



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314559-22

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<b>Development</b>	Erection of 30m high lattice telecommunications structure, with antennas, dishes, and associated equipment, all enclosed in security fencing with an access track
<b>Location</b>	Moyarta East, Carrigaholt, Co Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	22271
<b>Applicant(s)</b>	Vantage Towers limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Vantage Towers limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14/02/23
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The subject site is approximately 1.2 km north of Carrigaholt, and c. 250 m west of the R488 linking Carrigaholt to the R487. The R487 regional road generally runs from south to north c. 1.5k west of the application site connecting the Loop Head peninsula to Kilkee in west County Clare.
- 1.2. The site, part of a larger agricultural field, is located on the west side of a very poorly surfaced and narrow local road. The site is generally flat and located in a corner adjoining existing field boundaries. Discovery series OS mapping shows the levels of the site generally between the 30 and 40 m contours dropping gradually to Carrigaholt but remaining generally consistent to the R487 west of the site.
- 1.3. In the wider area two existing wind turbines are highly visible north of the general area of the site and highly visible in both directions along much of the R487 Regional Road.

## 2.0 Proposed Development

- 2.1. The proposal comprises off-
  - erection of a 30 metre high lattice telecommunications support structure
  - antennas, dishes, and associated telecommunications equipment,
  - all enclosed in security fencing and
  - an access track
- 2.2. The Planning Authority sought Further Information (FI) on the 13/0/22 which can be summarised as follows-
  - a) An identification and assessment of all existing and permitted telecommunication sites available in the area and the potential for these alternative sites to achieve the telecommunication coverage requirements for the area. This should be accompanied by existing, permitted and proposed telecommunication coverage mapping for all operators in the area. An assessment of recent permission 21-1314 for the upgrade of telecommunications infrastructure adjacent to the village of Cross should be included. Co-location should be progressed in lieu of the current proposal.

- b) If no suitable alternative sites are available an identification and assessment of potential alternative communication technologies available for the achievement of the proposed coverage. Where alternative technologies are available the nature of same and why these were not pursued in this instance should be submitted.
- c) Where alternative sites and technologies are not available revised proposals which reduce the visual impact of the proposed infrastructure on the receiving landscape should be submitted. The inclusion of a monopole antennae with a powder coated white matt finish was considered more appropriate. A powder coated paladin fencing was also more appropriate. Letters from the proposed operators of the tower outlining their requirement and support of the proposed development were sought.
- d) Photomontages of the proposed development from Carrigaholt and also from medium to long range vantage points on the road network to the east, south, west and north of the site.

2.3. The applicants responded to the FI request on the 11/07/22 which can be summarised as follows-

- A justification for the proposal, the requirements of the applicants, details of existing coverage including existing masts relevant to the site and Comreg coverage maps with the justification for the site seen in the dearth of coverage to Loop Head.
- There are no alternative technologies that can be used.
- A justification for the proposed lattice structure over monopoles and the galvanised finish. The proposed fencing will not be visible from the road but can be discussed further if permitted. Letters of support from Vodafone and Three Ireland are submitted.
- Photomontages from 6 different locations around the site.

2.4. The Planning Authority considered the submitted FI as significant on the 12/07/22. The Applicants readvertised the proposal and documentation for same was received on the 22/07/22.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission on the 18th of August 2022 for one reason as follows-

1. *Having regard to:*

- i. *The elevated and visually prominent location of the site within an open landscape where natural screening is limited.*
- ii. *The proximity of the site to recorded archaeological monuments CL065-052 Ringfort-Rach, CL065-053001 Church, CL065-053003 Ringfort-Rath, and CL065-053002 Graveyard.*
- iii. *The DOEHLG Telecommunications Antennae and Support Structure, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012 with regard to siting).*
- iv. *The location of the site in an area designated as a "Settled Landscape" in the Clare County Development Plan 2017-2023, as varied, whereby it is an objective of the Plan under CDP13.2 to require "that sites have been selected to avoid visually prominent locations" and "that site layouts avail of existing topography and vegetation to minimize visibility from scenic routes walking trails, water bodies, public amenities and roads".*
- v. *The visibility of the proposed mast from the R487 Regional Road which is a designated Scenic Route" within the Clare County Development Plan 2017-2023, as varied, whereby it is an objective of the Plan under CDP13.7 to "ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact".*

