



An
Bord
Pleanála

**Board Order
ABP-315287-22**

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/1037

Appeal by David and Sandra Brophy and others care of David Brophy of 9 Suíomh Álainn, Kilgarvan, County Kerry against the decision made on the 25th day of November, 2022 by Kerry County Council to grant subject to conditions a permission to Eircom Limited care of Towercom Limited of Unit 2, HQ, 27 Market Street, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: 21-metre-high monopole telecommunications support structure together with antennas, dishes and associated equipment, all enclosed in security fencing and to remove three number wooden poles, all at Eircom Exchange, Churchground (Townland), Kilgarvan, 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.

Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, the provisions of 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, the established use of the site, and the pattern of development in the vicinity, 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, therefore, be in accordance with 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.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, finishes and colour of the telecommunications support structure and associated equipment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which 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. The developer shall provide and make available at reasonable terms the proposed communications structure for the provision of mobile telecommunications antenna of third-party licensed mobile telecommunications operators.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

6. In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at its own expense, remove the mast, antennas and ancillary structures and equipment.

Reason: In the interest of orderly development.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.




Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 17th day of January, 2024.