



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315856-23

#### Development

The development consists of retention of an existing 25 metre high telecommunications support structure and associated works as previously granted under local authority reference 13/30.

#### Location

Drumdowney Upper Townland,  
Murtaghstown, Co. Kilkenny.

#### Planning Authority

Kilkenny County Council

#### Planning Authority Reg. Ref.

22/88

#### Applicant(s)

Meteor Mobile Communications  
Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Eamon Griffin & Gillian Barron

**Date of Site Inspection**

03<sup>rd</sup> September 2023

**Inspector**

Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0138 hectares, is located to the north east of Waterford City, west of the River Barrow approximately 3km north east of Slieverue. The site is in an upland area and is accessed from the LS7472 to the north of the site over an existing laneway. The laneway serves the appeal site, agricultural land in the vicinity and 2 no. dwellings to the north of the site. The appeal site is occupied by a 25m monopole telecommunications support structure and fencing. The site is located in a wooded area at the top of the hill. Adjoining lands are agricultural in nature. There is another monopole support structure and compound located a short distance to the east of the site and is serviced by the same laneway.

## 2.0 Proposed Development

- 2.1. Permission is sought for a development consisting of the retention of an existing 25m high telecommunications support structure (total height 26.4m) carrying telecommunications equipment, together with existing equipment container and associated site equipment within a fenced compound as previously granted under local authority ref no. 13/30. The development will form part of the Meteor Mobile Communications Ltd existing and future telecommunications and broadband network.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 6 conditions. Of note is the following condition...

Condition no. 2: Condition requiring drainage maintenance and improvement measures.

Condition no. 6: Allow for co-location of other operators.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

Planning Report (01/04/22): Further information required including measures to deal with drainage issues including surface water flow, details of traffic volumes associated with existing and continued use, a letter of consent from the landowner and carry out a screening assessment due to potential hydrological links to the River Barrow and River Nore SAC.

Planning Report (25/01/23): The response to the further information request was considered acceptable and the details regarding surface water drainage were addressed. It was determined that the development would have no significant effects on any designated European site at screening stage with no Stage 2 Appropriate Assessment required. A grant of permission was recommended subject to the conditions outlined above.

Other Technical reports

Road Design (11/03/22): No objection.

Transport Section (01/06/23): No objection subject to conditions.

Senior Executive Engineer (19/01/23): No objection subject to conditions.

## 3.3. **Prescribed Bodies**

IAA (14/03/22): No observations.

## 3.4. **Third Party Observations**

### 3.4.1 3 submissions were received from...

John Tallon.

Tomas Breathnach.

Eamon Griffin & Gillian Barron.

The issues raised can be summarised as follows...

- Surface water drainage, debris on the public road, traffic safety, adverse impact residential amenity, property damage, non implementation of planning terms, lack of consent from landowner, increased traffic associated with co-location.

## 4.0 Planning History

13/30: Permission for continuance of use of an existing 25m high monopole structure carrying radio antennas (total height 26.4m). This permission was granted on the 17/06/13 for a period of five years.

07/1472: Retention permission granted on a 25m monopole support structure for a five year period. (Granted 07/02/08)

01/233: Permission granted to erect a 25m monopole antennae support structure for a five year period. (Granted 04/07/02).

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Kilkenny County Development Plan 2021-2027.

#### 10.4 Telecommunications

The Council recognises the importance of advanced communications infrastructure for an information-based society, and as a key support for business, education and research. The Council will support and facilitate the provision of advanced communication networks and services to the extent required to contribute to

national, regional and local competitiveness and attract inward investment. The Council will also encourage the further co-ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity in the county, as a means of improving economic competitiveness.

#### 10.4.1.4 Telecommunications Antennae

The Council recognises the importance of a high-quality telecommunications service and will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and sustaining residential amenities and environmental quality.

#### Objectives

10I To support and facilitate the delivery of high capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the County, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices e.g. remote working subject to other relevant policies and objectives of the Plan.

10J To set up and maintain a register of approved telecommunications structures which will provide a useful input to the assessment of future telecommunications developments and would also be useful from the point of view of maximising the potential for future mast sharing and co-location.

## 5.2 National Policy

5.2.1 Telecommunications Antennae and Support Structures Guidelines for Planning Authorities Section 4.2 Design and Siting “The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement.

Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

“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”.

“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 tripod or square structure” (relates to larger towns and city suburbs).

#### Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can

be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect.