*It is considered that the proposed development by reason of its height and siting would form a prominent feature on the landscape which would seriously injure the visual amenities of the area and the wider Loop Head Peninsula,*

*would seriously injure the setting of the adjacent archaeological monuments, would contravene the provisions of the Development Plan including those objectives for "Settled Landscapes" and "Scenic Routes" and would thus be contrary to the proper planning and sustainable development of the area."*

## **4.0 Planning Authority Reports**

### **4.1. Planning Reports**

The Planning Officer reports generally reflect the decision of the Planning Authority. The following is noted from the reports-

- There are no archaeological or Architectural Heritage designations on the proposed site with recorded monuments and an archaeological complex identified within the environs of the site. The height and utilitarian nature of the structure has the potential for adverse impacts on the visual context and setting of known monuments.
- An existing mast with a recent grant for a new tower at Cross has not considered in the applicants justification. Coverage mapping for all operators has not been provided. No assessment of alternative new sites in the area has been provided or of alternative technologies. AN adequate justification has not been demonstrated.
- The proposal would be visible from a number of viewpoints in the environs of the site and would be visible for a considerable distance. There are concerns over adverse impacts on visual amenities of Loop Head Peninsula.
- A construction stage traffic management plan would be required for traffic movements onto and from the regional road.
- The proposal is not likely to have a significant effect individually or in combination with other plans and projects on European Sites.
- The need for EIA can be excluded at preliminary examination and a screening determination is not required.
- The photomontages submitted at FI stage do not include one from the scenic route directly west of the site.

- The requirement to position such masts at elevated location is noted and understood as is the requirement for a lattice tower.
- While a balance is required between telecommunication coverage and local amenities it is considered the elevated and exposed nature of the proposal site, height, bulk, scale and massing of tower, proximity to recorded monuments, the location of the site within a 'Settled Landscape' and views available from the Scenic Route to the west, the visual impact would be significantly negative wide ranging and permission should not be granted.
- There may be alternative locations in the environs of the site i.e. wooded areas and commercial forestry, that may have capacity to visually accommodate such proposals.

#### 4.2. Other Technical Reports

- West Clare Municipal District
  - 11/05/22- Conditions recommended due to construction traffic on narrow county road.

#### 4.3. Prescribed Bodies

- IAA-
  - 08/04/22- No requirement for obstacle lighting
- Irish Water-
  - 28/03/22-No objections

#### 4.4. Third Party Observations

Following the submission of significant FI there were three third party submissions on file. The contents of the submissions can be summarised as follows-

- Negative visual impact on the area

- Concerns over the height, scale and damage to landscape, cultural heritage, natural conservation, biodiversity in hedgerows, future residential or ecotourism development in the area.
- Contrary to planning and development in the area
- Health and safety, noise and other pollution
- Proximity to national monuments and road network
- Fencing not suitable for rural location
- A profile should be constructed on site.

## 5.0 Planning History

- This Site-
  - None recent
- Relevant sites in locality-
  - ABP-307505-20 Permission Refused for visual impact. Site adjoining an existing
  - 00/2417 (PL03.131382<sup>1</sup>) **granted** 03/09/2004 and 09/911 (Extension of Duration) Carrownaweelaun Wind Farm, two existing turbines-
    - Hub height is up to 60 metres, with a blade diameter (three blades) of up to 70 metres, with a projected power output of approximately 3.5MW each

## 6.0 Policy Context

### 6.1. National Planning Framework

National Policy Objective 48 states-

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<sup>1</sup> <https://archive.pleanala.ie/en-ie/case/131382>

