



An
Coimisiún
Pleanála

Commission Order
ACP-323525-25

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/1037

Appeal by David and Sandra Brophy and others against the decision made on the 25th day of November, 2022 by Kerry County Council to grant subject to conditions a permission to Eircom Limited trading as Eir.

Proposed Development: Erect a 21-metre-high monopole telecommunications support structure together with antennas, dishes and associated equipment, all enclosed in security fencing and to remove three number wooden poles, all at Eircom Exchange, Churchground (Townland), Kilgarvan, County Kerry.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996, as updated by Circular Letter PL 07/12, the Kerry County Development Plan 2022-2028, including Section 1.14.1 of Volume 6 (Development Management Standards) in relation to the appropriate and preferred location for telecommunications masts, the Commission is not satisfied that it has been demonstrated that there has been appropriate engagement with the adjoining telecoms mast owner in relation to utilising the existing telecommunications structure at the nearby Office of Public Works Compound. Furthermore, in the absence of an adequate assessment of alternative sites in the area, including the adjoining site, and a lack of technical detail as to why it is not possible to co-locate there, the Commission is not satisfied that the proposed development would not seriously injure the amenities of the area and of property in the vicinity as it has not been adequately demonstrated that the proposed monopole is a necessary and justified intrusion on the skyline. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission 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.



Emer Maughan

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 18th day of March 2026.