



An  
Bord  
Pleanála

## Inspector's Report ABP 312818-22.

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<b>Development</b>	Overground communications infrastructure at public footpath along N72.
<b>Location</b>	Kilquane, Barraduff, Co. Kerry.
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	S254
<b>Applicant</b>	Cignal Infrastructure Ltd.
<b>Type of Application</b>	Section 254 licence.
<b>Planning Authority Decision</b>	Refuse Licence
<b>Type of Appeal</b>	First Party against Refusal of Licence
<b>Appellant</b>	Cignal Infrastructure Ltd.
<b>Date of Site Inspection</b>	4 <sup>th</sup> May 2023
<b>Inspector</b>	Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The site is located in the village of Barraduff, Co. Kerry. The village is located on the N72, Mallow to Killarney Road. It lies circa 10km to the east of Killarney. The village is situated at the intersection of the N72 and the R570 with core of the village developed at the crossroads. There are a mix of commercial and community uses within Barraduff including shops, a café, bar, hairdressers, service station, motor sales premises, church and funeral home.
- 1.2. The site is situated to the southern side of the N72 circa 55m the east of the crossroads. It is located within a section of the gravel/grass verge. There is a cabinet to the west and a street light to the west and further street lights and road signs within the gravel/grass verge to the east. The closest residential property is situated circa 25m to the north-west.

## **2.0 Proposed Development**

- 2.1. The proposed development is overground communications infrastructure at public footpath along N72. It comprises a 18m high monopole with associated cabinet.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The application was refused for the following two reasons:

1. The proposed development at this location would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to protect in accordance with Landscape Protection Objective ZL-1 of the Kerry County Development Plan 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height of the proposed development, it is considered that it would not integrate satisfactorily into the surrounding area and that it would seriously injure the amenities and depreciate the value of property in the

vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

3.2.1. The decision is based on a Planning Report which considered that the proposal would have a negative visual impact on approach to the village from the east and also from the south in proximity of the national school. It was concluded given the negative visual impact of the proposal that it would also impact negatively on the residential amenity of the area. The recommendation was not to grant a licence.

#### **3.2.2. Other Technical Reports**

3.2.3. Municipal District Engineer: report dated 21/1/22 – No objection regarding the licence application and if granted specific licence conditions are recommended.

3.2.4. Roads Transportation and Marine Department: report dated 18/1/22 – Refusal of the application recommended in line with the recommendations of the Assistant Planner.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

None relevant.

## **5.0 Policy Context**

### **5.1. Kerry County Development Plan 2022 – 2028**

5.1.1. Chapter 11 refers to Environment.

5.1.2. Section 11.6 refers to Landscape.

5.1.3. The following refer to Landscape Sensitivity.

5.1.4. It is an objective of the Council to:

KCDP 11-17 – Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people’s lives.

KCDP 11-78 – Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

5.1.5. Chapter 14 refers to Connectivity.

5.1.6. Section 14.9 refers to Digital Connectivity

5.1.7. A key factor in the determination of social and economic progress in the County is the development of the Information and Communication Technology (ICT) network. This is particularly important if locations remote from cities are to attract investment and jobs and give local people quality access to information, education and entertainment. Telecommunications masts are an essential element in providing a communication network for the county. As with most technology they provide benefits, which must be balanced against associated loss of amenities.

5.1.8. The Council will facilitate the delivery by National Broadband Ireland (NBI) of high-speed broadband services to all businesses and households in line with the National Broadband plan for Ireland. The council recognises that the current infrastructure in this sector is deficient. Even with the schedules of the incumbent service providers for enhancements of their networks and exchanges in “Next Generation Network” investments, the county suffers an absence of carrier neutral and multi-carrier backhaul in most parts of the county. There is also an increased demand from the domestic and commercial sectors. The Council, therefore, aims to support the sustainable provision of telecommunications infrastructure throughout the county at appropriate locations, including rural areas where practical.

5.1.9. It is the policy of the Council to:

- Promote the development of Smart County and Smart Towns as well as Smart Villages.
- Support the co-ordinated and focused sustainable development and extension of broadband infrastructure throughout the County at appropriate locations to

ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices e.g., remote working in hubs in towns and villages.

