

An
Bord
Pleanála

Board Order
ABP-315856-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 22/88

Appeal by Eamon Griffin and Gillian Barron of Carraig Rua, Upper Drumdowney, Slieverue, County Kilkenny against the decision made on the 26th day of January, 2023 by Kilkenny County Council to grant subject to conditions a permission to Meteor Mobile Communications Limited care of Focusplus Limited of N3 Arbourfield House, Dundrum Business Park, Dundrum Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development consists of an existing 25 metre high telecommunications support structure (total height including antennas 26.4 metres) carrying telecommunications equipment, together with existing equipment container and associated equipment within a fenced compound as previously granted under local authority reference 13/30. The development will continue to form part of Meteor Mobile Communications Limited existing and future telecommunications and broadband network at Drumdowney Upper Townland, Murtaghstown, County Kilkenny.

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 nature and scale of the proposed development, to the established use of the site for telecommunications uses, the provisions of the Kilkenny City and County Development Plan 2021 and 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 in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board concurred with the Inspector that the 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 an 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 information received by the planning authority on the 30th day of December 2022, 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. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

3. Drainage maintenance and improvement works and 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. 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.

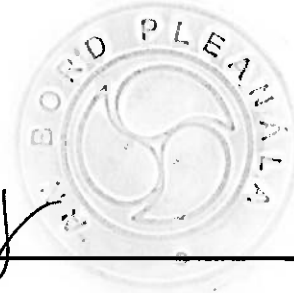
Reason: In the interest of the visual amenities of the area.

5. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interests of visual amenity and the proper planning and sustainable development of the area.

6. The developer shall ascertain the requirements of the Irish aviation authority in respect of the need for any red obstacle light to be fitted to the mast. Details in respect of this matter shall be agreed with the planning authority within two months of this Order.

Reason: In the interest of public safety.





Mary Cregg

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

Dated this 26th day of March 2024.