



An
Bord
Pleanála

Inspector's Report ABP-315922-23

Development	Proposed 15m high telecommunications structure, antennae, dishes and associated equipment.
Location	Eir Exchange, Knocknagoshel, Co. Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	22/1235.
Applicant(s)	Towercom on behalf of Eircom Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Towercom on behalf of Eircom Ltd.
Observer(s)	Michelle Roche, Mairead Brosnan (Personal), Mairead Brosnan (Chair, Knocknagoshel Tidy Towns Committee), Lar Hickey, The Board of Management of Knocknagoshel NS), Geoffrey Collins, Donal Falvey and

Sophie Hodgett, Elizabeth Lane
(Principal of Loughfounder NS,
Secretary of Board of Management of
Loughfounder NS), Friends of the Irish
Environment CLG, Brian Harding and
Susan Goodwillie, Richard Ann Maria
Ella and Hazel Murphy, Michelle
Keane (Concerned Parent and EIR
MAST Protest Rally Organiser)

Date of Site Inspection

4th July 2023

Inspector

John Bird

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10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The site is at the east end of the hill village of Knocknagoshel. The proposed mast location is at the western side of the existing Eir Exchange and close to boundary trees and an adjoining bungalow dwelling. To the north is another two-storey dwelling and to the east of the exchange site is that dwelling's road entrance and the Knocknagoshel Bio-diversity Garden. Opposite the site are a pair of semi-detached dwellings. From the site the road rises steeply to the west towards the Architectural Conservation Area (ACA) and Protected Structures. To the east the road falls and there are dispersed dwellings and then open countryside.

2.0 Proposed Development

- 2.1. Proposed 15m monopole telecommunications mast with antennae, dishes and associated equipment. There is an additional lightning finial giving a total height of 16.5 m.
- 2.2. There are no largescale engineering drawings to show the specific diameter(s) of the monopole or the width and depth of the foundation pad.
- 2.3. There are no details of the likely effect of the excavations on the trees on the west side of the boundary line and which appear to overhang the site.
- 2.4. Of 5 No. photomontages, View No.5 shows the relationship with the dwellings most affected. Photomontage View 4 is taken from the eastern edge of a building which is part of the ACA.
- 2.5. There are no photomontages taken to or from the ACA or the nearest Protected Structures.

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission for two reasons: -

- Contrary to KCC Telecommunications Policy and Policies KCDP 14.81 which relates to the balance between the provision of telecommunications

infrastructure and residential amenity and to KCDP 14.82 which has regard to minimising or mitigating effects on communities.

- Would seriously affect visual amenity and residential amenity and property values.

3.2. **Planning Authority Reports**

Planner's Report.

- 3.2.1. Discusses telecommunications policy and effects of proposed mast on visual and residential amenity.
- 3.2.2. A brief reference is made to the Tralee Municipal District Local Area Plan 2018-2024. The reference states that the area of the site is Zoned "R2 Existing Residential" in the Knocknagoshel Local Area Plan.

3.2.3. Other Technical Reports

None that are relevant. No reports from other statutory bodies.

4.0 **Planning History**

Early history of the telephone exchange is not clear. (An Observer states that it was provided in this location as an automatic telephone exchange for a former post office)

Reg Ref 20/691. Refusal of 18m mast at same location on similar grounds to the present Decision, but referring to the previous KCC CDP 2015-2021.

5.0 Policy and Context

5.1. Development Plan

The relevant plans are the Kerry County Development Plan 2022-2028 (KCC CDP) and the Tralee Municipal District Local Area Plan 2018-2024 which contains the Local Area Plan (LAP) for Knocknagoshel.

The relevant Guidelines are the Telecommunications Guidelines (TG) and the Ministerial Letter and the Architectural Heritage Protection Guidelines (AHPG).

5.2. Natural Heritage Designations

None relevant.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- Permission should be Granted on the basis of the S.28 Guidelines and regional spatial and economic policy.
- Critical infrastructure for the village and surrounding area.
- Established communications exchange.
- Upgrading of existing facility.
- Obligation to provide services.
- Proposal would not contravene the policies stated in the Decision to Refuse.

- It would not injure amenities or depreciate residential property.
- Would be sustainable.
- Existing mast at Kilmaniheen (Reg Ref 16/1097) is 2.8 km away (to east) and is too distant to provide service.
- Purpose is to provide 5G services to the village and immediate area and enhanced 2G and 4G coverage to the village and N21.
- Maps show existing and proposed coverage.

6.2. Applicant Response

- None on file.

6.3. Planning Authority Response

- None on file.

6.4. Observations

- Refers to Development Plan description of this unusual hill village.
- Visual impact - eyesore will destroy the natural beauty of the village.
- Quotes Knocknagoshel (KnaG) Local Area Plan in relation to appropriate design.
- Mast would have an industrial feel and appearance and would discourage future residents.
- Overbearing and obstructive.
- Devaluation.
- The height reduction by 3m will not reduce the visual impact.
- The existing poles are widely visible.
- See photos taken from existing residence to west.

