



An
Bord
Pleanála

Inspector's Report ABP-316024-23

Development	24 metre high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing.
Location	Derrymore West, Tralee, Co. Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	22/1292.
Applicant(s)	Vantage Towers Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Des and Philomena Quirke.
Observer(s)	None.
Date of Site Inspection	2 nd September, 2023.
Inspector	Aiden O'Neill.

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1.0 Site Location and Description

- 1.1. The proposed development site is located in a rural area at Derrymore West (Td) c. 10km to the south-west of Tralee town. The proposed development site is a farmyard area located between 2no. farm buildings, to the west of a local road c. 140m to the south of the N86 national secondary road linking Tralee to Dingle. The local road serves a small number of rural dwellings, the nearest of which is c. 115m to the north-east.
- 1.2. The site is c. 0.0064ha, and is relatively level, but is at a higher level than the N86 to the north, and lands to the south also rise in level. There is extensive existing mature vegetation. An overhead line is located to the south of the proposed development site. There is an existing Vodafone telecommunications structure fixed to the farm building, well as an ESB distribution board, to the immediate south of the proposed development site.
- 1.3. The proposed development site is not located in an Architectural Conservation Area (ACA), nor are there any Protected Structures or NIAH structures at the proposed development site, or in the vicinity.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a 24m multi-user lattice tower, 6no. Vodafone antennas with 9no. Remote Radio Units (RRUS), and 5no. 0.6m dishes; 2no. sets of 3no. operator antennas, 2no. RRUs per antenna, and 1no. dish; and 3no. lightning finials; 5no. 2.05m high operator cabinets on concrete bases; 3no. 1.048m high RFE cabinets; 1no. 0.6m high ESB mini pillar, and cable management systems, in a 8m x 8m compound, with a 2.4m high palisade fence with 2no. 2m wide access gates. 1no. 5m tree is to be removed to facilitate the proposed development and the existing Vodafone equipment is also to be removed.
- 2.2. The planning application includes confirmation of the applicant's compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- 2.3. A permanent permission is requested.

2.4. Decision

The Planning Authority decided to grant permission by Order dated 13th February, 2023, subject to 5no. standard conditions. Permission was granted *Having regard to the nature, extent and location of the proposed development and any submissions made in relation to the application it is considered that, subject to compliance with the conditions set out in the Second Schedule the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.*

2.5. Planning Authority Reports

2.5.1. Planning Reports

The planner's report dated 13th February, 2023 commented that:

- The proposal is for a new telecommunications mast, lattice style of 24m location on land zoned Rural General as per the Plan.
- There is existing telecommunications infrastructure c. 7.5m over ground level on the farm building. The proposal can be considered.
- The proposed development is accessed via an existing local road from the N86. In its submission, TII stated no observations.
- The proposed development is not likely to impact negatively on residential amenities in the area. There are no dwellings in close proximity to the proposed mast.
- It is considered that the proposed development site outside a Visually Sensitive area, outside any Protected Views and Prospects, located in a well screened area on a local road set back 140m from the N86 is acceptable for the location of the proposed mast.

The planner's report is the basis for the Planning Authority's decision to grant planning permission.

2.5.2. Other Technical Reports

None on file.

2.5.3. Prescribed Bodies:

TII has no observation.

The IAA has no requirement for obstacle lighting on the telecommunications structure.

2.5.4. Observations:

No observations are on file

3.0 Planning History

There is no recent planning history on the subject site.

02/3129 Permission to construct a slatted easy-feed silage system in farmyard granted on 20th March, 2003.

4.0 Policy and Context

4.1. National Policy

4.1.1 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, July 1996

The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunication networks. In many suburban situations, because of the low rise nature of buildings and structures, a supporting mast or tower is needed.

Section 4.2 of the Guidelines in relation to design and siting states that:

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.

Section 4.3 of the Guidelines states that:

In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

...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.

There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land.

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.

4.1.2 Circular Letter PL07/12

DoECLG Circular Letter PL07/12 updates certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996), including:

- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.

