



An
Bord
Pleanála

Inspector's Report ABP-315775-23

Development	To erect a 30m high monopole telecommunications support structure carrying antennas and dishes together with associated ground-based equipment all enclosed in security fencing and to remove existing 12m high lattice tower.
Location	Eir Exchange, Ballynacragga, Newmarket on Fergus, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22/1034
Applicant(s)	Eircom Limited trading as Eir.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Eircom Limited trading as Eir.
Observer(s)	1. Kay & Anthony McCarthy 2. Seamus & Siobhan Hayes

3. Patrick, Marie & Sinead Lenane
4. Friends of the Irish Environment
GLC
5. Deirdre O'Brien-Vaughan & Family

Date of Site Inspection

17/06/2023.

Inspector

Auriol Considine

1.0 Site Location and Description

- 1.1. The proposed development site is located within the northern area of the village of Newmarket-on-Fergus, in Co. Clare. The site comprises the existing telecommunications compound at Ballynacragga, to the west of the town. There is an existing 12m high lattice support structure which has been in place on the site since 1995, constructed as part of the Eircell infrastructure. With the existing headframe, the overall height of the existing mast rises to 1.5m. The site also includes the various buildings, cabinets and associated equipment for the telecommunication infrastructure.
- 1.2. The site lies within a generally low-density residential area, set back from the public road and to the rear of existing single storey houses. Access to the site is via an existing laneway which is lightly gravelled and grassed. This laneway provides access to a house to the north, Beechlawn, and there has been a bollard erected at the entrance to prevent vehicular traffic using the laneway.
- 1.3. The site has a stated area of 0.0063ha and is well screened by mature hedges and trees.

2.0 Proposed Development

- 2.1. Permission is sought to erect a 30m high monopole telecommunications support structure carrying antennas and dishes together with associated ground-based equipment all enclosed in security fencing and to remove existing 12m high lattice tower, all at Eir Exchange, Ballynacragga, Newmarket on Fergus, Co. Clare.
- 2.2. The application includes the relevant plans and particulars, as well as a cover letter setting out the justification for the structure. The submitted letter makes reference to the 2013-2019 Clare County Development Plan, as well as other national and regional policy documents relating to telecommunications and guidance.
- 2.3. It is noted that the existing mast on the site was erected in accordance with Class 29 of the Statutory Instrument No. 86/1994 – Local Government (Planning & Development) Regulations 1994.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the proposed development for the following stated reason:

1. It is an objective, under CDP8.44 of the Clare County Development Plan 2017-2023 (as varied) 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)'.

The guidelines for Planning Authorities state:

Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a 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 and should be monopole (or poles) rather than a latticed or square structure.

Having regard to the height of the proposed structure relative to the existing structure on the site, the height increase as proposed under this application, the location of residential properties in close proximity to the site, as well as the inadequate details submitted regarding the requirement for a structure of this height in this location and regarding the unavailability of more suitable alternative site sharing options, it is considered the proposed development would be contrary to CDP8.44 of the Clare County Development Plan and to the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996. The proposed structure would seriously injure the residential and visual amenities of the area, would depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The planning Report considered the principle of the development in the context of the CDP requirements and concluded that alternative co-locations possibilities have not been adequately discounted and that the requirement for a 30m monopole has not been adequately demonstrated. In the context of the previous grant of permission, the proposed additional height of 10m is not acceptable, and the report concludes that if permitted, the development would have a negative impact on the visual and residential amenities of the area.
- 3.2.2. In addition, concerns are raised in terms of traffic issues, coverage requirements and the need for the structure are not adequately provided and issues raised by third parties. It is noted that matters of public health are noted not to be considered as part of a planning application. No issues are raised in terms of flood risk or impacts on archaeology and built heritage. The report concludes, notwithstanding the established use of the site, recommending that permission be refused for the development.
- 3.2.3. I note that the Senior Executive Planner accepted this recommendation to refuse.

3.3. Other Technical Reports

Chief Fire Officer & Building Control Officer: No objection.