*'In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.'*

The NPF sets out National Strategic Outcomes including Strengthened Rural Economies and Communities. In this regard the NPF states-

*'.....improved connectivity, broadband and rural economic development opportunities are emerging which offer the potential to ensure our countryside remains and strengthens as a living and working community.'*

## **6.2. Regional Spatial & Economic Strategy for the Southern Region**

- Section 6.2 deals with Digital Connectivity and states-

*'Enhanced quality and provision of digital and mobile telecommunications infrastructure is critical for the revitalisation of cities, towns, villages and rural areas. Developments in information and communications technology (ICT) continues to fundamentally change how our society and economy functions.'*

- The policies in the RSES are structured under Regional Policy Objectives (RPOs). RPO 137 deals with Mobile Infrastructure and states-

*It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.*

## **6.3. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996**

These Guidelines set out criteria for the assessment of telecommunications structures. The relevant points to this application and appeal are summarised below.

- planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. These are regulated by other codes and such matters should not be additionally regulated by the planning process.



- An authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Along major roads or tourist routes, *'views of the mast may be intermittent and incidental, in that for the most of the time viewers may not be facing the mast.'* (Section 4.3).
- In relation to smaller villages such as Carrigaholt section 4.3 of the Guidelines specifically 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 for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation.'*
- The sharing of installations and clustering of such facilities are encouraged as co-location will reduce the visual impact on the landscape (Section 4.5). Developers will have to demonstrate that they have made a reasonable effort to share the use of the same structure or building with competing operators

#### 6.4. **Circular Letter PL07/12 (October 2012)**

This Circular Letter revises elements of the 1996 Guidelines including-

- attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease, except in exceptional circumstances.
- planning authorities should also cease specifying separation distance for such developments when making Development Plans as they can inadvertently have a major impact on the roll-out of viable and effective telecommunications network.
- planning authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the

competence for health and safety matters in respect of telecommunication infrastructure. These are regulated by other codes and such matters should not be additionally regulated in the planning process.

- Development Contribution Schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

## 6.5. Clare County Development Plan 2017-2023

6.5.1. The site is governed by the policies and provisions contained in the Clare County Development Plan 2017 to 2023. Carrigaholt is identified as a Large Village in Table 2.1- Settlement Hierarchy. The site is located c.475m northwest of the nearest point of the village boundary.

6.5.2. The following objectives are relevant-

- CDP8.43 Development Plan Objective: Broadband Connectivity. It is an objective of Clare County Council:
  - a. *To work with the Department of Communications, Climate Change and Natural Resources to ensure the prompt implementation of the Rural Broadband Scheme in County Clare;*
  - b. *To facilitate the delivery of high capacity ICT infrastructure throughout the County.*
- CDP8.44 Telecommunications Infrastructure, It is an objective of the Development Plan:  
*‘To facilitate the provision of telecommunications services at appropriate locations within the County having regard to the DoEHLG ‘Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012)’.’*
- CDP10.6 Broadband  
*It is an objective of the Development Plan: To advocate for, and facilitate the extension of, broadband infrastructure throughout the County and encourage e-commerce and IT telecommunications in support of rural enterprise.*

6.5.3. Map 13A: Landscape Designations- The site is located in a 'Settled Landscape'.

- CDP13.2 Development Plan Objective: Settled Landscapes. It is an objective of the Development Plan:

*To permit development in areas designated as 'settled landscapes' that sustain and enhance quality of life and residential amenity and promote economic activity subject to:*

- *Conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
- *Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;*
- *Regard being given to avoiding intrusions on scenic routes and on ridges or shorelines.*

*Developments in these areas will be required to demonstrate:*

- *That the site has been selected to avoid visually prominent locations;*
- *That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads;*
- *That design for buildings and structures reduce visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.*