#### 5.2.2 Circular Letter: PL 07/12:

### 2.2 Temporary Permissions

The 1996 guidelines anticipated rapid changes in technology and therefore early obsolescence of antennae and their support structures. Accordingly, the Guidelines advised that permissions for mobile telecommunications infrastructure should normally be granted for only five years.

However the experience has been that masts and antennae tend to remain in place for many years, while repeat planning applications have been required to renew the relevant temporary permissions.

Mobile telephony, with associated ground based antennae and support structures, will remain a key feature of telecommunications infrastructure for the foreseeable future. Moreover, the roll-out of NGB will tend to increase the importance of the infrastructure.

Planning authorities are therefore advised that from the date of this Circular Letter, attaching a condition to a permission for telecommunication masts and antennae



which limit their life to a set temporary period should cease. Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission.

Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.

### 5.3 **Natural Heritage Designations**

River Barrow and River Nore SAC (002162), 0.38km.

Lower River Suir SAC (002137), 1.76km.

### 5.4 **EIA Screening**

5.4.1 Having regard to the nature and scale of the proposed development, comprising of retention of a previously authorised a telecommunications support structure together with antennae, dishes and associated telecommunications equipment for a further period of time, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

## 6.0 **The Appeal**

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

6.1.1 A third party appeal has been lodged by Eamon Griffin & Gillian Barron. The grounds of appeal are as follows...

- The development is accessed by a private roadway adjacent the appellant dwellings. Drainage installed along such were inadequate to cater for surface

water run-off resulting damage to the appellant property (boundary fence) and depositing debris on the public road causing safety risk for traffic.

- Excavation works carried out to the verges of the access road has resulting surface water run-off flooding the appellants garden during heavy rain. The appellants have concerns regarding potential contamination of their private borehole water supply from run-off during heavy rain.
- The appellants note incomplete aspects of the application including address of land owner consent letter, lack of acknowledgement of flooding and surface water disposal issue on the application form and appendix 3 of application form being incomplete.

## 6.2. Planning Authority Response

6.2.1 No response.

## 7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Drainage/surface water

Other Issues

7.2 Principle of the proposed development:

7.2.1 The proposal is for retention of an existing 25m high telecommunications support structure (total height 26.4m) carrying telecommunications equipment, together with existing equipment container and associated site equipment within a fenced compound as previously granted under local authority ref no. 13/30. The structure in question was first granted permission under ref no. 01/233 for a period five years and then under 07/1472 for a further period of five years and most recently under ref no. 13/30 for a further five years. The development is long established

telecommunication structure that provides 3G and 4G mobile and broadband services in the area. The applicant makes the point that the loss of such would impact on coverage in the area and that they are willing to facilitate co-location for other operators.

7.2.2 I would consider that the retention of the structure is acceptable in principle and is consistent with local planning policy under the Kilkenny County Development Plan 2021-2027 and Telecommunications Antennae and Support Structures Guidelines for Planning Authorities. It is notable in granting permission that no specified time period is applied in this case and such is consistent with 2.2 regarding Temporary Permission.

7.3 Drainage/surface water:

7.3.1 The appeal site is accessed over an existing laneway that emanates from the public road to the north the site, which is a much lower level. This laneway provides access to appeal site in addition to agricultural lands, 2 no. dwellings to the north of the site and a separate telecommunication support structure and compound to the east of the site. The appellants dwelling is located to the north of the site and east of the laneway access, which runs along its side boundary (west), the appellants' dwelling is not accessed off the laneway but from the public road to the north of the site. The main issue raise concerns inadequate surface water drainage infrastructure along the laneway with the appellant noting that such have been inadequate to cater for the level of surface water drainage resulting in damage to a fence (along the public road) and discharge of debris on the public road. The appeal also notes the further excavation works have resulted in surface water run-off flooding their garden during heavy rain and raise concerns about potential contamination of a well.

7.3.2 The applicant was asked by way of further information to submit measures to deal with surface water drainage including alterations relating to a tarmac ramp, an existing French drain, measures to reduce surface water volumes and debris, proposal to maintain the efficiency of drainage infrastructure. In response to this request the

applicant submitted details of measures that were agreed on-site with the Council and include unblocking/clearing an existing large gully adjacent the public road, unblock/clear an existing grate type interceptor drain crossing the laneway, checking existing French drainage and clear any gravel/debris build up, installation of concrete directional ramp at the end of tarmac section and install a 2m x 1m soak pit, connect second gully at second house on laneway, install concrete directional ramp further up track at end in laneway/near large tree, install 0.7m x 1m soak pit carry out annual inspection of gully traps to determine if they require cleaning. The Council consider these measure to be acceptable and recommended a grant of permission including condition no. 2, which specifies these works in detail.