3.4. Prescribed Bodies

IAA: No observations.

3.5. Third Party Observations

- 3.5.1. Eight third party objections to the proposed development are noted on the PA file. The issues raised are summarised as follows:

- Proximity to houses.
- Impact on health of residents and children.
- Lack of parking

- Permission granted for a mast in the past year for a mast 1km from the site. The need for numerous masts questioned.
- Impact on existing light to houses and residential amenity.
- Visual impacts.
- Devaluation of property.
- Impacts on farming.
- Eircom vehicles park dangerously.
- The existing trees and shrubs on the site may be removed leaving adjacent residential properties exposed.
- There are 5/6 structures in Newmarket on Fergus, close to the proposed site. The need for the 30m structure is questioned.
- The existing mast was erected quickly and without planning permission against the wishes of the locals.
- There has been trespassing on private property.
- Access to the site is via third party lands for which there is no agreement to use.
- It is suspected that there have been unauthorised developments at the site in terms of replacing of overhead connectivity with underground development.
- Impact on bats.
- The proposed intensification of development is a material contravention of objective CDP 8.44.

4.0 Planning History

- 4.1.1. **ABP ref: ABP-310061-21:** Permission granted following a first party appeal for the erection of a 20m high support structure and removal of existing support structure.
- 4.1.2. It is noted that the existing mast on the site was erected on the site, over 20 years ago, under the exempted development provisions, and in accordance, with Class 29 of SI no. 86/1994 – Local Government (Planning and Development) Regulations

1994. The height of the structure did not exceed 15m, at 12m (13.5 including headframe).

- 4.1.3. The planning history of the surrounding area relates primarily to residential developments.

5.0 Policy Context

5.1. National Policy & Guidelines

5.1.1. Project 2040

This document incorporates both the National Development Plan 2018 – 2027 (NDP) and the National Planning Framework, all of which, support the rollout of broadband across the state.

5.1.2. Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities 1996 & Circular Letter PL07/12:

This document provides guidance for the assessment of telecommunication structures and were substantially updated by the DoEHLG Circular Letter PL07/12. Of note, the 2012 Circular provided that:

- Health grounds should no longer be considered.
- Development contributions for broadband infrastructure should be waived.
- The request for bonds should be replaced with an appropriate condition requiring the removal of the mast
- Conditions restricting the life of the permission should not be included
- Separation distances between masts and houses or schools should not be included in development plans.

5.2. Development Plan

- 5.2.1. The Board will note that the planning application was considered under the Clare County Development Plan 2017-2023 (as varied) as the relevant policy document pertaining at the time of the PAs assessment. In the interim, the Clare County

Development Plan 2023-2029 was adopted by the Elected Members of Clare County Council at a Special Meeting on 9th March 2023. The Plan came into effect 6 weeks from the date of adoption, on 20th April 2023. Notice was given, pursuant to Section 31(7) of the Planning and Development Act 2000 (as amended), that on the 18th of April 2023, a draft direction relating to the Clare County Development Plan 2023-2029 was issued by the Minister. The direction relates primarily to zoning of land.

5.2.2. Chapter 11 of the 2023 CDP deals with Physical Infrastructure, Environment and Energy and section 11.8.8 deals with broadband connectivity and section 11.8.9 deals with telecommunications infrastructure. It is a strategic aim of the CDP to promote and facilitate the provision and continued development of broadband and ICT infrastructure to further enhance social and economic development, particularly in the more peripheral areas of County Clare. In terms of the broadband connectivity, Policy Objective CDP11.54 states that:

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.

5.2.3. The Plan notes that 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. Clare County Council will respond positively to developments of telecommunications infrastructure whilst taking into account other planning policies. In terms of such TE infrastructure, Policy CDP11.55 states that:

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.

- 5.2.4. The site is located within the village of Newmarket on Fergus and within the Shannon Municipal District. The site is zoned Existing Residential where it is the stated objective is:

to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.

