



---

|                    |                                                                                                                                                                   |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>To:</b>         | The Board                                                                                                                                                         |
| <b>From:</b>       | Planning Inspector – Adrian Ormsby                                                                                                                                |
| <b>Re:</b>         | Board Direction – BD-014280-23                                                                                                                                    |
| <b>Date:</b>       | 07 <sup>th</sup> of November 2023                                                                                                                                 |
| <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                                                                                                                               |

---

## 1.0 Introduction

- 1.1. This report is an addendum to an original report dated the 23<sup>rd</sup> of February 2023, in respect of first appeal against a Notification of Decision to Refuse Permission issued by Clare County Council for the erection of a 30m high lattice telecommunications structure, with antennas, dishes, and associated equipment, all enclosed in security fencing with an access track
- 1.2. My original Inspector's Report recommended a grant of permission subject to conditions on the 23<sup>rd</sup> of February 2023.
- 1.3. At a Board meeting held on the 18<sup>th</sup> of October 2023 the Board decided to refer the file back to the Inspector for further assessment in light of the new Clare County Development Plan being adopted on the 09/03/2023.

## 2.0 Statutory Plan

- 2.1. At the time of the original Planning Inspectors Report dated 23<sup>rd</sup> of February 2023, the operative statutory plan was the Clare County Development Plan 2017 - 2023.
- 2.2. The 2017-2023 plan has since been replaced by the Clare County Development Plan 2023-2029 (CDP) which was adopted by the Elected Members of Clare County Council on 9th March 2023. The Plan then came into effect 6 weeks from the date of adoption i.e. the 20th April 2023 and is currently the statutory plan for the area.
- 2.3. According to the Clare County Council website<sup>1</sup> the final adopted CDP 2023-2029 is currently being prepared and graphically designed. Until then an 'Interim Version' of the Clare CDP 2023-2029 has been prepared and is made available. It is used as the basis for this Addendum Report.

## 3.0 Policy Context- Clare County Development Plan 2023-2029

### 3.1. Introduction

- 3.1.1. The site is governed by the policies and provisions contained in the Clare County Development Plan 2017 to 2023 (CDP).

### 3.2. Chapter 3 'Core Strategy'

- 3.2.1. Carrigaholt is identified as a Large Village in Table 3.1- Settlement Hierarchy (Page 59) of the CDP. The site is located c.475m northwest of the nearest point of the village boundary.
- 3.2.2. The following objective is related to other objectives in section 3.4 below-
  - CDP3.3 Development Plan Objective: Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment (Page 70).

### 3.3. Chapter 8 'Rural Development and Natural Resources'.

- 3.3.1. The following sections are relevant-

---

<sup>1</sup> <https://www.clarecoco.ie/services/planning/clarecountydevelopmentplan23-2029/> (April 2023)

- Section 8.2.8 deals with ‘*Rural Broadband*’ and details

*‘Access to high quality broadband is a fundamental requirement for the economic prosperity and social development of rural areas and given the rural nature of the majority of County Clare the implementation of the National Broadband Plan (NBP) is essential. Rural broadband can serve rural enterprises, facilitate distance learning, provide opportunities to work from home, assist modern farming practices, help to alleviate isolation and improve the sustainability of travel patterns. The remote working requirements associated with the Covid-19 pandemic have shown the value of digital technology by enabling workers, businesses and families in Clare to stay connected to each other.....’*

3.3.2. The following objective is relevant-

- CDP8.7 Development Plan Objective: Rural Broadband. It is an objective of Clare County Council:

*To support and facilitate the expedited delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas in accordance with the findings of the Intervention Strategy SEA, NIR and associated Best Practice Guidance.*

### 3.4. **Chapter 11 ‘Physical Infrastructure, Environment and Energy’.**

3.4.1. The following sections are relevant-

- Section 11.8.8 (Page 294) deals with ‘*Broadband Connectivity*’. It details that improved broadband connectivity in recent years has been focused on urban areas and many rural areas continue to experience poor quality of service.
- Section 11.8.9 (Page 295) deals with ‘*Telecommunications Infrastructure*’ and details fast, reliable and cost-effective telecommunications can encourage economic development in an area and can enrich the quality of life at home by offering new choices in education, entertainment and communications.

