



An  
Bord  
Pleanála

## Inspector's Report ABP 308861-20

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<b>Development</b>	Erect a new 21m monopole telecommunications support structure together with antennas, dishes and associated site works all enclosed in security fencing.
<b>Location</b>	Main Street, Farranfore, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	20/863
<b>Applicant</b>	Eircom Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party v. Refusal
<b>Appellants</b>	Eircom Ltd.
<b>Observers</b>	Kerry Airport
<b>Date of Site Inspection</b>	18 <sup>th</sup> May 2021
<b>Inspector</b>	Mary Kennelly

## 1.0 Site Location and Description

- 1.1.1. The site is located on the N22 – main Tralee-Killarney road, immediately to the north of the Garda Station. It is situated on the eastern side of the road to the south of the junction with the airport road (N23) and mainline railway crossing. There is an access road to the north of the site which provides access to Park View housing estate, Knockaderry Primary School and the local GAA club and pitch. The site has frontage to this road as well as to the N22. The eastern boundary is with a stream and the southern boundary is with the Garda Station site. There are residential properties which back onto the stream to the east of the site.
- 1.1.2. The site area is given as 0.09ha. It is an existing Eir exchange compound which is accessed from the residential access road and is set back from the N22 by c.35m. It is a relatively flat low-lying field which is screened on the roadside boundaries by a masonry wall and by a mature hedgerow with tall trees along the stream boundary. There is no boundary delineated between the site and the grounds around the Garda Station. The existing compound is located towards the eastern end of the site close to the northern roadside boundary. It comprises a single-storey flat-roofed structure of concrete block construction and is painted. There are equipment cabinets adjacent to the building and an existing 12m high monopole with equipment adjacent to the southern elevation of the structure. The entrance to the site is located to the rear of this compound.

## 2.0 Proposed Development

- 2.1.1. The proposed development seeks permission to construct a new compound to the south of the existing compound which would accommodate a new 21 metre-high monopole. The overall compound area measures 8.0m by 12.0m and would be set back from the main road by a similar distance to the existing compound. The equipment would be located within a secure compound screened by 2.4m high palisade fencing and landscape planting along the western and southern fence. The monopole structure would be set within a concrete slab (6m x 6m) at the eastern end of the compound. The existing monopole structure would be retained and would be sited just within the boundary of the new compound on the northern edge. The

ground equipment cabinets would be located to the west of the foundation slab. It is also proposed to re-direct the existing overhead line to the south.

- 2.1.2. The proposal seeks to facilitate an improvement in the service offered by both the applicants and other service providers in the Farranfore area which is a known 3G and 4G coverage weak spot for all mobile telephone operators. There is no existing tall mast within the village and the existing infrastructure is disparate and inadequate both in terms of structure height and composition. Eir does not currently transmit from the site. The existing 12m monopole is operated by Vodafone from within the Eir exchange and is unsuitable for upgrade.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The P.A. decided to refuse permission for two reasons, which related to aircraft safety and to visual amenity and tourism impact. The reasons read as follows:
1. It is considered that the proposed development would pose a potential safety risk to aircraft and would negatively affect the operations of Kerry Airport owing to possible penetration of the obstacle limitation surfaces for the airport. The proposed development would therefore be contrary to Objectives RD-10, RD-38 and RD-40 of the Kerry CDP 2015-21. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
  2. It is considered that the proposed development, by virtue of its visual prominence in an open, level, low-rise area in the centre of Farranfore Village would not integrate satisfactorily into the urban landscape and would be unduly obtrusive in this area. The development would therefore result in a negative impact on the character of the village environment and on the residential amenity of nearby residential areas. The development would be contrary to Section 7.5 and Objective ICT-3 of the Kerry CDP 2015-21 and would set a negative precedent for the intrusion of further development of a similar nature. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## 3.2. **Planning Authority Reports**

### 3.2.1. **Planning Reports**

The Planner's report noted that a similar development (for a 24m high monopole) had recently been refused by the P.A. (20/169) on the grounds of aircraft safety and visual amenity/tourism impact. It was considered that the proposed location within the centre of the village is not consistent with the CDP and national guidance. The proposed 21m high structure was considered to be excessively high and would be visually dominant within the village and adjacent to the N22 and would be injurious to the visual and residential amenities of the area. It was noted that Kerry Airport had submitted an objection on safety and operational grounds which it was considered was of critical importance to the assessment of the case, particularly given its strategic importance in the CDP.