5.3. **Development Contribution Scheme 2017-2023**

- 5.3.1. The Development Contribution Scheme was adopted on the 24th of April 2017. The Scheme identifies classes of development for which Development Contributions are payable and the section on Other Non-Residential Development includes Telecommunication Masts which relates to all free-standing telecommunications support structures, including those in place for telephone, radio, TV. The rate of payment is €17,000 per mast. The scheme notes:

The contribution is a once off payment due in respect of each “mast”. Subsequent applications to extend the life of temporary permissions shall not be liable for this contribution unless the existing structure is to be materially altered. The co-location of additional antennae on an existing mast will not be considered to be a material alteration of the structure for the purposes of this scheme.

Any new buildings associated with the masts and antennae will be charged at the relevant non-residential built development rate.

- 5.3.2. The Scheme also provides for exemptions, part (D) where Table 2: Exemptions includes as follows:

(8) New Telecommunication Masts & Antennae that provide for Broadband.

5.4. **Natural Heritage Designations**

The subject site is not located within any designated site. The closest Natura 2000 site lies approximately 400m to the south being the Lough Gash Turlough SAC, Site Code 000051. The Lower River Shannon SAC, Site Code 002165 and the River Shannon and River Fergus Estuaries SPA, Site Code 004077 are located approximately 2.7km to the west of the site.

The Fergus Estuary and Inner Shannon North Shore pNHA, Site Code 004048, is also located approximately 2.7km to the west of the site.

5.5. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. 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. This is a First Party appeal, submitted by Towercom on behalf of Eircom Ltd., against the decision of the PA to refuse planning permission for the development. The appeal is summarised as follows:

- 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, Minister or any Minister of the Government.
- The applicant disagrees with the assessment of the PA and submits that the proposed development does not conflict with the objectives of the CDP.
- The reasoning was not sufficiently detailed, and no opportunity was given for an explanation during the planning process. It is submitted that the development would not seriously injure the residential and visual amenity of the area, would not depreciate the value of properties in the vicinity or would be contrary to the proper planning and sustainable development of the area.

- The appeal sets out an over view of the market in terms of operators, technology, the need for line of sight and infrastructure requirements. The changes in the market are noted and statistics for the Irish market provided.
- The COMREG mobile coverage map are based on outdoor coverage levels with indoor levels being smaller and will vary with location, topography and building materials used in construction.
- The submission notes that there has always been a mast at this location, with permission in place to replace the existing mast with a 20m structure.
- The permitted 20m mast will secure good 4G and 5G services for Newmarket-on-Fergus, but due to the presence of trees, the space available for sharing is restricted. Additional height is needed to secure the blackspots experienced on the M18 motorway.
- The proposed extended structure to 30m will resolve the existing issues in the area and the monopole design is considered acceptable for the town location.
- The appellant submits that a reduction in height to 24m would be an acceptable compromise to reach a balance between technical requirements and visual impacts – a reduction of 6m.
- The applicant has adhered to the requirements of the County Development Plan and Guidelines and the development complies with national policy.
- Being close to residential areas does not justify a refusal of planning consent when considering guidelines. given the need for the site, the advantages gained from the existing exchange, the requirement to be close to the source of demand, the site can be considered as a site of last resort.
- There is no empirical evidence that telecoms infrastructure has a devaluation impact on property. The Board has addressed this issue in a number of cases – details cited in appeal document, Section 4.6.
- Photomontages of proposed 30m high monopole and option of 24m high monopole provided.

It is requested that permission for the development be granted.

6.2. Planning Authority Response

The Planning Authority has responded to this appeal requesting that the Board uphold its decision to refuse permission.

6.3. Observations

There are 5 no observations noted. The issues raised reflect those raised during the PAs assessment of the proposed development and are summarised as follows:

a) Kay & Anthony McCarthy:

- Proximity to house
- Height of the proposed mast
- Lack of parking
- No right of way to site.

b) Seamus & Siobhan Hayes:

- Requests that the PAs decision to refuse be upheld.

Submission includes multiple signatures.

c) Patrick, Marie & Sinead Lenane:

- Requests that the PAs decision to refuse be upheld.

