



An
Bord
Pleanála

Inspector's Report ABP 312808-22

Development

Construction of a 24 meter lattice mobile and broadband tower with headframe carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4m palisade fence compound.

Location

Cowpark, Kilcornan, Pallaskenry, Co. Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

211620

Applicant

Signal Infrastructure

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellants

Kilcornan Residents Group

Observers

(1) Anne Delany

Date of Site Inspection

23rd November 2022

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at the townland of Cowpark, Kilcornan, Pallaskenry, Co. Limerick. It is situated circa 450m to the south of the village of Kilcornan. The N69 National Secondary Route which links Limerick City and Tralee runs through Kilcornan. Kilcornan National School is situated approximately 680m to the north-east of the site.
- 1.2. Curraghchase Forest Park which extends for over 300 hectares is located to the east and south of the appeal site. It includes walking trails, arboretum, caravan/campsite, picnic site, playground and cafe. The surrounding area is predominately characterised by agricultural use. The topography of the area is relatively flat in nature the land rises to the south towards Curraghchase Forest Park.
- 1.3. The appeal site has an area of 0.02 hectares. It is located within an existing farm holding. It is situated at roughly 40m above sea level. It is access via an agricultural track which runs for circa 180m off the L69009. This is a narrow roadway which serve circa six dwellings and the adjoining fields. There are a number of dwellings situated to the north-west and south-west of the site along the local road L1203.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 24 meter lattice mobile and broadband tower with headframe carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4m palisade fence compound.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 6 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Officer concluded that having regard to the national strategy in relation to the improvement of mobile communications services and the relevant guidelines relating to telecommunications antennae and support structures that it is considered that the impact of the proposed communications structure would not be considered detrimental to the amenity of the area and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 59 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. Limerick Development Plan 2022 – 2028

- 5.5.1. Chapter 8 refers to Infrastructure
- 5.5.2. Policy IN P1 – Strategic Infrastructure

It is a policy of the Council to:

- (a) Secure investment in the necessary infrastructure (including digital technology, ICT, telecommunications networks, water services, surface water management, waste management, energy networks), which will allow Limerick to grow and realise its full potential.
- (b) Fulfil Limerick's ambition as a contemporary City and County in which to live, work, invest and visit, with supporting infrastructure, whilst complying with the relevant EU Directives and national legislation, including the protection of the environment.

5.5.3. Section 8.4.2 – Telecommunications Support Structures, Antennae and Domestic Satellite Dishes

The Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a modern society and economy. While the advantages of a high-quality ICT infrastructure is acknowledged, these must be balanced with the need to safeguard both the urban and rural landscape, which can be significantly impacted due to the physical nature of telecommunication structures. Visual impact should be kept to a minimum, with detailed consideration of design, siting and the scope for utilising landscaping measures effectively. In considering planning applications, regard shall be had to Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, Circular Letter PI07/12 and the Planning and Development Regulations 2001 (as amended). These guidelines and regulations encourage the sharing or clustering of sites, as reflected in this chapter.

5.5.4. Objective IN O4 – Broadband

It is an objective of the Council to:

- (a) Support the delivery and implementation of the National Broadband Plan and any subsequent plans.
- (b) Encourage the provision of WiFi zones in public buildings and advance Limerick's participation in the WiFi4EU programme (a European-wide initiative promoting free access to WiFi connectivity for citizens in public spaces) and facilitate a network of 40- 50 free public WiFi access points (APs) in Limerick City.
- (c) Require carrier neutral, open access, multi-duct infrastructure serving new residential, commercial/business units, community hubs/centres, communal residential services and other appropriate new development (e.g. rail and road development), to be incorporated into the design and layout of new developments in Limerick.
- (d) Require ducting for broadband fibre connections to be provided underground during the installation of services and during the carrying out of any work to roads or rail lines.

- (e) Ensure broadband installation shall comply with the Guidelines for NBI End Users when laying ducting to facilitate the installation of Fibre Networks on Private Property and the requirements of the National Broadband Plan 2020 and any subsequent plans.
- (f) New development (commercial, community, leisure) or housing development exceeding four units will be required to demonstrate, in a written statement, how fibre-enabled internet is made available to users when assessing planning applications.

5.5.5. Objective IN O5 – Telecommunication Support

It is an objective of the Council to:

- (a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers. Shared infrastructure should be made available to all broadband service providers on a non-exclusive basis to both suppliers and users of the new infrastructure.
- (b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works.
- (c) Require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures.
- (d) Facilitate the public and private sector in making available where feasible and suitable, strategically located structures or sites, including those in the ownership of Limerick City and County Council, to facilitate improved telecommunications coverage if the need is sufficiently demonstrated.
- (e) Require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. There is a presumption against the location of antennae support structures where

they would have a serious negative impact on the visual amenity of sensitive sites and locations.

