



An
Bord
Pleanála

Board Order ABP-317670-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 012023254

Appeal by Cignal Infrastructure Limited care of David Mulcahy of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 8th day of May, 2023 by Kerry County Council to refuse a licence.

Licence Application: Telecommunications structure and associated site works at roundabout junction of R558 and R5451 of Mounthawk, Tralee, County Kerry.

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 section 254 of the Planning and Development Act, 2000, as amended, to the provisions of the Kerry County Development Plan 2022-2028, the 'Telecommunications Antennae and Support Structures Guidelines for planning Authorities' (1996) (as updated by Circular Letters PL 07/12 and PL 11/2020 respectively), and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or detract from the visual amenities of the area or of the amenities of property in the vicinity, would not endanger public safety by reason of traffic hazard or obstruction of road users, and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

The Board considered the proposed development and concurred with the Inspector's conclusions that the development is a project for the purposes of the EIA Directive. However, the Board has concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination or Environmental Impact Assessment is required.

CONDITIONS

1. The development shall be carried 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 written particulars.

Reason: In the interest of clarity.

2. This licence shall be valid for five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed and the lands reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, permission shall have 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. Details of the colour scheme for the telecommunications structure and associated equipment cabinet shall be agreed in writing with the planning authority prior to commencement of development.

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

4. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

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



5. The developer shall allow, subject to reasonable terms, other licenced 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.



Chris McGarry

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

Dated this 17th day of March 2024.