A **refusal of permission** was recommended.

## 3.3. **Other Technical Reports**

3.3.1. Fire Officer – no comments to make.

3.3.2. Kerry National Roads Design Office – no observations to make

## 3.4. **Prescribed Bodies**

3.4.1. **Irish Aviation Authority** – recommended that the applicant be required to engage with Kerry Airport to undertake a preliminary screening assessment to confirm that the proposed development and any associated cranes would have no impact on instrument flight procedures at Kerry Airport.

3.4.2. **Transport Infrastructure Ireland** – no observations to make.

## 3.5. **Third Party Observations**

Submissions were received from resident of Park View housing estate and from Kerry Airport. The main points raised may be summarised as follows: -

- The proposed development penetrates the obstacle limitation surfaces for Kerry Airport which is contrary to CDP Objective RD-40.

- The proposal is contrary to the CDP Objective RD-38 which seeks to ensure the future development and viability of the airport by restricting development that may affect its operations, aircraft navigation and/or calibration of the Instrument Landing System and any development within 15km radius of the Aerodrome Reference Point which could generate hazards or pose a safety risk to aircraft flight paths or operations.
- Concern regarding proximity to residential areas and school. It was believed that a mast could not be within 1km of a house/school but this mast would be only 0.2km from her house.
- Health impacts on children and teachers attending the school and children attending the GAA grounds.
- Impact on tourism – mast located in the centre of the village on major route from airport to Killarney. It would detract from the area and would be intrusive and a dominant feature in a small village.

## 4.0 Planning History

- 4.1.1. 20/169 – application for permission by the same applicant to erect a 24 metre high mast with associated equipment antennae was refused by the P.A. on the grounds of interference with the operations of Kerry Airport and safety of aircraft and on visual amenity grounds with implications for tourism.

## 5.0 Policy Context

### 5.1. National Planning Framework

The NPF generally supports improving local connectivity in terms of broadband and enabling infrastructure that affords rural communities the same opportunities to engage with the digital economy as for those who live in towns and cities.

**NP Objective 24** seeks to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who work and live in rural areas.

## **5.2. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996**

The guidelines set out current national policy regarding telecommunications structures. Guidance is given in respect of matters such as site selection, minimising adverse impact, sharing and clustering of facilities and development management issues. The guidelines are supportive of the development and maintenance of a high-quality telecommunications network and service.

Section 4.3 relates to visual impact. In locations which are sited along major roads and tourist routes it is stated that where the mast is visible but does not terminate views, the impact may not be seriously detrimental. Furthermore, where views may be intermittent and incidental, the mast may be visible or noticeable but may not intrude overly on the general view or prospect.

Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, be located in residential areas or beside schools. In such cases, sites already developed for utilities should be considered and masts should be designed and adapted for the specific location and kept to a minimum height for effective operation.

## **5.3. Telecommunications Antennae and Support Structures and DOECLG Circular Letter PL07/12**

This circular letter provided updated guidance provided in the 1996 Guidelines, which had advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply, and had suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites besides schools. The Circular advised that whilst these policies may be reasonable, there has been a growing trend for the insertion of development plan policies which specify minimum distances from schools and houses, such as 1km. It is stated that such distances, without allowing for flexibility on a case-by-case basis, can make the identification of sites for new infrastructure very difficult. It is therefore advised that P.A.s do not

include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 of the Circular reiterates the advice contained in the 1996 guidelines in respect of Health and Safety aspects, that P.A.s should not include monitoring arrangements as part of planning permissions and that planning applications should not be determined on health grounds. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters relating to telecommunications infrastructure which is regulated by other codes.

#### 5.4. Kerry County Development Plan 2015-2021

**Chapter 4 – Economic Development and Employment** – sets out the economic policies and objectives including the following:

**ES-19** – Promote and facilitate the sustainable development of Farranfore as a national and international transport hub and as a location for the sustainable development of industry, light industry, warehouse distribution and commercial business.