- (f) Require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense when it is no longer required.
- (g) Apply a presumption against erecting satellite dishes where they would materially affect the character and appearance of a Protected Structure, an Architectural Conservation Area (ACA) or in any other area where they could cause unacceptable effects on visual amenity.
- (h) Ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PI07/12 which takes precedence and any subsequent guidelines.

5.6. Natural Heritage Designations

- 5.6.1. The appeal site is not within a designated area. The closest such site is Curraghchase Woods Special Area of Conservation (Site Code 000174) is situated to the east and south of the site and at its closest within approximately 798m to the east of the site. Askeaton Fen Complex Special Area of Conservation (Site Code 002279) which is located to the north and east of the site and at its closest within approximately 927m of the site.
- 5.6.2. The River Shannon and River Fergus Estuaries Special Protection Areas is situated to the north, east and west of the site and at its closest within approximately 6km to the west of the site. Lower River Shannon Special Area of Conservation (Site Code 002165) is situated to the north, east and west of the site. At its closest point it lies 6.7km from 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 lodged by Kilcornan Residents Group the issues raised are as follows;

- It is set out that the location of the proposed structure is incorrect in parts of the application. Reference is made to figure 15 in the submitted documents. It is considered that the 21 photomontages grossly misrepresent the visual impact of the proposed development.
- The appellants submitted alternative photomontages. They state that these photomontages lead to the conclusion that the visual impact is negative.
- It is stated in the application that Kilcornan is a combination of mountainous and flat terrain and that it has visual clutter including poles and overhead lines. The appellants state that in reality the area is relatively flat, scenic with limited visual clutter. Therefore, it is considered the visual impact would be negative and significant.

- It is stated that pre-planning discussions with the Planning Authority did not take place. It is noted that in the development plan that it is advised that pre-planning discussion with the Planning Authority take place.
- In relation to the site selection it is stated that it is located in a residential area in the centre of the community. It is close to a number of dwellings circa 350m away and the national school, community centre and playing pitches located circa 700m away.
- It is considered that the height and scale of the mast would be a visually obtrusive feature in a rural residential setting.
- The provisions of the Guidelines for Planning Authorities “Telecommunications Antennae and Support Structures” is noted. Section 4.3 refers to visual impact, it states, “only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed should be considered and masts and antennae should be designed for the specific location. The support structures should be kept to a minimum height consistent with effective operation.” It further states “the support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a lattice tripod or square structure.”
- It is noted that the site is located on the border between two Landscape Character Areas. These are Agricultural Lowlands and the Shannon Integrated Coastal Management Zone. It is stated in the development plan “every effort should be made to distance development from residential areas, schools, hospitals, or other buildings used for residential or work purposes on a daily basis.”
- It is considered that the 24m lattice structure is an unsuitable design in an unsuitable location. It is considered contrary to planning guidance. It is considered that the applicant did not put adequate effort into selecting a suitable site which would benefit the community.
- In relation to the visual impact it is stated that fifty nine objections were submitted to the Council by individuals and community groups.

- It is considered that the objections were not adequately considered and addressed. It is submitted that the erection of a 24m high mast which is equivalent to an eight storey building would have a profound visual impact upon the village of Kilcornan.
- It is considered that the mast would have a negative visual impact when viewed from on one of the access routes to Curraghchase Forest Park. It is submitted that the mast is not effectively screened by any landscape features. The visual assessment submitted with the application states that the natural screening around the site will result in low impact locally. It is considered that existing hedging would not provide adequate screening to a height of 24m.
- It is set out in the appeal that the proposed lattice structure mast is too close and in direct view of a number of houses. It would be an excessive and intrusive feature for local residents and visitors. Under the Shannon Coastal Zone Landscape Character Area there is a stated objective to “protect the views and prospects along the N69 as a priority”. It is stated that the proposal is immediately adjacent to the N69 and therefore it is questioned how the proposal is in accordance with this.
- It is noted that under Reg. Ref. 062200 planning permission was refused for a similar mast. One of the reasons for refusal was the visual impact on the area. The matter of co-location with existing infrastructure is raised. The Guidelines for Planning Authorities “Telecommunications Antennae and Support Structures” are cited. Point 4.5 states, “all applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.”
- Section 10.14.2.2 of the Limerick County Development Plan outlines in detail the importance of sharing facilities and clustering of antennae. Under paragraph 10.14.2.2 of the Development Plan it requires that applicants submit details of correspondences with other telecommunications operators addressing the issue of sharing and clustering of facilities. It is stated that such correspondence has not been submitted in relation to co-location.
- There is a mast located on an existing ESB pylon at Tinnanculla Askeaton circa 2.9km from the site which operates under the Vodafone network. The

technical justification cites this is too far away from the target area to provide adequate coverage. It is submitted that there are other pylons in the immediate area with the potential to accommodate antennae. These other pylons have not been assessed.