3.4.2. The following Objectives are relevant-

- CDP11.54 Development Plan Objective: Broadband Connectivity.

*It is an objective of Clare County Council:*

- a) To support and facilitate the delivery of the National Broadband Plan and high-capacity ICT infrastructure to all locations across the County;*
- b) To support and facilitate the implementation of the Clare Digital Strategy 2023 and its successor(s); and*
- c) To support and facilitate the sustainable delivery of digital infrastructure ducting and dark fibre infrastructure and the strengthening of Metropolitan Area Networks and to ensure compliance with the environmental requirements of Objectives CDP3.3.*

- CDP11.55 Telecommunications Infrastructure, It is an objective of the Development Plan: *'It is an objective of Clare County Council:*

*To consider the provision of high-speed, high-capacity digital and mobile infrastructure 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) with regard to the appropriate environmental assessments and compliance with CDP3.3 of this plan.*

3.5. **Chapter 14 'Landscape'.**

3.5.1. Map 14A identifies 'Landscape Designations' (Page 357) and shows the site is located in an area designated as 'Settled Landscape'. The following objective is relevant-

- CDP14.2 Development Plan Objective: Settled Landscapes.

*It is an objective of Clare County Council:*

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

- I. *Conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
- II. *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;*
- III. *Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.*

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

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

3.5.2. Section 14.5 deals with Views and Prospects. It details that there is a need to protect and conserve views adjoining public roads throughout the County where these views are of high amenity value. In conserving views, it is not proposed that this should give rise to the prohibition of development along these routes but development, where permitted, should not seriously hinder or obstruct these views and should be designed and located to minimise their visual impact.

- Designated Scenic Routes are identified in detail on the maps contained in Volume 2 and are also indicated on Map 14A and listed in Appendix 5 of Volume 1.
- Scenic Routes- *CDP 14.7- Development Plan Objective: Scenic Routes*

*It is an objective of Clare County Council:*

- a) *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; and*
  - 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 in Volume 2 of the County Development Plan. This is also shown in map 14A of Volume 1.
  - 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’.

### 3.6. Chapter 16 Architectural, Archaeological and Cultural Heritage

3.6.1. The following Objectives are relevant-

- *CDP16.1 Development Plan Objective: Architectural Heritage*

*It is an objective of Clare County Council:*

- a) *To ensure the protection of the architectural heritage of County Clare through the identification of Protected Structures, the designation of Architectural Conservation Areas, the safeguarding of historic gardens, and the recognition of structures and elements*

*that contribute positively to the vernacular and industrial heritage of the county; and*

*b) To ensure that the archaeological and architectural heritage of the county is not damaged either through direct destruction or by unsympathetic developments.*

*c) To support and promote architectural vernacular skills training and facilities in the county*

- Objective 15.8 of the previous development plan 2017-23 dealt with ‘Sites, Features and Objects of Archaeological Interest’.

#### **4.0 Further Assessment**

- 4.1. I have considered the proposed development in the context of my original assessment under the previous development plan and the provisions of the now operative County Development Plan 2023-2029.
- 4.2. I am satisfied there has been no significant change in the policy framework or relevant objectives specific to this development type or the application site’s location and landscape designation, including the sites proximity to scenic views and recorded monuments as identified in the Council’s refusal reason.
- 4.3. In this regard, I am satisfied my original assessment and recommendation is consistent with the provisions of the current County Development Plan 2023-29.

#### **5.0 Recommendation**

- 5.1. I recommend that permission should be granted as per my original report of the 23/02/23.

#### **6.0 Reasons and Considerations (amended)**

- 6.1. Having regard to the provisions of the National Planning Framework (2018), the Regional Spatial & Economic Strategy for the Southern Region (2020), the Clare County Development Plan 2023-2029, 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.

## 7.0 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.

---

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.

---

Adrian Ormsby  
Planning Inspector

07<sup>th</sup> of November 2023