- Facilitate the sustainable development of a modern efficient telecommunications network serving the County.
- Achieve a balance between facilitating the sustainable provision of telecommunications infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

5.1.10. Section 14.9.1. refers to Telecommunications & Broadband

5.1.11. In considering locations for masts and other infrastructure requirements, Kerry County Council will have regard to the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' (DoECLG, 1996) and Circular Letter PL07/12. The Council aims to support the sustainable development of mast infrastructure at appropriate locations which facilitates backhaul in the peninsula areas, and Broadband services to areas of the County with no Broadband service and with poor Broadband service.

5.1.12. The following refer to Digital Connectivity.

It is an objective of the Council to:

KCDP 14-73 – Support the sustainable provision of modern and innovative telecommunications infrastructure at appropriate locations.

KCDP 14-79 – Achieve a balance between facilitating the provision of telecommunication infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

KCDP 14-80 – Ensure that the location and provision of telecommunication infrastructure should minimise and/or mitigate any adverse impacts on communities, public rights of way and the natural environment.

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

- 5.2.1. 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.
- 5.2.2. 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.
- 5.2.3. 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.

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

- 5.3.1. 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.

- 5.3.2. 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.

#### **5.4. Natural Heritage Designations**

- 5.4.1. Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC is situated 16m from the site.

#### **5.5. Environmental Impact Assessment Screening**

- 5.5.1. Having regard to the nature of the proposed development and its location in a village location, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

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

- 6.1.1. A first party appeal against the decision of Kerry County Council in respect of the Section 254 Licence Application was submitted by Signal Infrastructure Ltd. The matters raised are as follows.

- Regarding refusal reason no.1, the key issues are that the proposed development at this location would be visually obtrusive by virtue of its visual impact on the landscape and that it would interfere with the character of the

landscape which is necessary to protect in accordance with Landscape Protection Objectives of the Kerry County Development Plan 2015-2021.

- The first party strongly disagree with the view of the Council that the proposed development at this location would be unduly obtrusive by virtue of its visual impact on the landscape.
- It is noted that the site is located at the edge of a village in an area where there are very limited views of the surrounding landscape due to the presence of the woods to the north of the site and the raised bank to the south of the site.
- It is noted that the proposed development would be located in a transport corridor leading into the village. The site is situated in a Rural General landscape area which is stated as the least sensitive in terms of absorbing new development.
- The first party refer the Board to the visual impact assessment which was submitted with the application. They note that apart from the views from the immediate vicinity most views in the general area indicate that the proposed development would be partially obscured.
- It is submitted that the design and height of the structure at 18m is common for this type of infrastructure and that such structures are common place throughout the country. It is noted that Councils regularly erect similar tall CCTV camera poles in similar locations.
- The street pole while it would be visible it is specifically designed to be visually unobtrusive. It is a narrow structure with a natural grey colour.
- The first party refer the Board to a recent similar decision of An Bord Pleanala Ref. LC93.309598 for a street pole of 15m at the junction of St. John's Hill and the Folly, Waterford. The Inspector reporting on that case noted that, "The structure may briefly be of visual interest but would then become an accepted and normal part of the urban streetscape. These structures are becoming more common."
- The Inspector further stated, "the structure will be very visible on the streetscape. However, a visual impact is unavoidable with

telecommunications infrastructure such as this ....it would not have any undue adverse impact on the surrounding land uses or the protected structures.”

- The first party also cited the report of the Planning Inspector in respect of PL61.306440 where the Inspector recommended a grant be issued and stated in their report, “I would consider that the structure itself is nondescript in character and design and is not dissimilar in scale and design of a lamp standard or traffic light pole. I would consider that the structure is of a design and scale that would not be out of character or be a visually obtrusive or an incongruous element in a suburban area such as this.”
- It is noted that although both examples are in suburban locations rather than rural locations, the core point about visual impact of these structures being minimal is directly relevant to the current appeal.
- Examples of street poles which have been granted licences are cited at Greyabbey on the road leading into Kildare, Co. Kildare and also on the road leading into Bagnelstown, Co. Carlow.
- In relation to the matter of interference with the character of the landscape, Map 12.1k in the Kerry Co. Development Plan 2015-2021 shows views and prospects facing east along the R570 to the south of the village this is the objective which the Council refer to. It is submitted that the proposed street pole will not affect the view from the R570 in an easterly direction.
- The report of the Planning Officer on the subject license application also referred to the negative impact on the view from the south in the proximity of the school. VRP no. 4 in the Visual Impact Assessment is taken from the front of the school and shows that the street pole will be largely obscured by existing mature trees, including those on the top of the raised bank to the rear of the site.
- In relation to the second reason for refusal the core issue is that having regard to the height of the proposed development it is considered that it would not integrate satisfactorily into the surrounding area and that it would seriously injure the amenities and depreciate the value of property in the vicinity.