- It is noted that planning permission was granted for a mast at Feighbeg, Askeaton circa 7.2km from the site. A large part of the justification of the installation of the mast is on the basis of provision of broadband facilities. It is noted that the State is currently in the process of the rollout of fibre broadband. Therefore, the provision of a 24m high mast may be excessive to requirements in the medium and short term.
- In relation to the access to the site it is stated that it is located on along a narrow 2.8m wide residential cul-de-sac, L69000. It is considered that this is unsuitable for construction and maintenance traffic. The generation of construction and maintenance traffic arising from the proposed development is not considered appropriate to the existing road and the junction with the N69. Concern is expressed in relation to children walking to the local school along the surrounding roads where additional traffic is generated by the proposed development.
- It is stated that a number of applications for single houses in the area were refused planning permission on the basis of issues concerning vehicular access. These include Reg. Ref. 011190, Reg. Ref. 02430, Reg. Ref. 09971, Reg. Ref. 11948 and Reg. Ref. 18815.
- Reference is made in the application to good practice during construction. This is not considered sufficient given the works required to be carried out on the substandard access roadway.
- The proximity of the site to Killeen Church is raised. It is noted that Killeen Church is circa 400m from the site. It is a medieval Church, National Monument ref no: 345. It is noted that a ring fort is located circa 160m north of the site. The report of the County Executive Archaeologist in relation to a previous planning application Reg. Ref. 08/2043 is noted, it states, “development on the opposite side of the road should be refused as it will

have a negative impact on the views from the National Monument and on the visual amenity of the Church.”

- It is stated that the subject site is in adjoining field to Reg. Ref. 08/2043. It is highlighted that five more local sites are due for inclusion in the revisions to Records of Monuments. It is stated that four are adjacent to Killeen Church.
- The Planning Authority did not attach any conditions in relation to archaeology.
- The appeal refers to the proximity of the subject site to Curraghchase SAC. Reference is made to the location of the appeal site being located within a potential foraging area of the Lesser Horseshoe bat. It is stated that given the number of barns and outhouses on the site where bats can roost it is considered that the properties should be assessed for the Lesser Horseshoe bat.
- The matter of property devaluation is raised. It is stated that the appellants consulted an Auctioneer regarding the value of local property and they were advised that given the proximity of such a mast and the direct unscreened view of the mast from houses that local residents are looking at about a 30% devaluation of their property.
- The matter of health concerns is raised. Residents are extremely concerned for the health of their children living in close proximity to the proposed mast. The proximity of the proposed mast to the local national school is of huge concern. It is stated that not enough evidence is available to support claims that 5G masts pose no risk to human health. It is noted that the World Health Organisation is conducting a health risk assessment from exposure to radiofrequencies, covering the entire radiofrequency range including 5G.
- It is requested that permission is refused for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeal was received from Indigo on behalf of the applicant Signal Infrastructure. The issues raised are as follows;

- The application proposes the erection of a 24m multi user lattice mobile and broadband tower with delta headframe carrying telecommunications equipment together with associated equipment and cabinets enclosed with a 2.4m palisade fence compound at Cowpark, Kilcornan, Pallaskenry, Co. Limerick.
- The proposed site is designed to support 3G and 4G broadband communications for multiple operators.
- By accommodating local and national broadband providers/operators, the proposed development will bring significant improvements in the provision of mobile and broadband data services to this area of Co. Limerick and surrounding areas and it will close a large coverage gap in the Kilcornan area.
- The matter of the planning application being misleading and deficient is raised in the appeal. The appeal refers to figure 15 of the planning report. This details the distance of the proposed structure from the Askeaton Fern Complex SAC which is approximately 1.3km. This information was obtained from the EPA website and is confirmed as being correct.
- The appeal refers to issues with the photomontage. The photomontage or visual impact appraisal has been completed objectively by an engineer from Indigo. The applicant therefore rejects the comments from the appellants in terms of its inaccuracies.
- It is requested that the Board refer to the appended visual impact appraisal as well as the analysis of same.
- The appellants refer to an alternative photomontage and put forward that the visual impact is negative. It is considered that these photos are out of scale and were not made using the same technology and accuracy as that presented in the photomontage completed by Cignal Infrastructure Limited.
- The appellants do not agree with the applicant's description of the area as well as the fact that visual cluster is mentioned.
- It is stated in the appeal that a pre-planning discussion with the planning authority did not take place. In response it is stated that a pre-application meeting while carried out in some cases is not a statutory requirement.

