



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 2360318

Appeal by Andrea and Simon Collins of Greenane Cottage, Templenoe, County Kerry and by Others against the decision made on the 16th day of January 2024 by Kerry County Council to grant subject to conditions a permission to Cignal Infrastructure Limited care of Indigo of 4Site House, Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Installation of a 30-metre lattice-type telecommunications support structure, carrying antenna and dishes together with associated ground equipment cabinets, fencing, access track and associated site works within Coillte Forestry at Lacka, Greenane, 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 the nature, extent and location of the proposed development which is not located in a visually sensitive area, the policies of the Kerry County Development Plan 2022-2028, particularly policies 14.1 and 14.9 (Digital Connectivity), the Board considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive, would not negatively impact on protected views and, having regard to the mitigations proposed, would not adversely impact on the amenities of the area including the Kerry Way. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board accepted and adopted the screening assessment and conclusion of the planning authority, which was accepted by its Inspector, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Kenmare River Special Area of Conservation (Site Code 002158), Old Domestic Building Dromore Woods Special Area of Conservation (Site Code 000353) or Killarney National Park Special Protection Area (Site Code 004038) or any other European Site, in view of such sites' conservation objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the nature and extent of the proposed development including the relatively small area involved, and the distance from the proposed development to the sites involved. The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

Environmental Impact Assessment Screening

The Board noted that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board agreed with its Inspector that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of 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 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. The mitigation recommendations contained within the submitted Visual Assessment Report, (prepared by ACP-Architectural Consultants) dated 10th November 2023, shall be implemented in full by the developer.

Reason: In the interest of visual amenity including the amenity of the Kerry Way walkway.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

5. Prior to the commencement of the development, the developer shall consult and comply with the Irish Aviation Authority with regard to the proposed structure.

Reason: In the interest of aviation safety.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of orderly development.



Joe Boland

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

Dated this *23rd* day of *October* 2024.