



An
Bord
Pleanála

Board Order
ABP-317619-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/174

Appeal by Howard Jones of Kerry Airport care of Virtus of 5th Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin against the decision made on the 26th day of June, 2023 by Kerry County Council to grant subject to conditions a permission to Vantage Towers Limited care of Charterhouse, Unit 2, HQ, 27 Market Street, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: Erect an 18 metre high telecommunications monopole structure together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing, a new access track through an existing entrance and to remove the existing 10 metre high wooden telecommunications pole at Ranalough Townland, Currow, Killarney, 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) national policy regarding the provision of mobile communications services,
- (b) 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 issued by the Department of the Environment, Community and Local Government,
- (c) the policy of the planning authority, as set out in the Kerry County Development Plan 2022-2028, to support the provision of telecommunications infrastructure,
- (d) the proposed removal of the existing telecommunications structure and the topography of the site particularly having regard to Currow Hill rising to the south of the subject site, and
- (e) the nature and scale of the proposed telecommunications monopole structure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, or the residential amenities of the area and would not be contrary to the overall provisions of the current development plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. This permission is for a temporary period of five years from the date of this order after which time the telecommunications structure and related ancillary structures including access track shall then be removed and the site shall be reinstated on removal of the structures unless, a separate grant of planning permission has first been obtained for the continuation of the use and maintenance of the associated structures.

Reason: To permit the planning authority to reassess the situation in light of the circumstances at this time.

3. The developer shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of telecommunications antenna of third-party licensed telecommunication operators.

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

4. Details relating to the removal and reinstatement of the site at the existing 10 metre high wooden telecommunications pole shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

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

Reason: In the interest of public health.

6. 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.

7. (a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The existing hedgerow and trees on the site shall be retained.

Details of the measures to be put in place for their protection during the construction period shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. (a) The telecommunications monopole structure shall be fitted with a Type A/B, low intensity, fixed red obstacle lighting with a minimum output of 32 candelas shall be provided and be visible from all directions of azimuth (omnidirectional). Lights shall be operational 24 hours a day/seven days a week. Any unserviceable lamp fittings should be replaced as soon as possible after failure, and in any event within 24 hours.
- (b) The light fittings shall emit light at the near Infra-Red (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light.

Reason: In the interest of public safety.

9. The developer shall provide the as constructed coordinates in WGS84 format together with ground and tip height elevations of the mast utilising an approved aeronautical data provider, as listed on the Irish Aviation Authority (IAA) website, to the IAA and a copy shall also be furnished to the planning authority.

Reason: In the interest of public safety.

10. The developer shall notify in writing Kerry Airport and the Irish Aviation Authority (IAA) of intention to commence construction, with at least 30 days prior notification.

Reason: In the interest of orderly development.

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.



Liam Bergin

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

Dated this 26th day of April 2024