- In relation to the matter of site selection and suitability it is detailed that the site is within an agricultural farm yard in a rural setting. It is noted that there are a number of residential dwellings located close by. Currently the coverage in the area and its environs does not come close to meeting the requirements.
- There are a number of dwellings located relatively close to the site with the closest circa 200m away. The area is characterised by agricultural land holdings. Curraghchase Forest Park is located relatively close. It is considered that there is sufficient separation distance between the proposed structure and the forest park for there not to be any impact.
- There has been a significant addition of houses to the area over the last number of years and the current levels of coverage do not meet requirements.
- Reference is made to the National Planning Framework. It is highlighted that the document states that in the information age, telecommunications networks play a crucial role in enabling social and economic activity. The document refers to the requirement for further action to strengthen communications links in an island and border context.
- The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” is referenced. It is noted that the guidelines acknowledge that there is “limited flexibility as regards location, given the constraints arising from radio planning parameters. The guidelines advise that in many suburban situations because of the low rise nature of most of our suburban buildings and structures a supporting mast or tower may be required.
- The site is situated circa 1km from Kilcornan village. While visible in the immediate area the structure is not expected to impact on wider views. The proposed development is required as there are currently insufficient telecommunications sites that can meet the coverage objective in the area. It is stated that while there has been significant improvements in the technologies providing advanced broadband services the advances in the design of antennae and the supporting fixtures is limited. The requirement to position telecommunications transmission and recovery equipment above obstructions remains unchanged. Given the sensitivity of 3G and 4G

equipment there is less tolerance to obstructions so that even tree foliage has a degrading effect on the signal. The subject structure is a multi-user structure and will reduce the requirement for additional and potential visual impact on the local area.

- The provisions of the Ministerial Circular PL07/12 – Revisions to Guidelines are referenced. It is noted that the circular advises that with many developments of this nature there may be concerns from local residents about the perceived implications of the development primarily in relation to the adverse health effects of the installation. Planning Authorities are urged to concern themselves with design and siting issues only and should defer any health and safety issues to their monitoring to the relevant authorities, in this instance ComReg.
- In relation to the matter of development contributions the Limerick City and County Council Development Contribution Scheme forms the basis for the calculation of the development contribution payable in respect of certain development categories.
- It is submitted that the 2013 Development Contribution Scheme Guidelines should be adopted in this instance and that therefore no development contribution fees are applicable to the proposed development.
- In relation to the matter of visual impact it is set out in the appeal that the proposed structure would have a profound negative impact on the community. In relation to the zone of visual influence, 20 viewpoints were taken at eye level at various viewpoints within a 4km radius.
- In relation to the landscape character it is detailed that the site is located within a rural context with agriculture farm holdings. There are a number of residential dwellings within a relative close proximity to the site but given the topography of the area and natural screening around the site the impact of the proposal on these dwellings from a visual impact point of view is considered for the most part to be low.
- The presence of natural screening and the existing infrastructure in the area including utility poles is noted. The site can be described as having low sensitivity to accommodate changes. The sensitivity of the area can be

described as having a medium sensitivity to change and a medium to low capacity to accommodate changes in the area.

- Following a review of available sites and the overall topography of the area it was determined that a new 24m lattice structure would be acceptable at the site at Cowpark, Kilcornan.
- It is demonstrated in the visual impact appraisal that the proposed structure will have a minimal visual impact on the area. It is accepted that while the site is visible in its immediate vicinity for the most part it is not visible from the prominent areas specifically Currachase wood and other locations along the N69. A landscape plan is proposed which will provide further screening of the site without compromising the operational effectiveness of the proposed lattice structure.
- Regarding the issue of co-location, it stated that it has been established by Vilicom as well as Eir that existing sites in the area are not suitable for co-location. The submission includes a list of the existing mast in the surrounding area and details the reasons that none are suitable for the proposal.
- A section for the report from Vilicom that the applicant Cignal Infrastructure engaged is cited. Vilicom concluded that a new site is very much required. “This section outlines what was considered when selecting Cowpark as a candidate for a multi-operator structure (24m). A large consideration is to future proof the site against further local clutter clipping and enable the deployment of a viable multi-operator mobile site structure. Due to site spacing, terrain, structural and other limitations, there are many areas in the country where network operators have weak or non-existent voice and broadband data known as coverage or service blackspots. The operator’s network planning teams identify and prioritise blackspots based on a significant cluster of residential and commercial customers along with any key road or rail infrastructure. A new multi-operator site at Cowpark would significantly improve the coverage and broadband services in the area. Many residential homes which are currently within indoor blackspots in these areas will also greatly benefit from the enhanced coverage and capacity

improvements that the mobile operators and local broadband providers would be able to provide with the proposed site structure.”