Submission includes multiple signatures.

d) Friends of the Irish Environment CLG:

- Concerned with the pattern of decision making in respect to telecommunication masts.
- It is the position of the observer that the appeal must be refused.

e) Deirdre O'Brien-Vaughan & Family:

- Access to the site and ownership issues.
- The planning history of the site – question of unauthorised development
- The existing mast on the site was erected when planning permission was not required and was never a suitable location.

- Visual impacts and impacts on residential amenity being located 3m from property boundary.
- Health impacts and impacts on the environment including impacts on bird patterns and stunting the growth of trees.
- Impact on the value of property.
- The argument that this is a site of last resort is not demonstrated and the submission that the site is ‘an ideal location’ is not true.
- The benefit of the proposed mast is not for local residents but for the non-local passing traffic on the adjacent motorway. The appellant failed to mention that there are already two telecommunication masts contiguous to the M18 motorway between Junction 10 and 9 and less than 1.5km apart. No discussion in terms of alternatives.

The observation includes a number of photographs, and I note that the observer had issues uploading 3 ancillary documents referenced in her submission.

7.0 Assessment

7.1. Having regard to the nature of the proposed development, together with the information presented in support of the proposed development, I consider it appropriate to assess the proposal under the following headings:

- Principle of the proposed development & compliance with the Development Plan
- Development Contribution
- Other Issues
- Appropriate Assessment

7.2. Principle of the proposed development & compliance with the Development Plan.

7.2.1. The proposed development seeks to erect a 30 metre high monopole telecommunications support structure carrying antennas and dishes together with

associated ground-based equipment all enclosed in security fencing and to remove an existing 12m high lattice tower, all at Ballynacragga, Newmarket on Fergus, Co. Clare. The existing site is occupied by a lattice mast which rises to 12m with the headframe resulting in the overall height rising to 13.5m as well as the various buildings, cabinets and associated equipment for the telecommunication infrastructure. The mast has been in place since 1995.

7.2.2. The site is located on lands zoned for Existing Residential where it is the stated objective is:

to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.

7.2.3. The Board will note that the planning application was considered under the Clare County Development Plan 2017-2023 (as varied) as the relevant policy document pertaining at the time of the PAs assessment. In the interim, the Clare County Development Plan 2023-2029 was adopted by the Elected Members of Clare County Council at a Special Meeting on 9th March 2023. The Plan came into effect 6 weeks from the date of adoption, on 20th April 2023. Chapter 11 of the 2023 CDP deals with Physical Infrastructure, Environment and Energy and section 11.8.8 deals with broadband connectivity and section 11.8.9 deals with telecommunications infrastructure.

7.2.4. The Plan notes that 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. Clare County Council will respond positively to developments of telecommunications infrastructure whilst taking into account other planning policies. It is a strategic aim of the CDP to promote and facilitate the provision and continued development of broadband and ICT infrastructure to further enhance social and economic development, particularly in the more peripheral areas of County Clare.

- 7.2.5. In terms of such TE infrastructure, Policy CDP11.55 states that 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 CDP3.3¹ of this plan. In terms of the broadband connectivity, Policy Objective CDP11.54 supports and seeks to facilitate the delivery of the National Broadband Plan and high-capacity ICT infrastructure to all locations across the County, as well as the implementation of the Clare Digital Strategy 2023 and its successor(s) and the sustainable delivery of digital infrastructure ducting and dark fibre infrastructure and the strengthening of Metropolitan Area Networks.
- 7.2.6. In terms if the above policy provisions, I consider that the principle of the proposed development generally accords with the stated policy requirements of the 2023 County Development Plan. I am further satisfied that the principle of the development is reasonably considered acceptable in terms of the longstanding presence of a mast at this site, subject to all planning matters being addressed.
- 7.2.7. In terms of the reason for refusal cited by the PA, the Board will note that the primary concerns relate to non-compliance with Objective CDP8.44 of the 2017 County Development Plan due to the height of the proposed structure and the impact on residential properties in terms of visual and residential amenity. The reason for refusal also considers that inadequate details were provided in terms of more suitable sites and that the development would depreciate the value of property in the vicinity. I have advised that the 2017 Clare CDP has been replaced this year.
- 7.2.8. In terms of the permitted development at the site, the 20m lattice TE mast, I would note that the Telecommunication Guidelines, at Section 4 deal with development control matters and section 4.2 deals with design and siting and section 4.3 dealing with visual impact. I acknowledge the preference for monopoles, which is currently proposed, and the Guidelines note that the design of the support structure will be dictated by radio and engineering parameters, with limited scope for requesting changes in design.