**Section 4.3** states that given Kerry’s peripheral location, Farranfore has a strategic and pivotal role in the efficient operation and functioning of the Tralee-Killarney Hub. The LAP envisages that Farranfore would develop its potential as a transport hub and as a sustainable location for logistics and distribution. The airport is also described as critical for the development of the tourism industry and to provide connectivity for business executives between employment hubs.

#### **Chapter 7 – Transport and Infrastructure**

**7.2.4.3 – Air Transport** – Kerry International Airport (KIA) is an important strategic asset. The CDP envisages the future upgrading of KIA facilities to increase the potential of the airport to attract increased passenger numbers and to make the county more accessible to other national and international hubs. It is stated that “Air transport drives and facilitates wider economic activity through connectivity.”

(7.2.4.3). The following objectives are relevant to air transport

**RD-36** – Promote and support the sustainable development of KIA.

**RD-37** – Ensure public health and safety in the area around KIA by ensuring all development is subject to safeguarding restrictions outlined in Development Management Standards and Guidelines of the CDP.

**RD-38** – Ensure the future viability of KIA by restricting development that may affect operations of the airport or interfere with the aircraft navigation or impede the operation and/or calibration of the Instrument Landing System (ILS). Restrict any proposed development within 15km radius from the Aerodrome Reference Point that could generate hazards or pose a risk to aircraft flight paths or operations to ensure aircraft safety in accordance with International Aviation Safety Guidelines.

**RD-40** – ensure that no new development will be permitted which will extend within the airspace volume as defined by the obstacle limitation surfaces for the airport.

**7.5 - Information and Communication Technology** – the stated ‘Aim’ is to support the sustainable delivery of high-capacity ITC infrastructure, broadband connectivity and digital broadcasting throughout the County in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices. The importance of a modern efficient telecommunications system for the future development of the County cannot be overstated and constitutes a vital element of the County’s infrastructure (7.5.1). It is acknowledged that telecommunications masts are an essential element in providing communication network for the county and that the benefits must be balanced against the loss of amenities.

The existing communications infrastructure is recognised as being deficient and the county suffers an absence of carrier neutral and multi-carrier backhaul in most parts of the county. The Council therefore aims to support the sustainable provision of telecommunications infrastructure at appropriate locations. The following factors (outlined in the national guidance) will be taken into account

- Support the sustainable development of mast infrastructure at appropriate locations which facilitates backhaul in the peninsula areas, and broad band services to areas where there are none/poor quality service.
- Proposals for standalone telecommunications installations should demonstrate that the developer has made reasonable efforts to share with other existing users or proposed sites in the vicinity of the proposed mast.



- Stand alone telecommunication installations will not generally be favoured in residential areas, on land where development may be restricted or prevented for amenity reasons, or in town centre areas which are architecturally important.
- Telecommunications antennae should be located so as to minimise any negative visual intrusion on the surrounding area, especially on landscapes or streetscapes of a sensitive nature. The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities.

Relevant policy objectives include

**ICT-2** – Facilitate the sustainable development of a modern efficient telecommunications network serving the county.

**ICT-3** – Support the sustainable provision of new and innovative telecommunications infrastructure at appropriate locations, subject to normal proper planning considerations.

**ICT-4** – Locate telecommunications masts in non-scenic areas, or in areas where they are unlikely to intrude on the setting of national monuments, protected structures or designated sites.

**Chapter 13 – Development Management Standards** includes the following:-

**13.14 - Telecoms Masts Standards and Guidelines** – development must have regard to the following -

**Design** – great care to be taken to minimise damage through discreet siting and good design. Design should be simple, well finished and employ the latest technology to minimise size and visual impact.

**Obsolete structures** – should be removed.

**Sharing facilities and clustering** – sharing of masts will be sought to limit their visual impact. Details of efforts made to do so will be required to be submitted with a planning application. Where sharing is not possible, clustering will be encouraged.

## 5.5. Killarney Municipal District LAP 2018 – 2024

Farranfore is designated as a Village (Section 3 Part C). The vision for the village (3.5) is to ensure that it fulfils its role as a transport and logistics hub located in the Tralee-Killarney corridor. The importance of the airport and the railway line are highlighted throughout the section. Kerry airport is described as an important part of the county's transport infrastructure and key to the development of the Tralee-Killarney hub as designated in the NSS. It is stated that the airport is vital in promoting the county for both tourists and business executives and has a key role in increasing accessibility to the county's major urban centres.