- Eir have also provided technical justification plots for the proposed site. As part of Eir licensing requirements and the continuing rollout of their 3G and 4G network Eir requires a site at Kilcornan. It is stated that current sites in the general area for Eir do not provide adequate indoor and car coverage and capacity for high speed mobile broadband in and around the area coverage in the busy Curraghchase park and campsite is very poor and Eir have received multiple complaints from guests at the site this summer.
- There is urgent requirement for a suitable telecommunications support structure in the Kilcornan area. It is requested that the Board accept this information as well as the objective technical justification completed by Vilicom and Eir.
- Regarding the matter of safety risk on the access road which was raised in the appeal, it is proposed to utilise the existing access to the site which uses the access to the farm holding and is located off of the L69009. The proposed development is an unmanned telecommunications installation which is remotely monitored and controlled via the communications network. Once operational, operation and maintenance will visit the site an average 2-8 per year. The development will therefore cause a minimal increase in traffic movements on the road calculated on a yearly basis.
- The construction phase will take place over a period of 2-4 weeks additional vehicles will use the road entrance and an appropriate Temporary Traffic Management Plan will be put in place during that time frame. Given the location of the proposed structure in a farm yard located off of the L69009 it is considered that access to and from the site can be carried out in an efficient and safe manner.
- The appeal raised the matter of the proximity of the proposed development to a national monument. The site at Cowpark, Kilcornan is not located within the curtilage or notification zone of any protected structure. It is not located within an Architectural Conservation Area. There are a number of protected

structures/monuments in the surrounding area however none are within direct proximity of the site.

- It is considered that the subject site is sufficiently separated from these monuments and their respective zones of influence to determine that there will be no negative impacts.
- Concern is expressed in the appeal regarding the proximity to a Special Area of Conservation. The subject site at Cowpark, Kilcornan is not located within any designated areas NHA's, SAC's, SPA's and proposed NHA's. The Curraghchase SAC is located approximately 841m from the proposed site. Considering the size, scale and type of development and the significant separation distance it is considered that the proposal will in no way negatively impact this SAC. The site is located approximately 1.3km from Askeaton Fen Complex SAC. Similar to Curraghchase SAC, given the significant separation distances the proposal will not impact on Askeaton Fen Complex SAC. It is noted that there are no direct watercourses from the proposed site to either of these SAC's and any impact are unlikely.
- The matter of property devaluation is raised in relation to an alleged depreciation of property values in the Kilcornan area it is highlighted that the Board has adjudicated on such matters in the past and found that without evidence or examples of where such a development has depreciated the value of properties then it should not be used as a reason for refusal. It would be reasonable to assume that property values in an area might in fact be positively affected by an improvement in communication infrastructure particularly broadband which is acknowledged as a vital utility service.
- It is stated that while there is no comprehensive study completed in Ireland to support this position, in the UK, the London School of Economics undertook a comprehensive report using 15 years of data to examine the impact broadband had on house prices for over one million houses. The study showed that on average house prices increased by 3% when broadband speeds doubled.
- This part of Limerick has been identified under the National Broadband Plan as requiring state intervention and so it can reasonably be concluded that the

service is necessary and required in the local area in line with Government policy to expand the availability and competitiveness of fibre enable broadband for the local population.

- The appeal raised health concerns. In response to the matter, it is requested that the Board accept the statement of compliance from the operator Eir and the International Commission on Non-Ionising Radiation Protection (ICNIRP) from Vilicom and the statement of compliance from Signal.
- The technologies proposed by Eir are UMTS (3G or third generation mobile cellular system) and LTE (4G or fourth generation mobile cellular system). Both 3G and 4G technologies are radio access network technologies using the spectrum Eir have licensed from Com Reg to provide mobile services to their customers. These technologies require base stations, radios, antennas and back haul equipment to be placed on appropriate structures. 3G technology is required to provide mobile voice services along with data services to Eir's customers while they are stationery or mobile/in-transit.
- It is stated that the type of equipment used by Eir mobile and Imagine Broadband is in compliance with the licencing terms and conditions and so the company must meet strict requirements on the type and nature of the technology used on the network so as not to cause interference with other radio communications services and devices.
- The infrastructure technology proposed at this site is the established and licensed method of providing wireless communications by the operators. Documentation has been provided from Three Ireland (Hutchinson) Limited which states that all H3G base stations also comply with the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines as per the limits specified.
- It is stated that all base stations in Ireland adhere to the guidelines on limits of EMF exposure set by the ICNIRP.
- It is requested that the Board accept this response in relation to health concerns raised in the appeal.