- Screening trees have been cut down and others are short-lived.
- S.4.3 of 1996 Guidelines “only as a last resort...”
- KCC CDP “Every effort shall be made to locate telecommunications masts in non-scenic areas.”
- Have alternative locations been considered? There are 5No. mast locations within the parish, all near the N21. Map attached.
- Need for public engagement.
- Reason No.1 of Decision to Refuse protects the village environment.
- Reference to policies stated in the Refusal.
- Mast would be first structure to be seen on entering the village.
- Site is proximate to the ACA. No mention of the ACA by the Applicant.
- There are excellent existing internet services in the village.
- Mast would be highly visible from a range of amenities and amenity areas.
- The Church should remain the dominant structure.
- Applicant states that the (antennae) would have to be above tree level to be effective – therefore greater intrusion.
- No pre-planning.
- The original exchange was located adjacent to a (former) post office to provide automatic telephone services – it preceded mobile phone and data services.
- Health and safety of children, teachers, and staff at KnaG National School.
- Queries stability of mast.
- Applicant should explore co-sharing.
- Mast could be a precedent for a proliferation of 5G masts.
- European Parliament studies - “possibly carcinogenic to humans.”
- Recently moved into vacant residence on basis that (18m) mast had previously been refused. Specific health problems.

- Refers to British TETRA Watch research on health effects.
- Apparent policy of An Bord Pleanála to disapply existing telecommunications policies. Refers to APB internal report on telecommunications.
- Aarhus Convention. No local engagement.
- Lack of information and misinformation given by Appellant.
- Analysis of Smart Villages Project.
- Main target for mast may be the N21 and not the village.
- There are more options because the village is at a high altitude.
- Refers to the trade-off between improved telecommunications and the loss of village amenity.
- The mast is effectively in the village centre.
- Applicant has not taken the entire CDP into consideration.
- No photomontage from the perspective of the ACA.
- Mast locations are foot-loose, as opposed to local communities.

Further Responses

None on file

7.0 Assessment

7.1. Appropriate Assessment Screening

7.2. Having regard to the nature and scale of the proposed development and the nature of the foreseeable emissions therefrom, it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

7.3. At the start of this Assessment, I wish to draw the specific attention of the Board to statements made in the Observation from The Friends of the Irish Environment. These refer to an internal ABP report on telecommunications and query the application of telecommunications policy by the Bord.

- 7.4. I have considered the Appeal in the light of National, Regional and County telecommunications policies and the appropriate Guidelines and Ministerial Letter. I have also considered the Appeal with The Architectural Heritage Protection Guidelines in mind.
- 7.5. The Appellant has failed to make any reference to the latter Guidelines, the adjacent Architectural Conservation Area, or the nearest Protected Structures. None of the photomontages adequately address these issues.
- 7.6. The Planning Authority has not discussed these conservation issues, essentially leaving it to the Observers to raise them. However, the Planning Authority has referred to the Local Area Plan which contains relevant information, so that I do not consider them to constitute a New Issue.
- 7.7. From my inspection of the village, I note that Knocknagoshel Garda Station, located at the high end of the village, has its own aerial.
- 7.8. The village has a high level of existing amenity such as the ACA, the Protected Structures, and the very attractive and well-maintained Bio-diversity Garden. See also the Statement of Special Character in Vol. 3. Pg. 126 of the CDP.
- 7.9. Therefore, I consider that the Appellant must provide a high level of proof of need and prove that due process has been followed in relation to the proposed mast.

8.0 Recommendation

- 8.1. In assessing the need for new telecommunications infrastructure, I have considered the following: -
- The existing exchange, masts, and investment in the site.
 - The limited extent of the proposed site.
 - Trees overhanging from the adjoining residential site are unlikely to survive the construction process and that the full height of the mast will be exposed.
 - The Appellant has had no Pre-application discussions with the Planning Authority. An Observation details unsuccessful attempts to engage with the Applicant to discuss alternative locations with landowners in the adjacent rural area.

- The Appellant has given mast location information only on their own adjacent mast 2.8km away and has given no information on other operators' masts and whether co-location is possible or has been discussed.
- The Appellant has given no details of any alternative sites that have been considered.
- The Appellant has not taken account of the broad sweep of the CDP and has not referred to the LAP, the ACA, or the Record of Protected Structures.

While I am mindful of the national, regional, and local need to improve telecommunications structures, I consider that the Appellant has not followed due process and that the Appeal should be rejected.

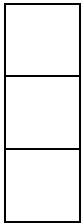
I therefore consider that the Reasons for Refusal should be upheld in principle and that additional Reasons related to the CDP, the AHP Guidelines and the LAP Objectives should be included.

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned residential within the settlement boundary of the Knocknagoshel Local Area Plan and at the eastern end of the Main Street and is immediately adjacent to residential properties. It is considered that the proposed development would constitute a highly obtrusive element in the streetscape and would have a significant overbearing impact on adjoining and adjacent dwellings. The development would be contrary to the policies of Kerry County Council regarding Telecommunications and Broadband as set out at Section 14.9.1 of the Kerry County Development Plan 2022-2028, and would contravene Objectives KCDP 14-81 and KCDP 14-82 of the Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed 16.5m overall height free-standing telecommunications support structure with dishes and antennae at this location by reason of its height and proximity to houses in the vicinity would seriously injure the amenities and depreciate the value of residential property

in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed telecommunications structure, by reason of its height, display of antennae, dishes, and location would unduly affect the setting of the adjacent Architectural Conservation Area and Protected Structures and would be contrary to Section 13.8 of the Architectural Heritage Protection Guidelines. It would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed telecommunications development would be in conflict with the Statement of Special Character set out in Volume 3, Page 126, of the Kerry County Council County Development Plan 2022-2028 and with Objectives KL-GO-01 and KL-GO-02 of the Knocknagoshel Local Area Plan 2018-2024. It would, therefore, be contrary to the proper planning and sustainable development of the area.



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.

John Bird
Planning Inspector

20th August 2023.