

An
Bord
Pleanála

Board Order ABP-316253-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: S.254/152

Appeal by the Board of Management, Piltown National School care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by Lisa Mullin of Meanders, Brownswood, Portlaw, Waterford against the decision made on the 30th day of November, 2022 by Kilkenny County Council to grant subject to conditions a licence to Cignal Infrastructure Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare.

Licence Application: Section 254 licence for telecommunications infrastructure at grass verge along R698, Piltown, County Kilkenny.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to GRANT a licence, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of section 254 of the Planning and Development Act 2000, as amended, the relevant provisions of the Kilkenny County Development Plan 2021-2027, 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 Letters PL 07/12 and PL 11/2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the development plan, would not seriously injure the amenities of the area or the residential amenity in the vicinity, would not interfere with the safety and convenience of pedestrian and road traffic, and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

In this regard, the Board noted that the issues relating to landowner consent fall outside the remit of the Board, noting Section 34(13) of the Planning and Development Act 2000, as amended. The Board was satisfied that the proposed development is compliant with Section 10.4.1.4 (Telecommunications Antennae) and Objectives 10I and 10J of the Kilkenny County Development Plan 2021-2027. In this regard, the Board noted that the proposed development would be located approximately 85 metres from a school which it did not consider to be 'close proximity'. The Board also accepted the technical reports submitted by the applicant and agreed with the Inspector that these suitably justified the requirement for a mast at this location and was satisfied that the applicant's long-term plans were clear from the material on file.

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. The licence shall be valid for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures, including any access arrangements, shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, a further Section 254 licence has been granted for their retention for a further period.

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

3. Where it transpires that the location of the cabinet, monopole and associated infrastructure conflicts with the planning authority's plans for the area, and that the land is required by the planning authority in the performance of its statutory functions, the cabinet, monopole and associated infrastructure shall be removed on request.

Reason: In the interest of orderly development.

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 and to prevent flooding.

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure 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.

6. The proposed cabinet, pole and hardstanding area shall be maintained regularly and shall be kept graffiti free.

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



Stephen Brophy

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

Dated this 21st day of May 2024.