



An  
Bord  
Pleanála

## Inspector's Report ABP 311911-21.

### Development

Erect a 15m monopole  
telecommunications structure  
antennas dishes and associated  
telecommunications equipment all  
enclosed in security fencing and  
extend existing access track.

### Location

Behaghane, Castlecove, Co. Kerry

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

21/970

### Applicant

Emerald Tower Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant permission

### Type of Appeal

Third Party

### Appellant

Myfanwy Humpreys

### Observers

- (1) James Fraser Pickard
- (2) Penny Pickard
- (3) Crohan Pickard
- (4) Walsh family

**Date of Site Inspection**

20<sup>th</sup> January 2021

**Inspector**

Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located at the townland of Behaghane, Castlecove, Co. Kerry. It is situated on the southern side of a local road which serves Behaghane. The site lies circa 2km to the north-west of Castlecove. The mountains to the north of the site includes Coad Mountain and Eagle's Hill which has a peak height of 549m and is located circa 2.1km to the north of the appeal site. The Kerry Way walking route runs along a section of the local road which serves the site. The route branches off and follows the base of the eastern side of Eagles Hill. The Gowlane River is situated circa 175m to the east of the appeal site.
- 1.2. The site has an area of 0.006 hectares. It is situated at roughly 52m above sea level. Immediately to the east of the site there is the site of the Castle reservoir and water treatment plant. There are wide views out from the site west over Kenmare River. There are a number of dwellings situated to the east and south of the site along the local road. The appellant's dwellings lie circa 28m to the west of the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought to erect a 15m monopole telecommunications structure antennas dishes and associated telecommunications equipment all enclosed in security fencing and extend existing access track.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted permission subject to 5 no. conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Planning Officer stated that the site is located within the Rural General zone and that the Planning Authority was of the opinion that the proposed development would not result in a negative visual impact. The report stated that there were no traffic safety concerns associated with the

proposed development and that there would be no negative impacts on any neighbouring residential amenities. A grant of permission was recommended.

#### 3.2.2. Other Technical Reports

- None

#### 3.3. Prescribed Bodies

- None

#### 3.4. Third Party Observations

- 3.4.1. The Planning Authority received 10 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the appeal and observations to the appeal.

#### 4.0 Planning History

- None

#### 5.0 Policy Context

##### 5.1. National Planning Framework

- 5.1.1. The NPF generally supports improving local connectivity in terms of broadband and enabling infrastructure that affords communities opportunities to engage with the digital economy.
- 5.1.2. **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. National Development Plan 2021

- 5.2.1. **NSO3 – Strengthening Rural Economies and Communities** – recognises the importance of rolling out the National Broadband Plan in providing consumers with

access to high-speed broadband services which will promote balanced regional development. The NBP will enable citizens to benefit from advances in technology.

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

- 5.3.1. These 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.
- 5.3.2. 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.
- 5.3.3. 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

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

- 5.4.1. This Circular letter provided updated guidance contained 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 Planning Authorities 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.

- 5.4.2. Section 2.6 of the Circular reiterates the advice contained in the 1996 guidelines in respect of Health and Safety aspects, that Planning Authorities 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. Conditions should not be attached limiting the life of the installation to a set period.

## **5.5. Kerry County Development Plan 2015-2021**

- 5.5.1. Section 3.3 sets out Rural Development Policies. Section 3.3.2 deal with Amenity Areas and policies designed to protect the landscape of the county. The Plan identifies three types of rural landscape as follows:
- a) Rural General
  - b) Rural Secondary Special Amenity and
  - c) Rural Prime Special Amenity
- 5.5.2. As detailed on Map 12.1t of the Development Plan the site is located within an area designated Rural General.
- 5.5.3. Chapter 7 – Transport and Infrastructure
- 5.5.4. Section 7.5 - Information and Communication Technology – the stated ‘Aim’ is to support the sustainable delivery of high-capacity ICT 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.

5.5.5. 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.
- Standalone 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.