- The first party strongly disagree that the proposed development will not integrate satisfactorily into the surrounding area. They submit that it may be of visual interest upon construction it is submitted that it will quickly become an accepted and normal part of the streetscape in the same manner as the tall public street lights in the general area.
- Regarding the matter of injuring the amenities and depreciation of the value of property in the vicinity, the closest dwelling is located on the opposite side of the road, the north-west circa 30m away. It is noted that the property does not have any direct view of the site. Another dwelling is situated approximately 42m to the west and a further dwelling is located 46m west of the closest dwelling.
- It is submitted that the distance from the three dwellings to the subject street pole are substantial and that none of the dwellings directly face towards the proposed development. Having regard to the separation distance provided and the slender nature of the proposed development it is submitted that there will be no material impact on the value of these dwellings.
- The Council have not provided any evidence or argument as to why the proposed development would depreciate the value of property in the vicinity. The first party state that they are not aware of any independent research which has found this to be the case. It is submitted that in the absence of any evidence that street poles materially depreciate the value of property in the vicinity, that it would be entirely unreasonable to refuse permission on that basis.
- It is submitted that the proposal accords with the pattern and character of the public realm of Barraduff village. The policy cited under the Kerry County Development Plan particularly regarding co-location was applied to the site selection process.
- All other locations including existing telecommunication sites were evaluated and were discounted for various reasons set out in the licence application. The existing sites which were assessed were too far from the search ring to satisfy its technical requirements.

- The proposed 18m pole will provide for optimum coverage as required in the area. It is noted that increased working from home has placed increasing demand on the network as noted by the Government in recent Circulars and associated actions. Accordingly, there is an immediate urgency in the provision of this telecommunications infrastructure to address the coverage gaps.
- The proposed pole will be of a neutral sky grey colour which will reflect the skyline and therefore the proposed pole would assimilate well into the surrounding area. The proposed location will not interfere with the use of the footpath, and it is considered an appropriate setting for the proposed pole and cabinet.
- The visual impact assessment demonstrates that there will be no material negative impact on the visual amenities of the area with slight to moderate visual impacts being perceived as the structure is observed in the middle and near distance.
- It is submitted that each of the Council's two reasons for refusal have been addressed in detail. It has been demonstrated that the visual impact is not unreasonable and that it will not have a material impact on the landscape.
- The site is not located near any protected view. The proposal will not injure the residential amenity of dwellings in the area and there is no evidence available to form the basis for a refusal on devaluation of property.
- It is submitted that the reasons for refusal are unreasonable and unjustified and should be overturned.
- The Board is requested to consider the necessity for this infrastructure and to consider the meticulous site selection process undertaken.
- It is respectfully submitted that the proposal fully complies with the sustainable development of the area, and it is requested that the Board overturn the decision of Kerry County Council and grant this licence application.

## 6.2. **Planning Authority Response**

- The Planning Department confirmed that they have no further observations to submit.

## 7.0 **Assessment**

The review of the application for the licence and the grounds of appeal can be considered under the following headings:

- Background to the Application
- Legislative Context / Section 254
- First Reason for Refusal – Visual impact
- Second Reason for Refusal – Injury the amenities and depreciate the value of property in the vicinity
- Appropriate Assessment

### 7.1. **Background of the Application**

- 7.1.1. The applicant is an infrastructure provider for the communications industry with sites around the country supporting mobile and broadband communications, including tower, mast, roof top and streetwork solutions. They set out in the report of Jason Redmond & Associates Consulting Engineers submitted with the application and appeal that the subject telecommunications infrastructure is urgently required to improve coverage in the area due to the significant deficiencies experienced by the three main providers Vodafone, Eir and Three. It was identified that that a new telecommunications structure would be required to be erected within the search ring area surrounding the village of Barraduff in order to provide the necessary coverage to the existing coverage black spot.