6.5.4. Scenic Routes- CDP13.7-

*Development Plan Objective: Scenic Routes*

*It is an objective of Clare County Council:*

- To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community;*

- b. *To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact;*
  - c. *To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.*
- The R487 from Kilbaha, through Cross and onto Kilkee is identified as a scenic route in Map C Landscape Designation of the County Development Plan. This is also shown in map 13A of the Landscape Designations of the main Development Plan document. The application site is located c. 1.5km east of the R478. This appears to be detailed as Scenic Routes numbers 16 and 17 in Appendix 5 of the CDP i.e. *'R487 from Kilfearagh to T-junction before Breaghva'* and *'R487 from outside Carrigaholt to Loop Head'*.
  - The local road from its junction with the R487 to Carrigaholt and the junction with the R488 in Carrigaholt is also designated a scenic route. The application site is located c. 1km to 1.5km north of this scenic route within the village of Carrigaholt and along the R488. This appears to be detailed in Appendix 5 of the CDP as Scenic Route number 34 *'R487 from the junction with the R488 south to T-junction at Killeenagh'*.
  - The local road from Carrigaholt to Doonaha (eastwards) is also a scenic route. This is detailed in Appendix 5 as Scenic Route No.18 *'Along coast road from Carrigaholt to Doonaha'*.

## 6.6. Natural Heritage Designations

The site is located-

- c. 1km north west of the Lower River Shannon SAC (002165)
- c. 5 km west of the River Shannon and River Fergus Estuaries SPA (004077)

## 6.7. EIA Screening

- 6.7.1. A telecommunications mast such as that proposed is not listed as requiring mandatory EIA as per Schedule 5 Part 2 of the Planning and Development

Regulations 2001 (as amended). 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).

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A first party appeal has been received. The grounds of appeal can be summarised as follows-

- The grounds for appeal are provided under Section 37 (2) b (iii) of the Planning and Development Act 2000 as amended. Permission should be granted having regard to the regional spatial and economic strategy for the area, Guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government.
- The refusal reason includes 5 points 4 of which generally relates to visual impact. The other relates to siting and the 1996 Guidelines and 2012 update circular.
- It is considered the refusal in this regard is probably concerned with the design of the structure rather than its siting. The FI request had detailed a monopole structure may be more appropriate. It is difficult to improve on the justification for the design than that as set out in the FI response. In terms of the fencing around the structure a shade of green is considered logical.
- The importance and purpose of this site is the reason for the proposed design. The importance is detailed and includes explanations and discussion on-
  - the market overview with reference to
    - operators,
    - tourism,

- technology,
- line of sight,
- infrastructure requirement,
- market changes (shutting down of 3G services, 3 by the end of 2024, Vodafone by end of 2023.)
- the Irish market,
- outdoor vs indoor coverage
- coverage for Carrigaholt and surrounding area
  - 4G coverage mapping from Comreg
  - 5G network coverage mapping Eir only provide a fringe level of coverage.
  - Predicted 4G coverage mapping (from Vodafone) with 5G predicted as smaller
  - Existing coverage by operator for Loop Head peninsula with mapping. Eir provides a scattering of fringe 5G coverage. When 3G closes down a large level of coverage will be lost in the area.
  - Such Infrastructure is clearly required and the proposal provides a intermediary link using line of sight. The design and height is necessary for the wider area.
  - A monopole style structure is not capable of supporting such equipment or enabling dishes to be positioned at the same level. The lattice design provides the only alternative.
- The proposed structure is essentially a potential hub site to provide links to the network, it requires good line of sight and as such needs to be tall and on the high ground. The choice of site is very limited.
- It site is justified with explanations around-
  - Existing infrastructure and the need to expand on these to consider the National Broadband fibre network.

