2.4 metre high palisade fence compound together with associated ground equipment cabinets, a new access track and associated site works at Athy Business Campus, Woodcock South, Athy, 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.**

## **Reasons and Considerations**

Having regard to:

- (a) national policy regarding the provision of mobile communications 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 PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012.
- (c) the policy of the planning authority, as set out in the Kildare County Development Plan 2023-2029, to support the provision of telecommunications infrastructure.
- (d) the Enterprise and Employment zoning objective governing the site under the Athy Town Development Plan 2021-2027, and the policies contained therein.
- (e) the nature and scale of the proposed telecommunications support structure,
- (f) the existing pattern of development in the area,

(g) the planning history of the site, and

(h) the report of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or landscape character of the area and would not be contrary to the overall provisions of the current development plans for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the Inspectors report and concurred with the recommendation to grant, but the Boards reasoning differed to the Inspectors in that it concluded a new structure is appropriate because the alternative structure, the grain silo is no longer in use as a grain silo. The silo's current primary use is a support structure for telecommunication equipment. The Board had regard to the Athy Local Area Plan (LAP) 2021-2027, policy EDT1 Economic Development and objective EDT01.2. On Balance, the Board considered that the new mast is appropriate in this instance, as the alternative location, which currently accommodates the sharing of masts, is in the main a vacant structure the regeneration of which would align with the Athy LAP policy for Economic Development. The intensification of its use for telecommunication infrastructure may undermine the achieving of this objective. On this basis the Board did not consider this a suitable alternative location to the proposed site for the mast structure.

### **Environmental Impact Assessment Consideration**

The Board considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of

development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for Environmental Impact Assessment, or Environmental Impact Assessment is required.

## 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 on the 11<sup>th</sup> day of March 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. The proposed support structure shall be finished in a dark green or dark grey colour, and the proposed security fence and equipment cabinets shall be finished throughout in a dark green colour only.

**Reason:** In the interest of visual amenity and orderly development.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.



4. 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 visual amenity.



---

Mary Henchy

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

Dated this 15<sup>th</sup> day of November 2024.