### 7.2. **Legislative Context/Section 254**

- 7.2.1. Section 254(1)(ee) of the Planning & Development Act, 2000 (as amended), states that a person shall not erect, construct, place or maintain overground electronic communications infrastructure and any associated physical infrastructure on, under,

over or along a public road save in accordance with a licence. Section 254(6)(a) states that any person may appeal to the Board in relation to the refusal of a licence. Section 254(5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:

- (a) The proper planning and sustainable development of the area,
- (b) Any relevant provisions of the development plan, or a local area plan,
- (c) The number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- (d) The convenience and safety of road users including pedestrians.

7.2.2. I consider the site is along the public road, as defined in the Roads Act, 1993 (as amended). It comprises a grass margin which contains road signs and public lighting. Therefore, I consider section 254 is the appropriate mechanism for the proposed development.

### **7.3. First Reason for Refusal – Visual impact**

7.3.1. The first reason for refusal refers to the issue of visual impact. The Planning Authority considered that the subject telecommunications structure would be unduly obtrusive due to its visual impact and that it would interfere with the character of the landscape. The reason for refusal referred to Objective ZL-1 of the Kerry County Development Plan 2015-2021.

7.3.2. The Planning Authority in determining the licence application assessed it under the provisions of the Development Plan which was in force at the time which was the Kerry County Development Plan 2015-2021. Objective ZL-1 refers to landscape protection and states it that is an objective “to protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to people’s lives.”

7.3.3. In response to the matter the first party stated in the appeal that they strongly disagree with the view of the Council that the proposed development at this location would be unduly obtrusive by virtue of its visual impact on the landscape. They highlighted the location of the site at the edge of the village where they consider there are very limited views of the surrounding landscape due to the presence of

woods to the north and the raised bank to the south. It was also noted in the appeal that the site is within a transport corridor and that it lies in a Rural General landscape area which is the least sensitive designated landscape in terms of absorbing new development.

- 7.3.4. In relation to the height and design of the subject telecommunications structure the first party submit that both the monopole design and its height of 18m are common throughout the country for this type of infrastructure. They stated that the structure is specifically designed to be narrow and that a natural grey colour finish is proposed which would result in it being visually unobtrusive.
- 7.3.5. In response to the refusal on the basis of visual impact the first party refer the Board to the visual impact assessment. They submit that aside from the views from the immediate vicinity of the site that most views of the proposed monopole structure would be partially obscured.
- 7.3.6. In order to further their case, the first party also cited a number of other recent decisions of the Board. The referred to ABP. LC93.309598 a Section 254 licence for a street pole of 15m at the junction of St. John's Hill and the Folly, Waterford. The report of the Planning Inspector in respect of that case was noted which stated, "The structure may briefly be of visual interest but would then become an accepted and normal part of the urban streetscape. These structures are becoming more common." It was further stated in the report that, "the structure will be very visible on the streetscape. However, a visual impact is unavoidable with telecommunications infrastructure such as this ....it would not have any undue adverse impact on the surrounding land uses or the protected structures."
- 7.3.7. The case PL61.306440 was also referred to in the appeal. The report of the Planning Inspector was noted in respect of their assessment on the matter of visual impact where they stated that, "I would consider that the structure itself is nondescript in character and design and is not dissimilar in scale and design of a lamp standard or traffic light pole. I would consider that the structure is of a design and scale that would not be out of character or be a visually obtrusive or an incongruous element in a suburban area such as this."
- 7.3.8. The first party also cited two other examples of street poles which have been granted licences at Greyabbey on the road leading into Kildare, Co. Kildare and on the road



leading into Bagnelstown, Co. Carlow. Photographs of those structures are provided in the appeal. I note the cited examples provided in the appeal and I do note that while the locations including suburban sites are not directly comparable to the village of Barraduff, I do take into consideration the central point being made in relation to the visual impact of those structures being considered to be minimal.