5.5.6. Relevant policy objectives include;

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

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

5.5.9. **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.

5.5.10. Chapter 13 – Development Management Standards includes the following: -

5.5.11. 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.

## **5.6. Natural Heritage Designations**

5.6.1. The appeal site is not within a designated area. The closest such site is the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) is situated to the north and west of the site and at its closest within approximately 700m to the north of the site. Kenmare River Special Area of Conservation (Site Code 002158) which is to the south of the site and at its closest within approximately 1.1km of the site.

## **5.7. EIA Screening**

5.7.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development is not listed in either Part 1 or Part 2 Schedule 5, Planning and Development Regulations 2001 (as amended), which sets out the types and thresholds of development that requires a mandatory EIA. The proposal has also been assessed against the criteria outlined in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and the provisions of Article 109, (3) of the Regulations do not apply to the site.

5.7.2. Under the provisions of Article 109, (3) of the Regulations, it is noted that the site is not located within a European site, is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below.

- 5.7.3. The proposed development is minor in nature and scale. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case. (See Preliminary Examination EIAR Screening Form).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third party appeal has been submitted by Myfanwy Humphreys. The issues raised are as follows;

- The appeal refers to the issue of visual impact. It is stated that the structure would be highly visible from the Kerry Way walking route. It is noted that tourism is an important local industry in Behaghane and Castlecove and that visitors come to the area for walking holidays.
- The appellant states that the proposed mobile communications structure would be located 40m from her property and that it would be highly intrusive and visible from the property. The dwelling is the appellant's main source of income as it is used as a holiday accommodation. It is stated that the proposed development would have a detrimental affect on the business and would devalue the property. It is considered that the 4m high mature trees on the boundary between the two sites would not satisfactorily screen the development including the associated dishes, antennae and lighting.
- It is stated that the applicant has not shown that they considered site sharing at Brackharagh, O'Carroll's cove. The appellant suggest that the existing mobile communications structure at that location could be improved and heightened to provide the required coverage for Castlecove and Killeen. It is suggested that there are many locations away from housing in Castlecove which would be suitable to locate the proposed development.
- Concern is expressed in relation of the population of lesser horseshoe bats which it is stated are found in Behaghane. It is noted that these species are protected under the Wildlife (Amendment) Act, 2000. It is stated that other

protected species including badgers and barn owls are also found in the Behaghane area.

- The grounds of appeal raise the matter of appropriate assessment and state the report of the Planning Authority did not include a determination in relation to the matter.
- It is submitted that the appeal site is located in a scrub/heath habitat in an area which is of high ecological value. Concern is expressed that the consideration was not given for the protected species and their habitats.
- The Behaghane Road from the N70 is a narrow single track road which is in poor condition. There are few passing places, dangerous bends and vehicles must occasionally reverse out onto the busy main road. The road is used by the local population including children and elderly residents and the road is also part of the Kerry Way and is used by walkers. It is considered that increased traffic on the road would endanger road safety.

## **6.2. Applicant Response**

A response to the third party appeal was received from Charterhouse Infrastructure Consultants on behalf of the applicant Emerald Tower Limited. The issues raised concern the following;

- Regarding the operator's requirement it is stated that the new infrastructure investment is directed by their requirements to serve an area with little or no infrastructure or where the current infrastructure is inadequate.
- The proposed application addresses the requirements which Three Ireland have to improve services in Castlecove, Co. Kerry. It is stated that Three Ireland's 3G and 4G coverage is deficient in the townland of Behaghane, Castlecove village and the N70 Ring of Kerry Road.
- It is stated that the existing infrastructure in the area is not suitable for site sharing. The closest structure is located over 3km from the application site which is stated is too far to allow Three Ireland to achieve its technical objectives for the target area within Castlecove village.
- Therefore, it is submitted that the purpose built structure is required to improve current service levels in the area.

