

An  
Bord  
Pleanála

## Board Order ABP-317812-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 23/610**

**Appeal** by Vantage Towers Limited care of Charterhouse of HQ, 27 Market Street, Listowel, County Kerry against the decision made on the 20<sup>th</sup> day of July, 2023 by Kerry County Council to refuse permission.

**Proposed Development:** Erection of a 24-metre-high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing, all at Newtownsandess, Moyvane North, County Kerry.

### **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

Having regard to: -

- (a) the National Planning Framework,
- (b) the policy of the planning authority, as set out in the Kerry County Development Plan 2022-2028 to support the provision of telecommunications infrastructure,
- (c) the objectives of the Listowel Municipal District Local Area Plan 2020-2026 relating to the village of Moyvane,
- (d) 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 PL07/12,
- (e) the general topography and landscape features in the vicinity of the site, and
- (f) the existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of location and would not seriously impact on the landscape or the visual and residential amenities of the area 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, 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. Details of a colour scheme for the proposed telecommunications support structure and associated ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

**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 provide and make available at reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third-party licensed mobile telecommunications operators.

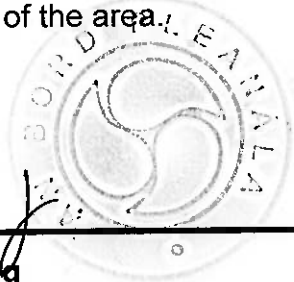
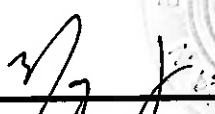
**Reason:** In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.

6. The developer shall ascertain the requirements of the Irish Aviation Authority in respect of the need for any red obstacle light to be fitted to the proposed mast. Details in respect of this matter shall be agreed with the planning authority within two months of the date of this Order.

**Reason:** In the interest of public safety.

7. Within six months of the cessation of use, the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement 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.



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Mary Cregg

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

Dated this 8<sup>th</sup> day of April 2024.