

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 23/18

APPEAL by On Tower Ireland Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 21st day of March, 2023 by Kilkenny County Council to refuse permission.

Proposed Development: New 27-metre telecommunications support structure with headframe, carrying antennas, dishes, associated equipment, ground-based equipment cabinets, fencing and all associated site development works for high-speed wireless data and broadband services. The development will further consist of the construction of an access track, all at Ballyrobin, Ferrybank, County Kilkenny.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the National Planning Framework,
- (b) the National Broadband Plan,
- (c) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in 1996, as updated by Circular Letter PL07/12,
- (d) the objectives of the Kilkenny County Development Plan 2021-2027,
- (e) the Ferrybank Belview Local Area Plan 2017,
- (f) the nature, scale and location of the proposed telecommunications structure,
- (g) the submissions and observations received,
- (h) the decision of the planning authority, and
- (i) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with referenced policy, guidance and statutory plans, would not seriously injure the amenities of the area, or residential amenity in the vicinity, would not interfere with the safety of pedestrian and road traffic, 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, as amended by the further plans and particulars received by An Bord Pleanála on the 17th day of April, 2023, 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 antennae type and mounting configuration shall be in accordance with the alternative configuration, a 24-metre Monopole with Headframe, as submitted with the appeal on the 17th day of April, 2023 and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or 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.

3. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when they are no longer required. The site shall be reinstated to its pre-development condition at the expense of the developer.

Reason: In the interest of orderly development.

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the monopole 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.

5. Details of the proposed colour scheme for the telecommunications structure and ancillary structures 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.

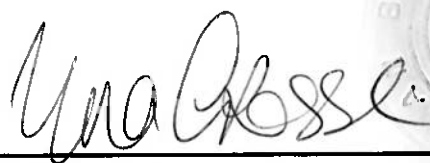
6. (a) No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

(b) The proposed cabinet, monopole and compound area shall be maintained regularly and shall be kept graffiti free.

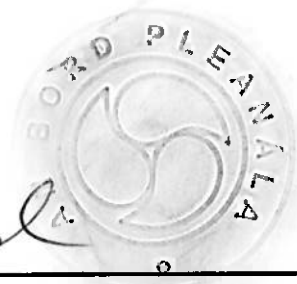
Reason: In the interest of the visual amenities of the area.

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

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.



Una Crosse





Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this  day of  2024.