- The IAA Mast Newtown- Vodafone and Three currently transmit from this lattice structure c. 3.4km north west of the site. This is the highest point on the Loop Head Peninsula and is ideal to achieve line of sight requirements. It is not designed to meet current needs of operators and is structurally unable to accommodate additional equipment. Permission was refused for similar reasons by the Council and ABP with strong local objection evident. The proposed site is an alternative to this refusal but is located at a much lower contour level.
  - Moveen Hill 25m, planning reference 16/940- cannot provide required coverage but can link to proposed site.
  - Eir Exchange, Cross 21m upgrade permitted under 21/1314, overall much lower ground level, cannot secure necessary equipment of line of sight. This is located on the scenic route.
  - Dearth of broadband coverage in west Clare apparent on the DCCA website, mapping provided.
- The need for coverage over Carrigaholt and to ensure links to the networks means the site must be a lattice design on high ground. An elevation cross section mapping using google earth is shown. The site appears to be at a level of 39m with lands falling to Carrigaholt. The site is a similar level to the R487.
- Visibility is minimal from Carrigaholt due to manmade structures and flora blocking views. However Loop Head has few areas with clusters of trees or woodland and is fairly open and vast. A structure like this will create a visual impact.
- Reference is made to the reduced visual impact of the two turbines north of the site as one moves away from it. The proposal will not be seen from many locations.
- Other than visually the proposal does not impact upon recorded monuments. The visual impact is minimal.

- The entire Loop Head area is either designated a ‘Heritage Landscape’ or the lesser important ‘Settled Landscape’.
- The proposal will enhance quality of life and promote economic activity.
- Section 8.8.10 of the CDP recognises the essential need for high quality communications and information technology networks.
- The proposal is located away from scenic routes, ridges and shorelines.
- In terms of the Scenic Route the proposal will create a visual impact at different locations over a wide area. The proposal endeavours to provide a balance to meet the demands of objective CDP 13.7.
  - The proposal will be seen over a short stretch of the R487 with views intermittent
  - The site has the same elevation as much of the R487 as shown in a cross section and google earth drawing.
  - The structure is far away from the R487 as possible and without encroaching on the Heritage Landscape.
  - There is woodland between the structure and the R487 and will hide the mast over much of the route.
  - The two turbines are likely to command the view of passing cars.
  - The Eircom structure is beside the route in an open area and clearly visible<sup>2</sup>.
- The proposal is considered against the 1996 Guidelines with visual impact discussed in section 4.3. The guidelines were written 25 years ago and while applicable in many respects do not consider current needs including the demand for data services. As such they need to be located closer to the source of demand.
- The appeal refers to the last resort tests within or in the immediate surrounds of smaller towns and villages. It is consider the proposal falls within the Guidelines as the location is one of last resort.

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<sup>2</sup> This is likely to be the mast in Cross.



- Photomontages were submitted in response to FI.
- It is anticipated that all operators will take representation at the site.
- Government Policy from the top down promotes such development i.e. Project 2040, NPF, NDP and others detailed.
- A 'Line of Sight Report' accompanies the appeal. It identifies through photos, three similar structures within the line of sight at an estimated height of 30m from the application site. One other site appears to be blocked. Mapping of these sites is not included.

## 7.2. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows-

- The proposed development by reason of its height and siting would form a prominent feature on the landscape which would seriously injure the visual amenities of the area and the wider Loop Head Peninsula, would seriously injure the setting of the adjacent archaeological monuments, would contravene the provisions of the Development Plan including those objectives for "Settled Landscapes" and "Scenic Routes" and would thus be contrary to the proper planning and sustainable development of the area.
- The contents of the first party appeal are noted.
- It is considered that the issues outlined in the appeal have been adequately assessed by the Planning Authority in the consideration of the application (i.e. see Planner's Reports).

## 7.3. Observations

- None

## 8.0 Assessment

### 8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Refusal Reason 1- Visual Impact
- Appropriate Assessment.

### 8.2. Refusal Reason 1- Visual Impact

8.2.1. The Planning Authority's refusal reason considers the siting and height of the proposed structure would form a prominent feature on the landscape which would seriously injure the visual amenities of the area and the wider Loop Head Peninsula. They also contend the proposal would injure the setting of adjacent archaeological monuments and would contravene policy objectives for 'Settled Landscapes' and 'Scenic Routes' with specific reference made to the R487 Regional road.