¹ Objective CDP3.3 relates to AA, SEA and Strategic FRA

7.2.9. With regard to the visual impacts associated with the proposed development, I would acknowledge the location of the site within the urban area of Newmarket-on-Fergus. This area of Newmarket, to the north of the village centre, is primarily residential in nature, with a mix of low-density housing as well as medium density. I also note public amenities such as the park / green space which is located to the south of the site. The subject site is bound by mature hedges and trees and in this regard, the existing structures on the site are well screened. I would as such, suggest that a monopole structure might be more visually acceptable at this sensitive location. However, the currently proposed increase in height of the permitted structure by an additional 10m will result in the mast being significantly more visible across a wider area. In the appeal document, the Board will note that the appellant has indicated that they would accept a reduced height of 24m as opposed to the 30m. As such, the Board may wish to consider the proposal for a monopole mast which would rise 4m above the previously permitted 20m lattice style mast.

7.2.10. In terms of the principle of co-location, the Board will note that the applicant submitted an assessment of the relevant existing masts and provided reasoning for discounting them for the purposes of their needs. I would note that both the PA and third parties have considered that the assessment of alternatives is inadequate. The appellant has submitted that the reasons for discounting the existing structures were identified in the previous appeal and that they remain the same. These were identified as being primarily due to the fact that they will not fulfil coverage requirements by reason of them being at capacity or their location is remote, offering limited improvements, and dis-improvement in one instance, to coverage in the areas needed.

7.2.11. Having regard to the information available, I would not accept that the visual implications of the proposed 30m mast can be considered acceptable given the context of this site. While I would acknowledge that the previous decision associated with the permitted 20m mast sought to improve the coverage for the town of Newmarket-on-Fergus, which benefits the residents and businesses, the current proposal appears to be an effort to fill additional black spots along the M18 motorway. In this regard, I would agree with the PA and the third parties that the assessment of alternatives is limited and that the subject site is not appropriate to address limited coverage in areas beyond the town, due to the residential nature of

the area. I also note that there are a number of existing masts on the motorway. As such, I am not satisfied that the development as proposed and at this location has been justified in this instance.

- 7.2.12. The proposed development will result in the installation of a mast with an overall height of 30m. Should the Board be minded to grant planning permission in this instance, I would recommend that a condition be included to reduce the structure height by the 6m suggested by the applicant/appellant, which will reduce the overall height of the mast to a maximum of 24m, which will include the headframe.
- 7.2.13. Overall, and having regard to all of the information available, together with the context of the site, within a residential area of Newmarket-on-Fergus, and the existing screening in the vicinity, I am satisfied that the visual impacts associated with the proposed development, and increased height of the mast, are not acceptable. I further consider that the development as proposed, while seeking to progress national policy to secure the implementation of the National Broadband Plan, is not appropriate in the context of the provisions of the DoEHLG Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012), given the location of the site. In this regard, I consider that the proposed development is not acceptable and recommend that the Board refuse permission.

7.3. Development Contribution

- 7.3.1. Should the Board disagree with my recommendation to refuse permission, I consider it reasonable to address the matter of development contribution. I also refer the Board to the assessment on this issue contained within the previous appeal at this site.
- 7.3.2. The current Clare County Council Development Contribution Scheme was adopted on the 24th of April 2017. The Scheme identifies classes of development for which Development Contributions are payable and the section on Other Non-Residential Development includes Telecommunication Masts which relates to all free-standing telecommunications support structures, including those in place for telephone, radio, TV. The scheme requires a one-off payment of €17,000 per mast, with exemptions

noted in part (D), Table 2. In terms of the subject appeal, part (8) is relevant and included - New Telecommunication Masts & Antennae that provide for Broadband.