- In conclusion it is stated that the appeal response is considered to be sufficient to satisfy the Bord and the appellants that the decision of Limerick City and County Council to approve the structure at Kilcornan, Co. Limerick was appropriate.
- It is submitted that by providing the communications infrastructure Cignal is making a positive contribution to the area by enhancing by social and economic life of the local residential, civic and business communities through the provision of mobile and broadband services infrastructure.
- The applicant Cignal Infrastructure Ltd has aimed to provide a sensitivity located low impact telecommunications installation on the premises. The application contains details of how requirements were gathered and assessed to ensure that the proposed development provides for the needs of residents and businesses in the area with no adverse impact on residential or landscape amenities of the area.

6.3. Planning Authority Response

- None received

6.4. Observations

An observation to the appeal has been submitted by Anne Delany. The issues raised are as follows;

- The observation supports the grounds of the appeal.
- It is stated that the Council should have attached conditions which provided screening to the mast.
- The area is of archaeological importance. The site is adjacent to a national monument.
- Concern is expressed at the location of the site in proximity to the school, community centre, afterschool club and playing field circa 740m away.

- Concern is expressed in relation to the visual impact. It is considered that the submitted photomontages do not provide an accurate representation of the proposed development.
- In relation to the selection of the site, it is stated in the observation that they are not satisfied that a coverage survey was completed.
- It is noted that there is a mast located at Tinnaculla, Askeaton which operates as part of the Vodafone network. This is located circa 3.5km from the subject site. It is considered that the location at Tinnaculla, Askeaton may be suitable for the co-location of Eir mobile antennae. The justification for the subject mast is therefore questioned.
- It is stated that good coverage can be accessed in the area through the network using the Tinnaculla mast. Therefore, the co-location of the Eir services must be encouraged. It is stated that there is no reference to the type of broadband which will be provided.
- The appeal site is located circa 400m from a national monument ref. 345 – Killeen Church.
- The observer cites a previous application for a dwelling at Cowpark, Kilcornan, Reg. Ref. 08/2043. The report of the Executive Archaeologist is note which stated “development on the opposite side of the road should be refused as it will have a negative impact on the views from the National monument and on the visual amenity of the church.”

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and the observations to the appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Policy context/Site location and Technical Justification

- Impact upon residential amenity
- Visual amenity
- Access and traffic
- Archaeology
- Development contribution
- Appropriate Assessment

7.1. Policy context/Site location and Technical Justification

- 7.1.1. The proposed development is for a lattice mobile and broadband tower telecommunications structure of 24 metres in height in a rural location. The appeal site is located within an area which is designated ‘agricultural lowlands’ under the provisions of the Limerick County Development Plan, 2022 – 2028 on Map 6.1 of the Plan which refers to Landscape Character Assessment.
- 7.1.2. 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.”
- 7.1.3. Chapter 8 of the Limerick Development Plan 2022 – 2028, refers to Infrastructure. In relation to the provision of broadband Objective IN O4 states that it is an objective of the Council to support the delivery and implementation of the National Broadband Plan and any subsequent plans. Section 8.4.2 of the Plan refers to telecommunications support structures, antennae and domestic satellite dishes it sets out that the Council recognises the importance of high-quality telecommunications infrastructure as a prerequisite for a modern society and economy. While the advantages of high-quality ICT infrastructure is acknowledged it is also stated in the plan that this must be balanced with the need to safeguard both the urban and rural landscape.

- 7.1.4. Objective IN O5 of the Development Plan refers to Telecommunication Support, it sets out that it is an objective of the Council to promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers and to require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures. It is required that there is best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. Accordingly, as set out in Section 8.4.2 of the Plan and under Objective IN O4 and Objective IN O5 it is Council policy to support the sustainable provision of telecommunications infrastructure throughout the county at appropriate locations.
- 7.1.5. 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.
- 7.1.6. In response to the matter the first party stated that the proposed site is designed to support 3G and 4G broadband communications for multiple operators. They set out that by accommodating local and national broadband providers/operators, the proposed development will bring significant improvements in the provision of mobile and broadband data services to this area of Co. Limerick and surrounding areas and it will close a large coverage gap in the Kilcornan area.
- 7.1.7. It is stated in the appeal response that the proposed development is required because there are currently insufficient telecommunications sites that can meet the coverage objective in the area. The first party state that while there has been significant improvements in the technologies providing advanced broadband services the advances in the design of antennae and the supporting fixtures is limited. Therefore, they make the case that the requirement to position telecommunications transmission and recovery equipment above obstructions remains unchanged. The specific requirements in relation 3G and 4G equipment are highlighted. Due to the

sensitivity of the infrastructure, there is less tolerance to obstructions so that even tree foliage has a degrading effect on the signal.