8.2.2. The Appellant acknowledge the proposed development by its very nature will have a visual impact on the area but the extent of same will not seriously injure the amenities of the area, the monuments or the R487 scenic route. They also argue the lattice structure design and 30m height are necessary to achieve line of sight linkages and wider area coverage.

8.2.3. The Planning Authority appear to have accepted the technical justifications for the proposed development. I also accept the justifications put forward and in particular acknowledge the need for the proposal given the changes to such service provision with the expected imminent redundancy of 3G services and as a consequence the increased demand to provide 4G and 5G services. Such services are required to be closer to areas of demand such as Carrigaholt. In this context, I accept the premise the 1996 Guidelines would not have considered the extent and demand for mobile broadband services as are required today and I note the NPF seeks to strengthened rural economies and communities through improved connectivity, broadband and

associated rural economic development. Similarly Regional Policy Objectives 137 of the RSES seeks to

*‘strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.’*

- 8.2.4. While there is undoubtedly a strong national and regional policy basis as well as a technical justification to support the proposed development there is a very strong local requirement to protect the visual amenity of this area and the wider Loop Head Peninsula given the highly scenic value of the area and the extent of scenic routes identified in the development plan in the general wider rural area.
- 8.2.5. Section 4.3 of the 1996 Telecommunications Guidelines (and as updated in 2012) highlights ‘visual impact’ as among the most important considerations which have to be taken into account in arriving at a planning decision. It also details the limited flexibility for applicants given technical constraints. In this instance, the applicants justification and lack of flexibility in order to achieve wider 4G and 5G coverage requirements, as well as needs to create line of sights to similar infrastructure are reasonable.
- 8.2.6. Section 4.3 provides six differing area types and for me the proposed development is located within ‘*a rural agricultural area*’ located c.500m north of the settlement boundary of Carrigaholt but c 1.2kmm north of the main village area i.e. ‘*a smaller settlement/village*’.
- 8.2.7. The Guidelines details that some masts will remain quite noticeable in spite of the best precautions. In such cases consideration must be had of the following-
- Along major roads or tourist routes such as the R487 masts may be visible but yet are not terminating views.
  - Views may be intermittent and incidental in that for the most part viewers may not face the mast. The mast may not intrude overly on the general view of prospect
  - Local factors such as objects, topography, the scale of the object in the wider panorama, skyline weather and lighting conditions.

- 8.2.8. Section 4.3 also details that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. In this regard I am satisfied the proposed site is located sufficiently distant from the settlement boundary of Carrigaholt and therefore, the requirement to be located on a site for 'Utilities' is not necessary. This last resort test should not apply.
- 8.2.9. Having considered the above, the site is located c.1.5km directly east of the R487 'Scenic Route'. It is located at a contour level of between 30 and 40m which is the generally the same contour level as the R487 directly west of the site. There is a large area of woodland directly north of the site disrupting views towards the site when travelling southwards from the junction of the R487 with the R488. While the mast may be visible from past the woodlands it will only be for a short period of time and would require viewers to face eastwards and view the landscape with the mast at a considerable distance in the background. In this context, the site is not elevated or a visually prominent location but is within the undoubtedly open landscape at a considerable setback. The site can be considered a suitable location in this 'Settled Landscape' and is not contrary to policy objective CDP13.2.
- 8.2.10. Views east towards the site from the settlement of Cross on the R487 will range from c. 4km to 2.2km from a contour level of between 40m and 50m. The R487 then turns sharply northwards again requiring viewers to turn east toward the site and view the wider landscape with the mast at a distance in the background of the landscape.
- 8.2.11. It is clear the proposed mast would not be located on a terminating view on the R487 and would be viewed intermittingly or at an incidental distance from the 'Scenic Route'. I am satisfied it would not intrude overly on the general view of prospect of the Scenic Route.
- 8.2.12. In terms of local factors which must be considered, there are two existing wind turbines located c. 2.3km directly north of the site and in close proximity to the R487 Scenic Route. I understand these are permitted with hub heights up to 60 metres and with a blade diameter (three blades) of up to 70 metres. These structures are highly visible and prominent features on the local and wider landscape as well as the R487 Scenic Route. Undoubtedly these will draw the attention of most viewers along the scenic route.
- 8.2.13. The site is also located in close proximity to two other designated scenic routes-