The site is zoned as 'Village Centre' (M2) – suitable for mixed uses. Relevant objectives include -

**FE-GO-01** Promote and support the sustainable expansion and growth of KIA by ensuring compatibility between airport uses and other land uses. The onus will be on the developer (in conjunction with Kerry Airport) to ensure that any proposed development within the development boundary of Farranfore does not penetrate the Obstacle Limitation Surfaces as defined in annex 14 to the Convention on International Civil Aviation.

**FE-GO-03** Have regard to the recommendations of the Irish Aviation Authority and control inappropriate development in the vicinity of the airport which may have technical or other implications for safety or the normal operation of the airport.

**FE-T-01** Improve the appearance of the N22 approaches both to the north and to the south.

## 5.6. Natural Heritage Designations

Castlemaine Harbour (000343) SAC is located approx. 4km to south and approx. 12km to the west, Castlemaine Harbour (004029) SPA is located approx. 13km to the west and Slieve Mish Mountains (002185) SAC is located approx. 8.5km to the northwest.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal has been received against the refusal of permission. The submission can be summarised as follows:

- **Justification for development** – the greater Farranfore area is a known coverage weak spot for Eir and all mobile telephone operators. While there is an existing 12m high Vodafone timber pole at this location, the timber pole is structurally weak and lacks height, fixing points and robustness to be upgraded to accommodate 3G and 4G services locally or to enable site sharing. The proposed development at this location is justified on the basis of the inadequacy of the existing infrastructure and the requirement for the provision of a fit-for-purpose telecommunications infrastructure.
- **Comreg outdoor mobile coverage map** – The enclosed maps demonstrate that the greater Farranfore area is situated within a poor coverage area for both 3G and 4G, which requires significant improvement. The proposed development will enhance high speed broadband availability and connectivity for the residents and businesses of Farranfore and its environs across all networks.
- **Sharing and clustering** – the applicant has assessed the most proximate telecommunication structures with a view to establishing whether sharing would achieve the coverage goals. It concluded that all nearby infrastructure is either too low, too weak or too distant to achieve these objectives. Each option is assessed and set out in the grounds of appeal (section 5.0).
- **Policy framework** – there is no guidance in the CDP or LAP regarding the siting of telecommunications masts within the M2 Town Centre zone and as such, the Area Planner's observation that the proposed development is inconsistent with the M2 Town Centre Zoning is disputed. The site has had a long-established history of use for telecommunications purposes by both Eir and Vodafone. A review of the relevant CDP policies and the objectives in the LAP, together with the national guidance contained in Telecommunications Antennae and Support Structures 1996 (and Circular 07/12) demonstrates

that the proposed development is fully consistent with the policy framework for the area.

- **Overstatement of potential for danger to Kerry Airport** – As Kerry airport has not specified the precise height at which the penetration of the obstacle limitation surfaces for the airport occurs, the applicant cannot determine whether the proposed development breaches the safety requirements. Given that the proposed monopole is situated 460m south of the airport flight path and over 1.1km south of the nearest point on the main runway, it is difficult to comprehend how a 21m monopole on low lying ground would pose a risk to runway safety.
- **Negative impact on operations of the airport** – There are several instances where the ground elevation exceeds 100m AMSL on Kerry airport's flight path and a wind turbine which reaches a height of 404m AMSL. Furthermore, Cork County Council recently granted permission for a 20m monopole which was just 690m from the runway (12/4751). These factors undermine the credibility of the stance taken by Kerry Airport. A better approach would have been to seek further information from the applicant to enable all parties to work together to find a solution to the obstacle limitation surfaces.
- **Integration with the urban landscape** – the proposed development fully respects the guidance in the DoEHLG Telecommunications antennae and support Structures Guidelines (1996) which favours monopole designs. If granted, the proposed structure will integrate into its surroundings and skyline together with the multiplicity of manmade and natural objects to become a generally accepted and unnoticed feature save for the positive contribution it will make to home and office working, to industry and to tourism in Farranfore.
- **Location on sites already used for utilities** – the guidelines state that if a support structure has to be located in a town or village centre, sites already used for utilities should be considered and masts and antennae should be designed and adapted for the specific location. It is submitted that the proposal complies with this guidance. The slimline monopole with its dull metallic colour are discreet, integrating with the multiplicity of other objects in the wider panorama. The structure may also accommodate other operator's

equipment whilst allowing the space for next generation technologies as required.

