



An  
Bord  
Pleanála

## Board Order ABP-319352-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 03/2023/254**

**Appeal** by Emerald Tower Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 30<sup>th</sup> day of January, 2024 by Kerry County Council to refuse a licence.

**Licence Application:** 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 R875/Marian Park Road, Cloon More, 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 **REFUSE TO GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

## REASONS AND CONSIDERATIONS

Development of the kind proposed would be premature pending the determination by the planning authority of a road layout for the area or any part thereof, including active travel measures. Furthermore, the proposed development would result in constraints to the comprehensive redesign of the junction and its environs of the identified priority road infrastructure project 'Tralee Inner Relief Road – Clash to Ballymullen Phase 2' contrary to Kerry County Development Plan 2022-2028 objective KCDP 14-32 which seeks to 'reserve lands and prohibit development in areas identified for both the immediate and long-term provision and improvement of roads throughout the County and the construction of roads as indicated in Table 14.3'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

  
  
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**Stephen Bohan**

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

Dated this *6<sup>th</sup>* day of *February* 2025