

An
Bord
Pleanála

Board Order
ABP-314841-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/787

Appeal by Eircom Limited care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 16th day of September, 2022 by Kerry County Council to refuse permission.

Proposed Development: Replace 12-metre timber poles with an 18-metre telecommunications monopole together with antennas, dishes and associated telecommunications equipment, surrounded by timber fencing, all at Eir Exchange, Ladywell, Ballyheigue, County Kerry.

Decision


REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. The proposed development would contravene objective KCDP 14-80 of the Kerry County Development Plan 2022-2028 which seeks to ensure that the location and provision of telecommunications infrastructure should minimise and/or mitigate any adverse impacts on communities, public rights-of-way and the natural environment. It is considered that the proposed development would constitute an obtrusive development and would have a significant overbearing impact on the adjacent Lady's Well site, a recorded monument. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the lack of information on file, in particular the absence of in-depth analysis of alternative locations, the Board was not satisfied, in terms of clarity and justification of the proposed development, that all alternative locations had been fully explored. The proposed development would conflict with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July 1996 that 'only as a last resort should free-standing masts be located on or in the immediate surrounds of smaller towns or villages.' The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not agree that the proposed structure can be accommodated on site without significant adverse impacts on the visual amenities of the area or the setting of the recorded monument. The Board also did not accept that landscaping at the boundaries of the site, as proposed in the Inspector's recommended conditions, would adequately screen the proposed development. The Board was of the opinion, based on the plans and particulars submitted, that there is insufficient space for adequate landscaping.



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

Dated this 15th day of December 2023.