

An
Bord
Pleanála

Board Order
ABP-320289-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 2460209.

Appeal by Cignal Infrastructure Limited care of Entrust Limited of Unit 1, First Floor, Oranmore Business Park, Oranmore, County Galway against the decision made on the 28th day of June, 2024 by Kilkenny County Council to refuse permission for the proposed development.

Proposed Development: Retention of existing 24 metres telecommunications support structure (previously granted permission under An Bord Pleanála appeal reference number ABP-305998-19) and six metres extension (granted permission under Kilkenny County Council under planning register reference number 22727) to give an overall height of 30 metres together with antennas, dishes, equipment cabinets, fencing and all associated site works at Dicksboro GAA, Kilcreen, Kilkenny.

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 zoning of the subject site and the provisions of the Kilkenny City and County Development Plan 2021-2027, Volume 2 City, the location of the site at an existing GAA sports ground, and having regard to 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 PL 07/12, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would be in accordance with the zoning Amenity/Green Links/Biodiversity conservation/Open Space/Recreation and the objectives for the area as set out in the development plan. The development proposed to be retained would, therefore, be in accordance with 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.

Conditions

1. The development shall be retained 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 within three months from the date of this Order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alteration.

3. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development unless the applicant can demonstrate to the planning authority that the Irish Aviation Authority have confirmed that the light is not required.

Reason: In the interest of public safety.

4. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 6 months, the structures shall be removed, and the site shall be reinstated within 6 months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within one month of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operator's expense.

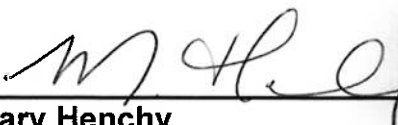
Reason: In the interest of the visual amenities of the area.

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

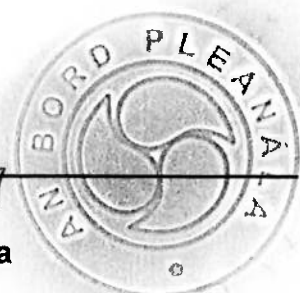
Reason: In the interest of the visual amenities of the area.

6. The developer shall facilitate co-location of the structure with other telecommunication and broadband operators.

Reason: In the interest of proper planning and sustainable development and to limit the need for additional structures.



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



Dated this 6th day of February 2025.