

An  
Coimisiún  
Pleanála

Commission Order  
**ABP-320774-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 24/60407**

**Appeal** by Eircom Limited care of Charterhouse Infrastructure Consultants of Unit 2 HQ, 27 Market Street, Listowel, County Kerry against the decision made on the 15<sup>th</sup> day of August, 2024 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** Erect a single telecommunication antenna enclosed within a shroud and secured to the rooftop chimney together with an ancillary support pole carrying RRU's and a single 300 mm diameter dish to the building rooftop together with associated ground based telecommunications cabinet at The Harp, 10 Main Street, Chercover, 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:

- (a) the applicant's justification for telecommunications infrastructure on this site and the strategic and locational advantage for delivering digital connectivity for the town of Cohesive, a designated regional town for County Kerry,
- (b) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in 1996, and
- (c) the policies and objectives of the Kerry County Development Plan 2022-2028 and the Kenmare Municipal District Local Area Plan 2024-2030 specifically Objective KENMD-CH-21, and the overall design of the infrastructure and its minimal impact as demonstrated in the submitted photomontages,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not be prejudicial to public health, would not have a significant negative visual impact on the Architectural Conservation Area in Cohesive and would be in accordance with the proper planning and sustainable development of the area.

The Commission 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.



The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended;
- the Climate Action Plan 2024 and Climate Action Plan 2025,

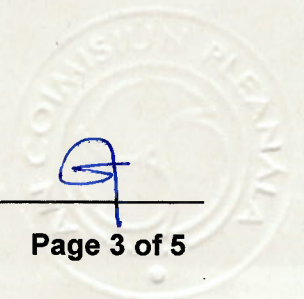
### Conditions

1. The 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 submitted to An Bord Pleanála on the 10<sup>th</sup> day of September, 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 location of the proposed dish, antenna and RRU units shall be the 'Alternative Option' as described in Section 11 of the Grounds of Appeal and as detailed on 'Current Proposed Site Layout Plan' KY-3021-01-P06 Rev D, 'Current Proposed North West Elevation' KY-3021-01-P08 Rev D and illustrated on Photomontage Views numbers 1 to 4 KY-3021-01-P07 Rev. D, prepared by Charterhouse Infrastructure Consultants as submitted to the Board on the 10<sup>th</sup> day of September, 2024.

**Reason:** In the interest of clarity.



3. (a) The current telecommunications infrastructure and associated fittings shall be removed not later than three months from the date of this order, unless planning permission has been granted for its retention for a further period prior to that date.
- (b) A written and photographic record of the removal of these structures shall be submitted to the planning authority within one month of its erection.

**Reason:** To enable the planning authority to consider the impact of the development over the stated time period, and in the interest of orderly development.

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

**Reason:** In the interest of the visual amenity of the area.

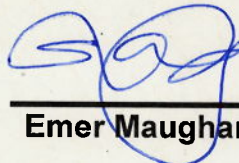
5. Details of the proposed colour scheme for the pole, antennas and equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenity of the area.



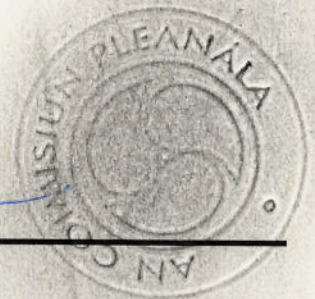
6. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of three months, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the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

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



**Emer Maughan**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 22<sup>nd</sup> day of July 2025