



An
Bord
Pleanála

Board Order ABP-316024-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/1292

Appeal by Des and Philomena Quirke care of Ger O’Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 13th day of February, 2023 by Kerry County Council to grant subject to conditions a permission to Vantage Towers Limited care of Charterhouse of Unit 2, HQ, 27 Market Street, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of a 24 metre high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing at Derrymore West (Townland), Tralee, 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:

- (a) the strategic importance of the national broadband service,
- (b) the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996,
- (c) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (d) the policies and objectives set out in the Kerry County Development Plan 2022-2028, and
- (e) the siting and design of the proposed development at a location where there is established infrastructure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a necessary telecommunications service for the Derrymore West area, would not constitute a visually discordant feature that would not adversely injure residential and visual amenity. The proposed development would be consistent with the guidance of Section 4.3 of the Guidelines on Telecommunications Antennae and Support Structures 1996 and the provisions of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered 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 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, 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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and 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.



3. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application 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.

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

Reason: In the interest of public health.

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

6. 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.



7. (a) This permission shall apply for a period of five years from the date of this order. The telecommunications structure and related ancillary structures including any access road shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
- (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 date of expiry of this permission

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

8. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.



9. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antenna onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.



Liam Bergin

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

Dated this 08th day of March 2024