- 7.3.9. In relation to reason for refusal the first party state that the Planning Authority referred to interference with the character of the landscape. The first party highlighted that Map 12.1k in the Kerry Co. Development Plan 2015-2021 indicated views and prospects facing east along the R570 to the south of the village and that this is the objective which the Council refer to. They submit contrary to the assessment of the Planning Officer that the proposed monopole structure will not affect the view from the R570 in an easterly direction.
- 7.3.10. They also highlighted that the report of the Planning Officer referred to the negative impact on the view from the south in the proximity of the school. In response to this specific point, they stated that VRP no. 4 in the Visual Impact Assessment is taken from the front of the school and that it illustrates that the street pole will be largely obscured by existing mature trees, including those on the top of the raised bank to the rear of the site.
- 7.3.11. The Kerry County Development Plan 2022-2028 was adopted by the elected members on the 4<sup>th</sup> July 2022 and it came into effect on the 15<sup>th</sup> August 2022. Accordingly, the subject appeal of this Section 254 licence application must be assessed under the provisions of the current Development Plan.
- 7.3.12. In relation to the matter of visual impact and landscape designations Map K of the Kerry County Development Plan 2022 – 2028 is the relevant Landscape Character Map. The subject site at Barraduff is not located within a designated visually sensitive area or within any views and prospects. There is a listed view/prospect from the R570 to the south of Barraduff facing east. The site is situated circa 870m to the north this view. Accordingly, I would concur with the case put forward by the first party that the subject structure will not affect this view from the R570 in an easterly direction.
- 7.3.13. 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 viewpoint no. 1, from the N72 to the west within the village, I note that only the upper most section of the structure would be visual and that this is in the context of streetlights and other utility poles and wiring within the village streetscape. In relation to viewpoint no. 2, this is from a closer range viewpoint also the west of the site. I note that the subject structure would be almost fully visible within the streetscape. However, having regard to the narrow nature of the monopole and the context of existing surrounding streetlights and other utility poles I consider that it can be successfully integrated into the streetscape. Regarding viewpoint no. 3, this is from a close range viewpoint to the east of the site on the N72. The structure would be full visible from this viewpoint however it is in the context of existing streetlights. Given the close range nature of this viewpoint I would consider that the full visibility of the subject monopole is acceptable. Regarding viewpoint no. 4, from the front of the National School on the R750, I note that this is a relatively close range view circa 80m from the site. The upper section of the subject monopole would be visible with the lower section fully screened by the existing matures trees. In relation to viewpoint no. 5, this is from the R750 to the north. I note that only the uppermost section of the subject monopole would be visible as it is screened by the existing buildings.

- 7.3.14. In conclusion, given the height of the proposed telecommunications structure at 18m, there would be some close range views of it from the road in the immediate vicinity however having regard to the existing screen planting and topography of the area and the narrow nature of the proposed monopole and context of existing streetlights and other utility poles and wiring within the village streetscape 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.
- 7.3.15. 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. Second Reason for Refusal – Injury the amenities and depreciate the value of property in the vicinity**

- 7.4.1. The second reason for refusal refers to the matter of the integration of the subject monopole into the surrounding area. In respect of this matter, this has been addressed in the preceding section of the report. The refusal reason also refers to the issue of injury to the amenities and depreciation of the value of property in the vicinity.
- 7.4.2. In response to this the first party submitted that the closest dwelling is situated on the opposite side of the road and is 30m north-west. They highlighted that property does not have any direct view of the site. In relation to other residential properties the first party noted that another dwelling is situated circa 42m to the west and a further dwelling is located 46m west of the closest dwelling. They argue that the separation distance which would be provided between these dwellings and the proposed monopole structure are substantial and that none of the properties directly face towards the proposal. Therefore, they submit that that there will be no material impact on the value of these dwellings. Having regard to the siting proposal, I am satisfied that the applicant had due regard of the location of the closest residential properties.
- 7.4.3. Regarding the issue of the potential negative affect of the proposed development on the valuation of property in the vicinity, I note the response of the first party which highlighted that no information was provided by the Council to substantiate this assertion.

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

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a village location, no appropriate assessment issues arise and it is not considered that the proposed 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 a licence be granted subject to conditions, for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), national and local policy objectives as set out in the Kerry County Development Plan 2022-2028, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the Kerry County Development Plan 2022-2028, would not be seriously injurious to the amenities of the area or residential amenity in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The licence shall be valid for a period of three years for the date of this Order. The telecommunications structure and related ancillary structures, including any access arrangements, shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

**Reason:** To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

2. The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, 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 planning 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.

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

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

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Siobhan Carroll  
Planning Inspector

12<sup>th</sup> May 2023