- **Compliance with planning policy 7.5 and ICT-3 of Kerry CDP** – the proposal will lead to a significant improvement in broadband infrastructure within Farranfore and offer wireless internet with similar speeds to those being rolled out under the National Broadband Plan. The increase in speed and capacity will release local businesses, residents and the 4Park Business Centre to strengthen their economic competitiveness. Residential amenity shall be preserved with the availability of strong broadband connection.

## 6.2. Observation on grounds of appeal

An observation on the grounds of appeal was received from Kerry Airport on 14<sup>th</sup> January 2021. The following points of note were made:

**Background** – following a refusal of a 24m monopole structure at this location, the applicant now proposes a 21m monopole. The location of the structure is less than 1 kilometre south-west of Kerry Airport’s active runway. A primary consideration of development proposals near to the airport is to ensure the continued safe operation of the airport now and into the future. The applicant submitted an objection to the planning authority in which the concerns of the airport management regarding the potential impact of proposed telecommunications mast impact on the safe operation of the airport were set out. The observers also tried to contact the applicant directly by phone and email to request that further information be provided when the first application (20/169) was under consideration, but such efforts were unsuccessful. Copies of the correspondence is attached to the observation.

**Insufficient information provided to address objection** – the observer, Kerry airport, maintains its objection to the proposed telecommunications development on the basis that there is insufficient information provided by the appellant to ensure that the proposal will not penetrate the obstacle limitation surfaces.

**Inadequate information required to assess proposal** – from the information submitted, it is not clear what the extent of the mast will be in terms of its overall height including the attached antennae and other operator apparatus. This information has been specifically requested by the observer, together with a critical

risk model which would provide the evidence required to confirm whether the proposal would pose a safety risk.

**Policy framework** – The observer fully supports the P.A. decision to refuse permission as it is considered that the proposal fails to comply with policies RD-10, RD-38 and RD-40 of the CDP.

**Lack of certainty** – the appellant misses the point that when it comes to aircraft safety, nothing can be speculated or left to chance. The application must be accompanied by the necessary evidence to justify the proposal. The onus is on the applicant to prove its safety and not on the local authority or third parties. Evidence is required to demonstrate that the proposal will not adversely impact on the airport operations and in particular, that it will not penetrate the associated obstacle limitation surfaces. The appellant has not responded to the requests for the information and has failed to engage with representatives of the airport. Neither have they undertaken any obstacle assessments to substantiate their claims.

**Vital safety information** – Should the appellant decide to submit this vital safety information, which clearly demonstrates that there would be no penetration of the OLS for Kerry Airport, there would no longer be any objection to the proposed development. It is emphasised however that the observer (KIA) would need to evaluate this evidence prior to any decision being made. In the absence of this evidence, that application should be refused.

### 6.3. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

## 7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

- Compliance with planning policy
- Need for development
- Impact on the safety and operations of Kerry Airport
- Visual and residential amenity

- Environmental Impact Assessment
- Appropriate Assessment

## **7.1. Compliance with planning policy for the area**

- 7.1.1. The planning policy for the area which is relevant to the proposed development includes the importance of good quality broadband and telecommunications infrastructure to the economic welfare of the county as well as the importance of Kerry Airport, not just to the Farranfore area but to the whole county. In addition, policies and guidance relating to the design and location of telecoms infrastructure is of significant relevance. The national Telecommunications Antennae and Support Structure Guidelines (1996) state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, or be located in residential areas or beside schools. The guidance goes on to say that where this cannot be avoided, sites already developed for utilities should be considered and masts should be designed and adapted for the specific location and kept to a minimum height for effective operation.
- 7.1.2. The appeal site is in the centre of the village and is close to residential properties, a school and other facilities. However, it is located within a site that has a long-established use as a utility site. The site is zoned Mixed-use which does not preclude infrastructural development or telecommunications structures, which are open for consideration. However, the mixed-use zoning favours uses which would bring vibrancy to the village centre and it could be argued that the intensification of the utility/infrastructural use on this centrally located site with frontage to two roads may militate against the provision of a more appropriate use at this location in the heart of the village. I also note that the site is not zoned NU (Networks/Public Facilities and Infrastructure) where the proposed development would be permitted.
- 7.1.3. On balance, I would accept, however, that the siting of the proposed development at this location is generally in compliance with the national guidance on the siting of such structures, given the long-established use of the site, and would generally be acceptable subject to being appropriate in respect of the visual and residential amenities of the area, and provided that it would not contravene other planning policies for the area.