7.3.3 I would consider that subject to an appropriate condition requiring implementation of the drainage works proposed and a requirement that no surface water be allowed to discharge to adjoining properties or the public road, the proposed development would be satisfactory. I do not consider that the issues raised in regarding surface water drainage merit preclusion of the development and would note that the provision of an appropriate condition allows for future enforcement of such as well as the ongoing management of surface water along the laneway, which may not be the case if the telecommunications infrastructure were refused and removed. I am satisfied that measures have been put forward to deal with surface water drainage and the Council have consulted regarding the nature of such measures. I would also highlight that the existing laneway is not within the appeal site with the applicant having consent to use the laneway from the landowner to access the site and the laneway serves 2 no. existing dwellings (does not include appellants' dwellings), a separate telecommunications support structure and a significant level of agricultural lands. I would question whether maintenance of drainage along the laneway is solely the responsibility of the applicants and that the existing laneway is likely to have been in place prior to any telecommunication structures being on site. Notwithstanding such the proposed development does offer the opportunity for proactive works and a condition to deal with surface water drainage. In this regard I would consider subject to application of an appropriate condition outlining the drainage measures as well as restricting surface water run-off from adjoining properties and the public road, the proposal is satisfactory.

#### 7.4. Other Issues:

7.4.1 The appeal does raise concerns regarding potential traffic impact and in the context of allowing for co-location with other operators. The proposal is for retention of an existing support structure and the nature of such structures is that they do not generate a significant level of traffic with main traffic impact being during construction phase (temporary and in this case structure is already in place and subject to a retention) and intermittent maintenance periods. Even with allowing for co-location, I would be of the view that the development would not generate a significant level of traffic at this location and is mostly a passive use. The facilitation of co-location is also consistent with national policy under the Telecommunications guidelines.

7.4.2 The appeal submission raises some issues in terms of the address on the letter of consent and incomplete information on the application form. I am satisfied that sufficient information is provided to describe the nature and scale of the proposed development associated site works and do not consider there are any validation issues that would preclude permitting the proposed development.

### 8.0 **Appropriate Assessment**

8.1 The Local Authority requested that the applicant submitted a Screening for Appropriate Assessment by way of further information. The application is for retention of a telecommunication structure, which is in place and has been previously authorised and does not entail any construction works other than additional drainage measures along the laneway submitted by way of further information. In this regard any Appropriate Assessment screening should relate to proposed works and not works that have been previously authorised through the planning process.

8.2 Applicant's Stage 1 – Appropriate Assessment Screening

8.2.1 The applicant has engaged the services of Moore Group-Environmental Services Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

8.2.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

8.3 Compliance with Article 6(3) of the EU Habitats Directive

8.3.1 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.3.2 The subject lands comprise approximately 0.0183 ha, located to the north east of Waterford City. The site is on an elevated site and accessed over an existing laneway that provides access to agricultural lands in the vicinity, 2 no. dwelling to the north of the site and a separate telecommunication support structure to the east with access off the LS472 to the north.

8.3.3 The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the

outline of the site and the laneway access serving the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.3.4 The screening report identifies 2 European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Lower River Suir SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>	002137	1.76km

<p><i>Alosa fallax fallax</i> (Twaiite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>		
<p>River Barrow and River Nore SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p>	<p>002162</p>	<p>0.38km</p>



Petryomyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421] Margaritifera durrovensis (Nore Pearl Mussel) [1990]		
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8.3.5 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites. The following is found in summary:

Site	Connection	Comment
Lower River Suir SAC	No	No pathway or connectivity to the habitats and/or species of the designated site.
River Barrow and River Nore SAC	No	No pathway or connectivity to the habitats and/or species of the designated site.

8.4 Applicant’s Screening Report Assessment of Likely Significant Effects:

8.4.1 The submitted AA Screening Report considers the assessment of likely significant effects. The nearest water course is River Barrow 500m to the east of the site, with no connectivity between the site and the existing watercourse.

8.4.2 Potential direct and indirect impacts that may result in significant effects during the construction phase include vegetation clearance, demolition, surface water run/off from excavation, dust, noise, vibration, impact on groundwater/dewatering, storage of excavated/construction materials, access to site and pests. Significant effects are ruled out on the basis of site being within the boundary of an existing telecommunication structure and lack of pathway to the River Barrow.