- 7.1.8. In relation the potential for co-location it is detailed in the appeal response that it has been established by Vilicom and Eir that existing sites in the area are not suitable for co-location. The response provided by the first party includes a list of the existing mast in the surrounding area and details the reasons that none are suitable for the proposal. The report prepared by Vilicom for the applicant states that “A new multi-operator site at Cowpark would significantly improve the coverage and broadband services in the area. Many residential homes which are currently within indoor blackspots in these areas will also greatly benefit from the enhanced coverage and capacity improvements that the mobile operators and local broadband providers would be able to provide with the proposed site structure.”
- 7.1.9. It is further set out in the appeal response that Eir provided technical justification for the proposed site. It is highlighted that under licensing requirements and in order to facilitate the continued rollout of their 3G and 4G network Eir requires a site at Kilcornan. In relation to the current coverage provided by existing telecommunications infrastructure in the wider area it is stated that current sites for Eir do not provide adequate indoor and car coverage and capacity for high speed mobile broadband in and around the area coverage this includes the Curraghchase park and campsite.
- 7.1.10. 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. 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. Impact upon residential amenity

- 7.2.1. The grounds of the appeal refer to the proximity of the proposed development to neighbouring dwellings and the village of Kilcornan including the National School. It

is contended in the appeal that the proposed development would result in devaluation of surrounding residential property.

7.2.2. Regarding the issue of the potential negative affect of the proposed development on the valuation residential property, I note the response from the first party where they highlighted that the Board has adjudicated on such matters in the past and found that without evidence or examples of where such a development has depreciated the value of properties then it should not be used as a reason for refusal. It is argued in the first party response that it would be reasonable to assume that property values in an area might in fact be positively affected by an improvement in communication infrastructure particularly broadband which is acknowledged as a vital utility service. In relation to the matter of the potential effect of telecommunication infrastructure on property valuation, the first party highlight that there is no comprehensive study carried out and completed in Ireland. However, they cite a study carried out in the UK at the London School of Economics which examined the impact broadband had on house prices for over one million houses. The study found that on average house prices increased by 3% when broadband speeds doubled.

7.2.3. The grounds of appeal raise concerns in relation to potential negative health impacts caused 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 additional 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 neighbouring residential property and also from the wider area. The observation to the appeal also raised concerns in relation to visual impact. Concern is expressed by the appellants and the observer that the photomontages submitted by the applicant do not provide an accurate representation of the proposed development.

- 7.3.2. It is advised under Section 8.4.2 of the Development Plan which refers to Telecommunications Support Structures, Antennae and Domestic Satellite Dishes that the visual impact should be kept to a minimum with detailed considerations of design, siting and the scope for utilising landscape measures effectively.
- 7.3.3. The subject mobile meter lattice mobile and broadband tower with headframe carrying telecommunications structure has a proposed height of 24m. 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 40m above sea level the surrounding area is relatively flat in nature there is some undulation in the topography to the east, west south of the site where the land rises to 60-70m above sea level.
- 7.3.4. Map 6.2 of the Limerick Development Plan 2022-2028 indicates Views and Prospects. The subject site at Cowpark, Kilcornan, Co. Limerick is not located within any designated views and prospects. Map 6.1 of the Plan refers to Landscape Character Assessment. In respect of this map, I note that the site is located within an area which is designated 'agricultural lowlands'.
- 7.3.5. Accordingly, I am satisfied that the proposed development would not adversely impact any views or prospects protected under the provisions of the Limerick Development Plan. Furthermore, I am satisfied that the site is not located within a highly sensitive landscape.
- 7.3.6. A Visual Impact Assessment was submitted as part of the application. The Visual Impact Assessment contains 20 no. photomontages taken at eye level at various viewpoints within a 4km radius. The appellants and observer consider that this does not provide an accurate representation of the proposed development.
- 7.3.7. In response to the matter of visual impact the first party highlight the landscape character. The site is located in a rural context within agriculture farm holdings. The first party note that there are a number of dwellings within a relative close proximity of the site, however they consider that the visual impact of the proposal would be for the most part low due to the topography of the area and natural screening around the site. The response from the first party also cited the presence of natural screening and the existing infrastructure in the area including utility poles and they

state that the site can be described as having low sensitivity to accommodate changes and that the sensitivity of the area can be described as having a medium sensitivity to change and a medium to low capacity to accommodate changes in the area.