## **7.2. Need for development**

- 7.2.1. It is clear that the CDP, in line with national policy, seeks to ensure that a very high-quality service in respect of the broadband and telecoms infrastructure in the county is achieved which will make a significant and important contribution to the economy of the county and to the quality of life of its citizens. In this respect, the existing network coverage for 3G and 4G are very poor in and around Farranfore. The documentation submitted with the application and appeal, including the maps showing the lack of coverage within the area, clearly shows that there is a need for such a development to improve the services in the Farranfore area.
- 7.2.2. I would accept that the existing 12m timber pole is not capable of either supporting the antennae required to improve the coverage or of being used for sharing equipment, due to its low height, lack of fixing points and lack of a robust nature. Furthermore, I would accept that the existing support structures in the general area are not appropriate for clustering or sharing of equipment due to the nature and location of these structures. As such, the provision of a new mast to serve the Farranfore area is justified and it is considered that the proposed development would be in accordance with the Development Plan objectives as it would provide for a significant improvement in these telecommunication and broadband services in the area, which is of significant importance to the economy of the county.
- 7.2.3. However, the policy framework also places considerable emphasis on the pivotal role of Kerry Airport, which is seen as being of critical importance to the economy of the county and to the quality of life of its citizens. This is due primarily to the peripheral nature of the county, which is seen as presenting considerable challenges to the sustainable development of the economy and the tourism sector in particular. As a result, there are several policies specifically relating to the protection of the operation and preservation of the safety of the airport. These conflicting policies will be considered further below.

## **7.3. Impact on operations and safety of Kerry Airport**

- 7.3.1. The CDP policies prohibit development which would extend into or penetrate the airspace volume defined by the obstacle limitation surfaces for the airport. The first party has stated that Kerry Airport should provide information on what height



threshold would be acceptable so that the mast would not penetrate these limitations. However, Kerry Airport has responded that the applicant is missing the point, as the function of these parameters is to enable the operation of the airport to continue without compromising safety. The IAA stated that the applicant should engage with Kerry Airport in order to undertake a preliminary screening assessment. I note that Kerry Airport has stated that it has tried to engage with the applicant, but without success.

- 7.3.2. The policy objectives set out in the CDP and in the LAP for the area clearly state that it is the responsibility of the developer to provide sufficient evidence to demonstrate that the proposal will not adversely impact on the airport operations and in particular, that it will not penetrate the associated obstacle limitation surfaces. Obstacles which penetrate the airspace in the vicinity of an airport are likely to influence matters such as the distances available for take-off and landing, the altitude or route that an aircraft must take etc. The safe and efficient use of the airport is therefore dependent on minimisation of the obstacles that might penetrate the airspace. It is noted that the proposed monopole is located within 1 km of an active runway at the airport. Thus, it is vitally important that the airport authorities would have the opportunity to assess the likely impact of the proposed development on the safe and efficient operation of the airport. As the method of determining obstacle limitation surfaces in respect of an airport and its runways is a complex process requiring the input of specific data, it is considered reasonable that the relevant information should be provided to the airport authorities to enable the matter to be properly assessed, as required by the Development Plan policies. As the applicant has not engaged with KIA on this matter, the proposed development contravenes the policy objectives of the CDP and the LAP in this respect.
- 7.3.3. In conclusion, it is acknowledged that the provision of improved telecommunications infrastructure where coverage is poor, as in this case, is of considerable importance to the local economy. However, it is considered that the need to ensure the continued efficient and safe operation of the airport would take precedence over the need to improve the 3G and 4G services in the area, particularly as the airport and runway locations are fixed, whereas the siting of a new telecommunications support structure and antennae is not confined to this particular site. I would therefore concur with the planning authority's reason for refusal in this respect.