- In relation to the Kerry County Development Plan 2015-2021 it is stated that the site located in an area zoned Rural General. Therefore, it is not within a Primary or Secondary Amenity Area.
- It is detailed in the Plan that areas zoned as rural general have a higher capacity for development. Therefore, it is submitted that the development would be located in a suitably zoned area.
- The report of the Kerry County Council Planning Officer is noted which states that the site is within an area zoned Rural General which constitutes the least sensitive landscape. No road safety/traffic concerns were raised and it was considered that there would be no negative impact on any neighbouring residential amenities.
- In relation to the design and sting of the proposed structure it is 15m which is the minimum height consistent with effective 3G and 4G propagation. The site is located 800m from the N70 Ring of Kerry Road which is a busy tourist route which will benefit from a significant improvement in Three Ireland Service levels.
- The site is located in an area between protected views and prospects. Therefore, it is stated that the development will not adversely impact any views or prospects protected under the provisions of the Kerry County Development Plan.
- The site is not located within an area zoned 'Primary Special Amenity' or 'Secondary Special Amenity'. It is stated that given the topography of the site it will maximise the coverage area which would be reached. The proposed structure will cover a significant area to the east of the west.
- It is highlighted that the site is already developed for utilities as there is an existing water treatment facility and reservoir present. Therefore, it is stated that the site already accommodates infrastructure. It is submitted that the development would not have a major impact on the surrounding environment. It is noted that there is a 10m high ESB pole on the site. It is submitted that this demonstrates that the area can accommodate taller structures and that the proposed monopole will not adversely impact the existing landscape.

- In relation to the matter of visual impact the provisions of Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities is cited. As detailed in the guidelines some masts will remain visible despite measures taken to minimise visual impact.
- The site benefits from screening. To the western boundary there is mature hedging which minimises the impact of the structure on nearby property. There is a bank of land which was not cut away to the south which screens the structure. The location of the structure was chosen having regard to the location of the dwelling to the western boundary. The proposed structure would be located so it would not be a terminating view from the gable end of the house and that it would not impede view to the south overlooking the coast. Therefore, it is submitted that the structure will not adversely impact on the visual amenities of the neighbouring property.
- It is submitted that the proposed structure would have a minimal impact on any views and prospects along the Ring of Kerry route as it is situated parallel with the road and would not be a terminating view. The set back of over 800m further reduces the visual impact the structure would have along this route.
- To further reduce the visual impact, it is stated that conditions could be attached which would require that the compound fence be coloured green or an alternative colour as required and requiring that landscaping be agreed with the Planning Authority.
- In relation to the issue of access, it is noted that Section 4.4 of the guidelines refers to this. As the site is adjacent to a water treatment facility there is an existing access route which will be extended. Any impact is considered to be minimal.
- It is highlighted that it is an objective of the National Planning Framework under National Policy Objective 24 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 live and work in rural areas.”

- In relation to visual impact, it is stated that the site was carefully selected in order to avoid protected views and primary and secondary amenity areas. The site is located in an area zoned 'Rural General' which is a landscape which has a greater capacity to absorb development without significantly altering the character of the area. It is submitted that the visual impact will be minimised due to the setback and screening.
- Regarding the matter of devaluation of property, it is stated in the response that there is no empirical data to show telecommunications infrastructure near dwellings lead to devaluation of the property. It is stated that the claims in the appeal are subjective and are not backed up by empirical evidence. It is stated that the devaluation of property is not a planning matter and that it should not be considered in the decision making process.
- It is submitted that communication and broadband connectivity are so essential that it could be concluded that residential units not adequately served by telecommunications infrastructure are more likely to suffer devaluation.
- Regarding the matter of site sharing and existing infrastructure it is stated that the applicant considered all existing infrastructure in the area before the application was made. The nearest structure is a 8.5m high tele pole located over 2.9km south-west of the site and cannot be considered for site sharing due to the distance and low height.
- Regarding environmental concerns, the site is not found within an SAC, SPA or NHA. The nearest SAC is over 680m from the application site. Therefore, it is considered that the proposed development would not have an adverse impact on habitats and species protected under the EU Habitats Directive.
- The report of the Planning Officer includes an Environmental Impact Assessment Screening which concluded that an EIA was not required.
- It was concluded in the report of the Planning Officer that there were no traffic safety concerns in relation to the development. The construction phase will last approximately four weeks. Site visits will be carried out biannually. The increased traffic will be over a short amount of time during the construction

period. Overall, the proposed structure will not lead to an increase in road traffic in the area.

