



An  
Bord  
Pleanála

## Inspector's Report ABP314392-22

<b>Development</b>	24m high telecommunications support structure with ancillary equipment and site works.
<b>Location</b>	Ardraw, Killorglin, County Kerry.
<b>Planning Authority</b>	Kerry County Council.
<b>Planning Authority Reg. Ref.</b>	22567.
<b>Applicant</b>	Vantage Towers Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	John P Costello.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13 <sup>th</sup> May 2023
<b>Inspector</b>	Derek Daly.

## **1.0 Site Location and Description**

- 1.1. The subject site is located in a rural area approximately 4.5 kilometres south west of the town of Killorglin in County Kerry. The site which is irregular in configuration is located off a minor public road and largely consists of road access strip from the road to a rectangular area approximately 54 metres from the road where the compound to accommodate the facility is located. Other than the roadside boundary the subject site is surrounded by agricultural lands with a mature hedgerow located along the western boundary of the field in which the subject site is located.

There is also a recorded archaeological site Ke057 075 located in the field to the northeast over 100 metres distance of the proposed development. There is a rise in elevation in a northeasterly direction from the road.

Residential development in the area comprises single one off housing and there are two dwellings approximately 120 metres to the west of the appeal site fronting onto the local road.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a 24m high telecommunications support structure with ancillary equipment and site works. The site works comprise the construction of a roadway 95 metres in length and 3 metres in width to a compound area approximately 54 metres from the road. Within the compound it is proposed to erect a 24 metre high lattice frame mast/tower which will accommodate multi operator use and associated support infrastructure including dishes. Cabinets are also proposed and cable and electricity connections within the compound which will be surrounded by a palisade fence 2.4 metres in height with access gates.
- 2.2. The application as submitted included drawings, cover letter outlining policy, a technical justification of the development and letter of consent from the landowner.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to grant planning permission subject to three conditions.

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

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

The planning report dated the 22<sup>nd</sup> of July 2022 refers to;

- Provisions of the Kerry County Development Plan.
- That the proposal would not represent a visual impact
- EIA preliminary assessment.
- An assessment based on the provisions of the Kerry County Development Plan.
- A grant of permission is recommended.

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

County Archaeologist in a memo dated the 14<sup>th</sup> June 2022 refers to the recorded monument Ke057 075 and indicates there is sufficient distance between the monument and the proposed development and no mitigation is required.

## **4.0 Planning History**

No relevant history

## **5.0 Policy and Context**

### **5.1. Development Plan**

The relevant plan is the Kerry County Development Plan 2022-2028 (CDP).

Chapter 11 relates to Environment and section 11.6 specifically to Landscape.

Section 11.6.3 refers to Landscape Designations and two landscape designations for

the county Visually Sensitive Areas and Rural General. The site is located in an area zoned Rural General which is the least visually sensitive visual sensitivity designation but it is also stated that developments should minimise their effect on the landscape. Objectives reflecting this are outlined in;

KCDP 11-77 *Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives* and 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.*

Chapter 14 relates to Connectivity and section 14.9 specifically refers to Digital Connectivity. The CDP refers to *the importance of a modern, efficient telecommunications system for the future development of the County cannot be overstated and constitutes a vital element of the County's infrastructure.*

It is the policy of the Council to:

- 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.

Section 14.9.1 refers to Telecommunications & Broadband and that efficient telecommunications and broadband are central to the development of a knowledge-based economy throughout the Country; Kerry County Council will have regard to the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' (DoECLG, 1996) and Circular Letter PL07/12 and that 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.

Objectives KCDP 14-71 to KCDP 14-80 broadly follow the provisions of the plan as set out in section 14.9.1. Objectives KCDP 14.71 to 14.78 are objectives which are broadly supportive of the provision of infrastructure. Objective KCDP 14.79 does refer to *“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”* and KCDP 14-80 refers to *“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”*.

Volume 6 of the plan relating to development management standards and section 1.14.1 refers specifically to telecommunications. The provisions refer to recognising the importance of the need for high quality communications and information technology networks in assuring the competitiveness of the County’s economy and its role in supporting regional and national development and that in evaluating applications for telecommunications installations, the Council will have regard to “Telecommunications Antennae & Support Structures Guidelines for Planning Authorities” (1996), and Department Circular PSSP 07/12.

Criteria are outlined in assessing which include;

- Co-location of such facilities on the same mast or cabinets by different operators is favoured to discourage a proliferation;
- Every effort shall be made to locate telecommunication masts in non-scenic areas.
- The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities.
- Every effort should be made to located new telecommunication masts in existing compounds or adjacent to existing masts.
- When locating on greenfield sites the mast should be away from existing residential properties.

- The preferred location for masts and antennae is in industrial estates, attached to industrial buildings or other commercial buildings.

