

An
Bord
Pleanála

Board Order ABP-319350-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 02/2023/254

Appeal by Emerald Tower Limited care of Entrust Limited of Unit 1D Deerpark Business Centre, Oranmore, County Galway against the decision made on the 8th day of February, 2024 by Kerry County Council to refuse a licence for the proposed development.

Licence Application: The installation of an 18-metre dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services at Upper High Street Killarney, Killcoolagh, 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 the provisions of Section 254 of the Planning and Development Act 2000, as amended, and the provisions of:

- (a) the National Planning Framework,
- (b) the Regional Spatial and Economic Strategy for the Southern Region,
- (c) the Kerry County Development Plan 2022-2028, which seeks to facilitate and support the delivery of information and communications technology (ICT) infrastructure at appropriate locations,
- (d) the Killarney Local Area Plan 2018-2024, and
- (e) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12,

together with the location and siting of the proposed development within the settlement boundary of Killarney on lands zoned 'M2 Town Centre' under the Killarney Town Development Plan (Volume 2 of Kerry County Development Plan 2022-2028) and Killarney Local Area Plan 2018-2024, the design, modest height and scale of the proposed development, and the separation distance to residential properties, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area.

Furthermore, it is considered that, having regard to the Commission for Communications Regulation outdoor mobile coverage mapping and based on the technical information submitted with the licence application and appeal, adequate justification has been demonstrated for the proposed structure. It is considered that the proposed development would be in accordance with objectives KCDP 14-71, KCDP 14-73, KCDP 14-79 and KCDP 14-80 of the Kerry County Development Plan 2022-2028, 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 14th day of March, 2024, 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. (a) This licence permission shall apply for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, permission shall have been granted for their retention for a further period.
- (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 date of expiry of this permission.

Reason: To enable the impact of the licence to be re-assessed, having regard to changes in technology and design during the specified period.

3. Details of a colour scheme for the monopole and any ancillary structures hereby permitted 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 monopole 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 its appendages or within the curtilage of the site.



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

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

Reason: In the interest of public health.

6. The developer shall provide and make available at reasonable terms the proposed 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.



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

Dated this 23rd day of January 2025