7.3.3. In terms of the proposed development, I am satisfied that the proposed increase in height will improve the existing level of service in Newmarket-on-Fergus. In this regard, and in accordance with DoEHLG Circular Letter PL07/12, I am satisfied that the payment of a development contribution for the development, under the provision of the Clare County Councils Development Contribution Scheme should not be applied.

7.3.4. The above recommendation was previously accepted by the Board in terms of the previous application for a 20m mast at the site.

7.4. **Other Issues**

7.4.1. In terms of other issues, the Board will note that a third-party raised a number of issues which were considered under the previous appeal for the same site.

Access to site & Ownership:

7.4.2. While this is a civil matter, I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure that the civil issues is rectified prior to the commencement of development on the site.

Roads and Traffic:

7.4.3. In this regard, I note that the servicing of the telecommunications infrastructure will not give rise to any additional traffic, and if the proposed development is refused, the existing mast on the site will continue to be serviced, and the previously permitted 20m mast may be constructed at the site. I do not consider traffic associated with the servicing of the site to be excessive or unreasonable.

Justification:

7.4.4. The National Broadband Plan, 2012 Department of Communication, Energy and Natural Resources (DCENR), seeks to change the broadband landscape in Ireland through a combination of commercial and State led investment, and the purpose of the Report of the Mobile Phone and Broadband Taskforce is to deliver the Plan in

the shortest time possible time. In terms of the proposed development, I am not satisfied that the applicant has presented a reasonable justification for the proposed infrastructure at this location on the basis that the significant increase in height proposed relates to improved coverage along the motorway rather than the town of Newmarket-on-Fergus. The visual and residential amenity impacts associated with the proposed development are considered to be excessive for local residents with regard to any benefits the mast may have for passing traffic on the M18.

Health Issues:

- 7.4.5. While I note the third-party comments with regard to the health implications associated with masts, I refer to the provisions of Circular Letters PL07/12 and PL01/2018. As such, these are not matters for the Board.

Depreciation of House Values:

- 7.4.6. I note that this issue was raised by third parties, and that the PA considered the matter to be such to include it in the reason for refusal. I note that the appellant has indicated that no empirical evidence that telecoms infrastructure has a devaluation impact on property. On this issue, I would accept that the presence of a mast may or may not have an impact on property prices. The matter is subjective and might reasonably be affected in terms of availability, or not, of high-speed quality broadband in any area. In the context of the subject site, and the existing infrastructure on the site, I would not consider that a grant of permission would impact on property prices to any great degree.

7.5. Appropriate Assessment

- 7.5.1. The subject site is not located within any designated site. The closest Natura 2000 site lies approximately 400m to the south being the Lough Gash Turlough SAC, Site Code 000051. The Lower River Shannon SAC, Site Code 002165 and the River Shannon and River Fergus Estuaries SPA, Site Code 004077 are located approximately 2.7km to the west of the site.

Having regard to the nature and scale of the proposed development, I am satisfied that 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. It is recommended that the proposed development be refused for the following stated reason.

9.0 Reasons and Considerations

1. It is an objective, under CDP11.55 of the Clare County Development Plan 2023-2029 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)'.

The guidelines for Planning Authorities state:

Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a 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 and should be monopole (or poles) rather than a latticed or square structure.

Having regard to the height of the proposed structure relative to the existing and permitted structure on the site, the proposed additional height increase proposed to 30m, the location of the site and proximity to residential properties, as well as the inadequate justification for a structure of the height proposed at this location and the lack of detail regarding more suitable alternative site sharing options, it is considered the proposed development would be contrary to CDP11.55 of the current Clare County Development Plan, 2023-2029 and to the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996. The proposed structure would seriously injure the residential and visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
18th June 2023