8.4.3 Potential direct and indirect impacts that may result in significant effects during the operational phase include direct emission to air and water, surface water runoff containing contaminants, lighting disturbance, noise/disturbance, changes to water/groundwater due to drainage abstraction. Presence of people, vehicles/activities, physical presence of structures (collision risk). Significant effects are ruled out on the basis that the site is at a distance from the designated site and there will be no disturbance of qualifying interests.

8.4.4 There is no risk of habitat loss or fragmentation or any effect on any qualifying interest habitats or species either directly or ex-situ.

8.4.5 In-combination effects are considered in the applicant's report and following the consideration of a number of planning applications in the area (permissions granted within 2km of the site), there is no potential for in-combination effects given the scale and location of the development.

8.5 Applicants' AA Screening Report Conclusion:

8.5.1 The AA Screening Report has concluded that the possibility of any significant effects on identified designated European sites can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

8.6 Appropriate Assessment Screening:

8.6.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the

development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the laneway with the only construction works relating to surface water drainage works.

8.6.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are two Natura 2000 sites sufficiently proximate to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.6.3 Firstly I would refer to the fact that the development does not entail any construction works with the development being retention of a previously authorised structure that is in-situ (limited time period) with no construction, or excavation works proposed. The only works proposed are surface water drainage works along the laneway serving the site proposed in response to a further information request.

8.6.4 I am of the view in relation to Lower River Suir SAC and River Barrow and River Nore SAC that significant effects as a result of deterioration of water quality can be ruled out on the basis of firstly the physical separation of the site and laneway from the designated sites, there is no possibility of a hydrological connection and the impact of proposed drainage works is localised, small in nature and would be

unlikely to discharge any surface water to the designated sites. I note that the surface water drainage measures proposed during the construction and operational phase of the development are surface water management measures for the development processes and cannot be considered as mitigation measures to prevent significant effects on any designated site. The operational phase does not include production of foul water and surface water management measures are sufficient to prevent pollution of surface water or groundwater. In the event that the surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites, from surface water runoff, can be excluded given the lack of hydrological connection and the nature and scale of the development.

8.6.5 In-combination effects are considered in the applicant's screening report and following the consideration of a number of planning applications in the area, which are mainly relating to other residential/domestic development, there is no potential for in-combination effects given the scale and location of the development.

8.6.6 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002137, Lower River Suir and Site No. 002162, River Barrow and River Nore SAC or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European site.
- The scale of the proposed development involving surface water management measures along the laneway serving an existing telecommunications structure.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

## **9.0 Recommendation**

- 9.1. I recommend a grant of permission subject to the following condition.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Leitrim County Development Plan 2014-2020 and the DOEHLG Section 28 Statutory Guidelines; "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would 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, 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.

(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 on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

3. The following drainage/surface water management measures shall be implemented.

a)

i. Unblock/clear existing large gully adjacent to the public road, of loose gravel and debris material.

ii. Unblock/clear existing grate type interceptor drainage crossing laneway at lane entrance, of gravel and debris material. Check inspection chamber and clear of any loose material.

iii. Check existing French Drain perforated drainage pipe by inspection, and clear any gravel/debris build up. This perforated land drainage pipe is located between the first gully at land entrance and the second gully at the second house on the laneway (length approximately 110m).

iv. Install concrete directional ramp at the end of tarmac section and install a 2m x 1m soak pit. Connect second gully via 22mm perforated land drainage pipe.

v. Install second concrete directional ramp further up track at the bend in the laneway/near large tree and install 0.7m x 1m soak pit. This soak pit will not be connected to the French Drain further down the track.

vi. Carry out an annual inspection of gully traps to determine if they require cleaning. Clean gullies as required.

The above measures shall be implemented within three months of the date of the grant of permission.

b) The applicant shall clean or replace stone as required to ensure that the capacity of the soakaways and French drains are optimised. The initial cleaning of the French drains shall be carried out within three months of the date of the grant of this permission.

c) The applicant shall submit an annual report to the Piltown Municipal District Engineer and Kilkenny County Council of the annual inspections undertaken on the drainage system and the actions taken to resolve maintenance issues that are identified. This report will include an assessment of the soakaways and French drains that demonstrates their capacity to accept flood flows. The report shall be prepared by a suitably qualified and indemnified Chartered Engineer and shall be submitted within the calendar year in which the annual inspections were undertaken.

Reason In the interest of orderly development.

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. 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.

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: In the interest of avoidance of 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.

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Colin McBride  
Senior Planning Inspector

04<sup>th</sup> September 2023