#### 7.4. Visual and residential amenity

- 7.4.1. The site of the appeal is located in the centre of the village and is within 200m of a row of houses and within a kilometre of a primary school, and there are further established residential properties along the main road. The village is located on a National Primary route which is heavily trafficked and forms part of the tourist infrastructure serving the area. Farranfore is at a crossroads location approx. halfway between Tralee and Killarney on the N22. The N23 travels eastwards from the junction with the N22 towards Kerry Airport and beyond to Castleisland and the Dublin road. There is a crossroads junction to the south of the site (N22/R561). The R561 road travels westwards from the crossroads towards Castlemaine. The mainline railway (Tralee-Dublin/Cork) also travels through Farranfore with a station to the south of the appeal site. Thus, the village plays a pivotal role as a transport hub serving the business and tourism industry, which is reflected in the policy objectives contained in both the CDP and the LAP for the area (as summarised in 5.0 above). It is also considered that it has the ingredients to become a vibrant village once the N22 road improvements are carried out, which will remove through traffic from the centre of the village.
- 7.4.2. The siting of the proposed mast within the centre of the village means that it is in a central or prime position, in close proximity to residential properties and amenities. There is a Centra, a petrol station, several public houses/restaurants, a Garda Station, a pharmacy and a post office within the strip between the N23 and just south of the R561 junctions. The appeal site is located mid-way between these junctions. The streetscape is not very cohesive but is fairly typical of a linear village on a main thoroughfare, with road frontage development of varying shapes, sizes and densities and includes several gaps or infill sites. The existing 12m monopole is visible above the roof of the chemist/post office on the approach from the north, but due to its relatively low height and slim appearance, is not very noticeable from this vantage point. The structure is much more visible and prominent when viewed from the south and the west and from the access road to the north of the site leading to the residential estate, school and GAA grounds.
- 7.4.3. The proposed development would introduce a second monopole with a height of 21 metres, which is almost double the height of the existing mast. There would be a

second compound also which would intensify the use of the site for utility purposes. Although the compounds and masts would be well set back from the main road, the fact that the site is visually exposed, is low-lying and has an open character means that the structures and associated compounds and equipment would become a dominant presence in the streetscape. The additional height of the monopole would also be make it an obtrusive feature in the urban landscape, and it would fail to integrate with the streetscape. I would agree with the P.A. that the proposed development would result in a negative impact on the character of the village and that it would seriously injure the visual and residential amenities of the area. It is further considered that it would militate against the creation of a more cohesive streetscape of vibrant mixed uses at this location. Given the prominence of the village on the tourist routes from Killarney to Tralee, Limerick and Dublin, its proximity to the airport, which is of strategic importance to tourism in the county, it is also considered that the proposed development could potentially affect tourism in this area.

#### **7.5. Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development within the development boundary of Farranfore village on serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.6. Appropriate Assessment**

- 7.6.1. Castlemaine Harbour (000343) SAC is located approx. 4km to south and approx. 12km to the west, Castlemaine Harbour (004029) SPA is located approx. 13km to the west and Slieve Mish Mountains (002185) SAC is located approx. 8.5km to the northwest. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on brownfield and serviced lands, it is considered that no appropriate assessment issues are likely to arise.

## 8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be **refused** for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. It is considered that the proposed development would pose a potential safety risk to aircraft and would negatively affect the operations of Kerry Airport owing to possible penetration of the obstacle limitation surfaces for the airport. The proposed development would therefore be contrary to Objectives RD-10, RD-38 and RD-40 of the Kerry CDP 2015-21. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, by virtue of its visual prominence in an open, level, low-rise area in the centre of Farranfore Village would not integrate satisfactorily into the urban landscape and would be unduly obtrusive in this area. The development would therefore result in a negative impact on the character of the village environment and on the residential amenity of nearby residential areas. The development would be contrary to Section 7.5 and Objective ICT-3 of the Kerry CDP 2015-21 and would set a negative precedent for the intrusion of further development of a similar nature. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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**Mary Kennelly**  
**Senior Planning Inspector**

**28<sup>th</sup> May, 2020**