- 7.3.8. In relation to the submitted visual assessment, I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual impact assessment are representative of the extent of the visual impact upon the surrounding landscape. In relation to the 20 no. photomontages, I note that 12 no. of these indicate that the proposed lattice mobile and broadband tower would be visually imperceptible in the landscape. A further 4 no. of the remaining viewpoints have a partial or distance view of the proposed structure. Therefore, there are 4 no. viewpoint locations where the proposed lattice mobile and broadband tower would be more visible. I note that these locations are in relative close proximity to the site. In terms of the level of visual intrusion it is only the two closest locations to the site which could be considered to have a more significant impact and those are from the lands immediately to the north and into the grounds of the farm holding. Regarding the potential visual impact of the proposal upon Currachase wood, I note that the proposed mast would not be visible from that location.
- 7.3.9. A landscape plan is proposed as part of the development. This is included in the details provided with the planning application and also with the appeal response. As indicated on the plan additional planting is proposed to the north and east of the site compound. I consider this will serve to further mitigate the visual impact from close range views.
- 7.3.10. In conclusion, given the height of the proposed telecommunications structure at 24m, there would be some close range views of it from the road and surrounding lands in the immediate vicinity however having regard to 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.
- 7.3.11. 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. Concern is expressed in relation to the safety of children walking to the National School at Kilcornan. The appellants also raised the issue of the width and condition of the L69009 road which serves the site.
- 7.4.2. Access to the appeal site is proposed via an agricultural track which runs for circa 180m off the L69009. The L69009 is a narrow cul-de-sac which extends for circa 520m to the south from the N69.
- 7.4.3. In response to the matter of traffic generation the first party stated that proposed development is an unmanned telecommunications installation which is remotely monitored and controlled via the communications network. They confirmed that the construction phase of the proposed development would last for a period of between two and four weeks and during this time additional vehicles will use the road entrance. They proposed to employ a Temporary Traffic Management Plan for the duration of the construction phase.
- 7.4.4. In terms of the operational phase the first party confirm that for operational and maintenance purposes there would be between 2-8 visits to the site per year. They therefore submit that having regard to the nature of the development that it would result in a minimal increase in traffic movements on the road calculated on a yearly basis.
- 7.4.5. 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. Archaeology

- 7.5.1. The appeal raised concern at the proximity of the subject site to Killeen Church. Killeen Church (RMP No. LI011-065001), National Monument ref no: 345 is located

in the townland of Cowpark and classified as a Church. It is ruined structure which is situated circa 400m to the west of the appeal site. There are four other features surrounding the ruined church at Killeen. In relation to this, National Monument LI00482 a curving arc of an earthen bank, LI00483 a mound, LI08235 and LI08236 a graveyard area. In relation to the location of this archaeological site relative to the proposed development I would note that given the separation distance of circa 400m that the appeal site would be located outside the zone of potential.

7.5.2. There is a Ringfort-rath (Ref. LI00485) located circa 160m to the north of the appeal site. In relation to this archaeological features having regard to the separation distance to the appeal site I am satisfied that the proposed development would not impact on the integrity of the ringfort or the archaeological character of the area.

7.5.3. Reference is made in the appeal to the fact that the Planning Authority did not attach any conditions in relation to archaeology. Having regard to the details set out above I do not consider that it is necessary or appropriate to attach any conditions in respect of an archaeological appraisal of the site.

7.6. Development Contribution

7.6.1. The matter of a development contribution was raised by the first party in their response. They state that in relation to the matter of development contributions the Limerick City and County Council Development Contribution Scheme forms the basis for the calculation of the development contribution payable in respect of certain development categories.

7.6.2. The first party stated that the 2013 Development Contribution Scheme Guidelines should be adopted in this instance and that therefore no development contribution fees are applicable to the proposed development.

7.6.3. Limerick City and Council in a meeting held on the 24th of January 2022 adopted the Development Contribution Scheme 2022 and the Scheme had immediate effect. As detailed in Section 6.0 which refers to Review of current scheme, it states that in line with the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Draft Limerick Development Plan, it is considered necessary to make a number of changes to the Development Contribution Scheme,

the changes includes the charges removed for Telecommunication structures in line with the guidance set out in Circular PL03/2018.

- 7.6.4. Accordingly, the subject proposed development a mobile and broadband tower with headframe carrying telecommunications equipment, together with associated ground mounted equipment is not subject to a development contribution under the provisions of the Limerick City and County Council Development Contribution Scheme 2022.

7.7. Appropriate Assessment

- 7.7.1. 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.
- 7.7.2. The proposed development is for an 24m mobile meter lattice mobile and broadband tower with headframe carrying telecommunications equipment, together with associated ground mounted equipment.
- 7.7.3. 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.
- 7.7.4. The closest European sites are Curraghchase Woods Special Area of Conservation (Site Code 000174) which is situated to the east and south of the site and at its closest within approximately 798m to the east of the appeal site and Askeaton Fen Complex Special Area of Conservation (Site Code 002279) which is located to the

north and east of the site and at its closest within approximately 927m of the appeal site.

- 7.7.5. There is no direct hydrological connection from the subject site to the designated sites and they are at some remove from each other.
- 7.7.6. 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

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 Limerick Development Plan 2022 - 2028, 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 applicant shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.

Reason: In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.

3. 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.

4. 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.

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

Reason: In the interest of public health.

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 of 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 lattice mobile and broadband tower 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.

Siobhan Carroll
Planning Inspector

2nd March 2023