- Demand has grown for services in the area for social and business purposes. Three Ireland can meet this demand and requirement for services if permission is granted. It is submitted that failure to provide these services will have an adverse impact on the local area.
- It is respectfully requested that the Board uphold the decision of the Planning Authority and grant permission for the proposed development.

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

- None received

### **6.4. Observations**

The Planning Authority received observations to the appeal from (1) James Fraser Pickard (2) Penny Pickard (3) Crohan Pickard and (4) Walsh family.

#### **(1) James Fraser**

- The proposed mast would be visible from surrounding dwellings in the area of Behaghane and also Goubines, Liss, Scart, Skeharagh and Castlecove.
- The proposed mast would be visible from the Ring of Kerry and the Wild Atlantic Way.
- The site is located within the dark sky reserve.
- It is stated that the proposed mast will result in the loss of value of properties in the vicinity. It is submitted that the proposed mast would make the area less desirable as a holiday location.
- It is submitted that the proposed mast would impact the ecology in the area.
- Health concerns in relation to the location of masts are raised.

#### **(2) Penny Pickard**

- The observation raises the matter of health concerns regarding telecommunications masts.



- It is submitted that the proposed development would result in the devaluation of property in the vicinity of the site.

### **(3) Crohan Pickard**

- It is submitted that the exploration of alternative sites was not fully considered. It is suggested that a site with direct road access and at an unintrusive location in Coad or Behaghane should have been considered
- The appeal site is located in a rural area which is distant from a town environment it is considered that the proposal would have an impact upon the surrounding environment.
- The proposed mast would have a negative impact upon the surrounding properties.
- Concern is expressed at the amount of dishes which may be erected on the mast.

### **(4) Walsh family**

- The observers state that they strenuously object to the proposed telecommunications mast. They state that alternative sites or solutions were not considered.
- It is submitted that the proposed telecommunications mast would negatively impact upon the surrounding landscape in terms of visual impact.
- It is highlighted that the area is a tourist location which is also a dark skies area. The proximity of the Kerry Way to the site is noted and the location of pre-famine structures including stone cottages and walls at Mount Eagle and Windy Gap.

## **7.0 Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development/Site location and Technical Justification
- Impact upon residential amenity

- Visual amenity
- Access and traffic
- Appropriate Assessment

## **7.1. Principle of development/Site location and Technical Justification**

- 7.1.1. The proposed development is for a single monopole telecommunications structure of 15 metres in height in a rural location which is designated 'rural general' under the provisions of the Kerry County Development Plan, 2015 – 2021. In relation to a National Policy context, National Policy Objective 24 of the National Planning Framework 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 live and work in rural areas."
- 7.1.2. Section 7.5 of the Kerry County Development Plan, 2015 – 2021, refers to Information and Communication Technology (ICT). It is set out in this section of the Development Plan that it is a stated aim 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.
- 7.1.3. Section 7.5.1 of the Development Plan acknowledges 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. It is also highlighted under this section of the Plan that the Council recognises that the current infrastructure in this sector is deficient and that there is also an increased demand from the domestic and commercial sectors. Accordingly, as set out in this section of the Plan it is Council policy to support the sustainable provision of telecommunications infrastructure throughout the county at appropriate locations.
- 7.1.4. The matter of alternative sites and site sharing was raised in the grounds of appeal. The provisions of the Guidelines on Telecommunications Antennae and Support Structures require under Section 4.5 which refers to Sharing Facilities and Clustering, that where proposals for standalone telecommunications installations are

made the developer should make reasonable efforts to share with other existing users or proposed sites in the vicinity of the proposed mast.