- The local road from its junction with the R487 to Carrigaholt and the junction with the R488 in Carrigaholt. This appears to be detailed in Appendix 5 of the CDP as Scenic Route number 34 'R487 from the junction with the R488 south to T-junction at Killeenagh'
- The local road from Carrigaholt to Doonaha (eastwards). This is detailed in Appendix 5 of the CDP as Scenic Route No.18 'Along coast road from Carrigaholt to Doonaha'.

The Planning Authority have not raised concerns over these in their refusal reason.

8.2.14. The application site is located c. 1km to 1.5km north of scenic route 34 within the village of Carrigaholt and along the R488 and c. 1km north east of scenic route 18. CDP Policy Objective 13.7 seeks to protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community and to ensure consideration is taken of views from the public road towards scenic features or areas. In this context, I am satisfied that views towards the proposed site from these routes are not the views considered 'sensitive' or of 'scenic features'. Instead it is the views from these routes southwards towards the coastline that appear to require protection. Furthermore, I am satisfied the proposed development will benefit the rural community by way of improved mobile and data service provision as will provide a change that benefits the rural community as a whole.

8.2.15. The site is located in close proximity to a number of recorded archaeological monuments i.e. CL065-052 Ringfort-Rach, CL065-053001 Church, CL065-053003 Ringfort-Rath, and CL065-053002 Graveyard. These are generally located to the south west and south east of the application site. I have reviewed the National Monuments Service's Historic Environment Viewer<sup>3</sup> and I am satisfied the proposal is located a considerable distance outside of the identified zone of notification of these monuments. The extent of the ground works required for the proposed development are relatively minimal. In such context and noting the distance of the mast to the zones of notification and the monuments, I do not consider the development as proposed would have an impact so significant or negative that would

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<sup>3</sup> <https://maps.archaeology.ie/HistoricEnvironment/>

seriously injure the setting of these monuments and as such a refusal on this basis is not warranted. I also do not consider archaeological monitoring would be required.

8.2.16. Having regard to all of the above, I do not consider the site to be elevated and visually prominent on the wider open landscape, the proposed development would not injure the setting of recorded monuments in the area, does not contravene CDP13.2 as regard site location in 'Settled Landscapes', would not form a significantly prominent feature on the landscape that would seriously injure the visual amenities of the area or the wider Loop Head peninsula and is not contrary to CDP 13.7 as regards Scenic Routes. The Board should consider granting permission for this development.

8.2.17. The site is located in a rural area at a reasonable distance from the nearest residential property. In this context I do not consider it necessary to apply a condition in relation to working hours for site development and building works.

8.2.18. Given the small scale nature of works and the likely limited traffic movements required to the site I do not consider conditions necessary for construction related traffic.

### **8.3. Appropriate Assessment.**

8.3.1. Having regard to the nature of the proposed development and its proposed use, its separation distance to European sites it is considered that no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any designated European site.

## **9.0 Recommendation**

9.1. I recommend that permission is granted subject to the following conditions-

## **10.0 Reasons and Considerations**

10.1. Having regard to the provisions of the National Planning Framework, the Regional Spatial & Economic Strategy for the Southern Region, the Clare County Development Plan 2017-2023, the Telecommunications Antennae and Support

Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12, the location and setting of the site, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and the wider Loop Head Peninsula including views from the ‘Scenic Route’ along the R478 Regional Road and other scenic routes in the area, nor would the development seriously injure the setting of archaeological monuments in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of July, 2022, 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. Prior to commencement of development, details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority.

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

3. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages 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.

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

Reason: In the interest of public health.

5. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

6. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

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

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Adrian Ormsby  
Planning Inspector

23<sup>rd</sup> of February 2023