## **5.2. National Planning Guidelines**

- 5.2.1. Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996. Section 4.3 includes; Only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.
- 5.2.2. Circular Letter PL 07/12, DoECLG 2012 This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

## **5.3. Natural Heritage Designations**

None relevant

## **5.4. EIA Screening**

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

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

The main grounds of appeal can be summarised as follows:

- There was a lack of communication or consultation or consideration for local people.
- The planning authority has restricted housing development in the area but has permitted a 79 foot high tower.

- Reference is made to a refusal of planning permission in the area referring to a ring fort that no longer exists but in the current planning application a 79 foot mast is allowed to be placed alongside of a ring fort.
- The applicant refers to a row of trees shielding the appellant's home from the mast but does not refer to the deciduous nature of the trees which are bare six months of the year.
- Reference is made to the ring fort which is part of a chain of forts and souterrains in the area and also to a common buzzard a protected species nesting in the ringfort.
- proposed development would not by reason of location, height and scale seriously injure the visual amenities of the area or interfere with the character of the landscape.

## 6.2. **Applicant Response**

The applicant response can be summarised as follows:

- Planning procedures were correctly followed.
- Telecommunication structures are subject to development standards.
- The ring fort was given due consideration by the County Architect (archaeologist?).
- The appellant's property is 144 metres from the site.
- It is acknowledged that that structure will create a visual impact around the general area but existing environment will assist in reducing the impact.
- The proposed structure is essential for the purpose of providing coverage in the area and is recognised as a necessary utility to meet current and future needs to provide 4G and 5G networks with the cessation of the 3G network.
- The issue of the ring fort was addressed by the planning authority.
- The ring fort is largely overgrown and will not impact on the common buzzard.

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

No response received.

## 7.0 **Assessment**

- 7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Need for the development.
- Visual Impact
- Appropriate Assessment

### 7.2. **Need for the development.**

- 7.2.1. The applicant has stated the need for the upgrading of the telecommunications network, that the existing service in the area is deficient and with future discontinuance of 3G and 4G there is a need to make provision for an improved service provision in the area. On the basis of the information submitted the need for an improved telecommunications network is accepted and the planning authority would also recognise this. It is also noted the applicant is making provision for sharing the proposed development and the principle of the development is acceptable.

### 7.3. **Visual Impact.**

- 7.3.1. In relation to the issue of visual impact this issue also includes its immediate setting and relationship to the ring fort also located in the same field.
- 7.3.2. It is well recognised that placing infrastructure of this nature is challenging and this is reflected in the advice contained in Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines (the Guidelines). It is also recognised in national and local policy that there is a need for the provision of telecommunications infrastructure to meet future demand and to address current deficiencies



- 7.3.3. It is also recognised that in relation to providing this infrastructure the development management guidelines of the CDP states a position of where possible very effort shall be made to locate telecommunication masts in non-scenic areas as distinct to visually sensitive areas. The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities in existing compounds or adjacent to existing masts and when locating on greenfield sites the mast should be away from existing residential properties.
- 7.3.4. The subject site is not located within a designated visually sensitive area is a greenfield site and is not adjoining or immediately proximate to existing residential development. The site forms part of a rural landscape with mature hedgerows and trees. The mast by virtue of its height will be visible but the receiving landscape has the capacity to absorb the proposed development and views of the mast will be intermittent and largely distant.
- 7.3.5. In relation to the potential impact on the ring fort it has to be acknowledged that it is in the same field but there is significant physical separation between the proposed mast and the ring fort and I would specifically in relation to this matter note that the proposal was referred to the County Archaeologist who in a memo dated the 14<sup>th</sup> June 2022 refers to the recorded monument Ke057 075 and indicates there is sufficient distance between the monument and the proposed development and no mitigation is required.
- 7.3.6. In relation to the presence of the common buzzard nesting in the ring fort there is nothing to suggest that the presence of a mast would impact on the species who main threat arises from poisoning.

#### **7.4. Appropriate Assessment Screening**

- 7.5. Having regard to the nature and scale of the proposed development, to the absence of emissions there from, the nature of receiving environment and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

## 8.0 Recommendation

8.1. I recommend that permission be granted.

## 9.0 Reasons and Considerations

Having regard to

- the National Planning Framework,
- the current Kerry County Development Plan 2022-2028,
- the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, and
- the scale and design of the proposed development,

it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and the current Kerry County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of 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. <b>Reason:</b> In the interest of clarity.
2.	Surface water drainage arrangements for the proposed development shall

	<p>comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of public health</p>
3.	<p>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.</p> <p><b>Reason:</b> In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p>
4.	<p>Details of the specific colour finish for the telecommunications structure shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area and to protect residential amenity.</p>
5.	<p>On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense.</p> <p><b>Reason:</b> In the interest of clarity</p>

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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Derek Daly  
Planning Inspector  
15<sup>th</sup> June 2023