- 7.1.5. In response to the matter the first party stated that Three Ireland's 3G and 4G coverage is deficient in the townland of Behagane, Castlecove village and the N70 Ring of Kerry Road. In relation the potential for co-location it is stated in the appeal response that the applicant considered all existing infrastructure in the area before the application was made and that it was determined that the existing infrastructure in the area is not suitable for site sharing. I note that the closest existing structure is located circa 2.9km to the south-west of the appeal site and comprises a 8.5m high timber pole. The applicant confirmed that this structure is not a suitable alternative due to its distance and low height. Accordingly, having regard to the details provided by the applicant I am satisfied that it is not possible to share a support structure and that therefore the proposed structure is required at this rural location.
- 7.1.6. Accordingly, I consider that the principle of the development is therefore acceptable in this instance as the applicant has demonstrated that there is a need to provide such infrastructure in the general location and that the provision of such infrastructure is fully in accordance with development plan policies.

## **7.2. Residential amenity**

- 7.2.1. It is contended by the appellant that the location of the proposed structure to the east of their property would devalue the property. The issues of health and safety concerns, visual impact are raised in the appeal. I shall address the matter of visual impact in the subsequent section of the report. Regarding the issue of the potential negative affect of the proposed development on the valuation of the appellant's property, I note the response of the first party which highlighted that no information was submitted with the appeal to substantiate this assertion.
- 7.2.2. The grounds of appeal and also the observations to the appeal expressed concerned in relation to potential negative health impacts caused by telecommunications infrastructure. These matters relate to public health and safety. Accordingly, in line with ministerial guidance and as detailed in Circular Letter PL07/12 it advises that 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 in respect of telecommunications infrastructure. It also notes that

telecommunication infrastructure is regulated by other codes and such matters should not be additionally regulated by the planning process.

### **7.3. Visual amenity**

- 7.3.1. The third party appeal makes the case that the proposed development would be visually obtrusive when viewed from their property and also from the wider area. The observations also raised concerns in relation to visual impact and the location of the site within a tourist area.
- 7.3.2. It is advised under Section 7.5.2 of the Development Plan that 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. Objective ICT-4 states that it is an objective of the Council to locate telecommunications masts in non-scenic areas, or in areas where they are unlikely to intrude on the setting of views of from national monuments and protected structures.
- 7.3.3. As detailed on Map 12.1t of the Development Plan the site is located within an area designated 'Rural General'. The site is not located within any protected views and prospects. As illustrated on Map 12.1t it lies in a location in between designated views and prospects which are in both directions from the N70, Ring of Kerry Route. Accordingly, I am satisfied that the proposed development would not adversely impact any views or prospects protected under the provisions of the Kerry County Development Plan. In relation to the matter of the site being located in a tourist area, while I would note that the area and surrounding areas do form part of an area of the county which benefits from tourism, I would note as detailed above the site itself is located in an area designated 'Rural General'. Therefore, the site is not located within the more sensitively designated areas of Secondary Special Amenity and Prime Special Amenity. In relation to the Ring of Kerry Route, which is raised in the observation to the appeal, I note that the proposed structure would be located over 800m from the road to the south.
- 7.3.4. The first party in their appeal response highlighted that the site adjoins a location where there is an existing water treatment facility and reservoir. Therefore, they submit that the site is beside a location which already accommodates infrastructure. It is noted in the appeal response that there is a 10m high ESB pole on the site.

Therefore, they submitted that this demonstrates that the area can accommodate taller structures and that the proposed monopole will not adversely impact the existing landscape.

- 7.3.5. The subject monopole telecommunications structure has a proposed height of 15m. As indicated on the elevational drawings antennas dishes are proposed to be affixed to the structure with other associated telecommunications equipment proposed including a single bay cabinet. It is proposed to enclose the structure with 2.4m high security fencing. The site is situated at roughly 52m above sea level and the mountains to the north of the site which includes Coad Mountain and Eagle's Hill which has a peak height of 549m provide a backdrop to the site and therefore the proposed structure would not break the skyline.
- 7.3.6. Furthermore, I note that there is mature hedging to the western site boundary. This is located along the boundary between the site and the appellant's property. On the eastern side the site adjoins the site of the Castle reservoir and water treatment plant. There is a bank of land immediately to the south of the site which provides screening of the site. Given the height of the proposed monopole telecommunications structure at 15m, there would be some close range views of it from the road in the immediate vicinity however having regard to the location of the site significantly below the ridge line of the mountains to the north, and the existing screen planting and topography of the area I am satisfied that it would not form a visually obtrusive or incongruous feature and that it would not unduly interfere with the character of the landscape.
- 7.3.7. In relation to the proposed siting of the structure relative to the appellant's property to the west the first party stated that the siting was chosen having regard that property and that the proposed structure would be located so it would not be a terminating view from the gable end of the house and that it would not impede view to the south overlooking the coast. The proposed structure would be set forward and circa 28m to the east of the appellant's property and therefore would not be directly visible from the windows to the eastern side or southern side of the dwelling. Accordingly, I am satisfied that the applicant had due regard to the location of the appellant's property when deciding upon the siting and design of the proposed structure.
- 7.3.8. The first party have stated in their appeal response that they would be amenable to the attachment of conditions requiring that landscaping details and also the that

details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing be agreed with the Planning Authority. I consider the attachment of conditions requiring additional landscaping and also that the proposed colour of the telecommunications structure and ancillary structures be agreed with the Planning Authority will serve to further integrate the structure into the landscape. Therefore, should the Board decide to grant permission for the proposed development, I would recommend the attachment of such conditions.

- 7.3.9. Accordingly, having regard to the siting and design of the proposed development, and topography of the area I am satisfied that the proposed development would not unduly interfere with the character of the landscape or form a visually obtrusive or incongruous feature.

#### **7.4. Access and traffic**

- 7.4.1. The grounds of appeal raised the matter of traffic generated by the proposed development. In response to the matter of traffic generation the first party confirm that the construction phase of the proposed development would last for approximately four weeks and that for maintenance or management purposes that the site would be visit twice a year. Accordingly, the traffic which would be generated by the proposed development would be primarily during the construction phase with very limited traffic being generated during the operation of the facility. Therefore, I am satisfied that the proposed development would not give rise to any undue traffic impacts.

#### **7.5. Appropriate Assessment**

- 7.5.1. The AA Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

- 7.5.2. The proposed development is for an 15m monopole with pole mounted telecommunications infrastructure and supporting ground mounted infrastructure.
- 7.5.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.5.4. The closest European sites are Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) which is situated to the north and west of the site and at its closest within approximately 700m to the north of the site. Kenmare River Special Area of Conservation (Site Code 002158 is located to the south of the site and at its closest within approximately 1.1km of the site.
- 7.5.5. There is no direct hydrological connection from the subject site to the designated site and they are at some remove from each other.
- 7.5.6. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that the Board grant permission for the proposed development subject to the conditions set out below.

## **9.0 Reasons and Considerations**

### **9.1.1. Having regard to:**

- (a) National policy regarding the provision of mobile and telecommunications services,
- (b) 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 Letter PL07/12, issued by the Department of the environment, Community and Local Government on the 19th of October 2012,
- (c) The policy of the planning authority as set out in Kerry County Development Plan (2015), to support the provision of telecommunications infrastructure, and
- (d) The nature and scale of the proposed telecommunications support infrastructure,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not be contrary to the overall provisions of the current development plans for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out 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 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

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

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 Monday to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

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

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including hours of working, noise management measures and off-site disposal of construction and demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Siobhan Carroll  
Planning Inspector

9<sup>th</sup> March 2022