4.2. Development Plan

4.2.1 Kerry County Development Plan 2022-2028

Section 14.9 of the Kerry County Development Plan 2022-2028 sets out the policy objectives in relation to digital connectivity. It is stated that the importance of a modern, efficient telecommunications system for the future development of the County cannot be overstated and constitutes a vital element of the County's infrastructure. It is also stated that:

In considering locations for masts and other infrastructure requirements, Kerry County Council will have regard to the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' (DoECLG, 1996) and Circular Letter PL07/12. The Council aims to support the sustainable development of mast infrastructure at appropriate locations which facilitates backhaul in the peninsula areas, and Broadband services to areas of the County with no Broadband service and with poor Broadband service.

5.2.2 Key policy objectives include:

KCDP 14-71 Facilitate the sustainable delivery of high-speed, high-capacity digital and mobile infrastructure and support the continued investment and the delivery of ICT infrastructure, broadband networks and digital broadcasting in the County in line with the National Broadband Plan for Ireland.

KCDP 14-73 Support the sustainable provision of modern and innovative telecommunications infrastructure at appropriate locations. to achieve such developments.

KCDP 14-79 Achieve a balance between facilitating the provision of telecommunication infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

KCDP 14-80 Ensure that the location and provision of telecommunication infrastructure should minimise and/or mitigate any adverse impacts on communities, public rights of way and the natural environment.

The proposed development site is located in the Rural General landscape designation for the County, acknowledging that such landscapes generally have a higher capacity to absorb development. It is important that proposals are designed to

integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the typography, vegetation, existing boundaries and features of the area. The site is located outside a visually sensitive area. The Plan identifies views and prospects from the N86 looking north towards Tralee Bay, to the north of the proposed development site.

4.3. Natural Heritage Designations

The proposed development site is removed from the nearest Designated Site, the Slieve Mish Mountains Special Area of Conservation (SAC) (Site Code: 002185).

4.4. EIA Screening

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.

5.0 The Appeal

5.1. Grounds of Appeal

The Third Party appeal sets out the following grounds:

- The decision does not include a condition a bond for the removal of the mast.
- There has been a growing trend for the insertion of specific minimum distances from houses and schools of up to 1km, however, this is not in development plans of late.
- A mast of such scale, bulk, mass and size should not be allowed in such a sensitive area.
- The existing telecommunications mast is quite small in nature.
- The existing tree growth is not evergreen and gives little screening in winter and spring.

- No pre-planning took place.
- There are a number of other planning applications for a dwelling house, 13/40, 21/911, 09/1471, 08/2608, adjacent to the proposed development, which were refused for a number of reasons, and were not referred to in the planner's report.
- The proposed development would also have serious restrictions in relation to its access to the public road, in regard to inadequate sightlines, and in regard to the prominent nature of the proposed development on the site and in the area. Permission for the proposed development should have been refused.
- The site overlooks Derrymore Beach, an unspoilt beach, and is south of the Slieve Mish Mountain Range, and is 140m south of the Tralee/Dingle Roadway and the Wild Atlantic Way. The construction of a 24m mast in this landscape is not sustainable. Any development which could impact upon such landscapes should not be permitted. The Plan precludes a mast of such mass, scale, bulk and size from receiving permission. It cannot be integrated into its surroundings due to its scale and size.
- As the site is elevated its topography is such that it will be prominent and obtrusive on the skyline. Although there is vegetation and some low tree cover, the extent of the mast's size will stick out in a negative way.
- Although not designated a visually sensitive area, it is part of a visually sensitive area.
- The mast will be clearly visible from Derrymore Beach.
- Broadband is not an issue in houses in the locality.
- The existing small mast is not an adequate reason to suggest that there is already an existing mast in place and use this for precedence purposes.
- The mast will be higher than the existing trees which are not evergreen.
- The mast will be clearly visible from a local road to the north of the development and will clearly affect residential amenities.
- The Board is requested to refuse permission.

5.2. Planning Authority Response

- By report dated 29th March, 2023, the Planning Authority's planner re-stating that the site is on land zoned Rural General, and that there are no Protected Views in the direction of the proposed site.
- In addition, it is stated that it is a well-screened area on the landward side of the N86. The visual impact of the proposal is rated as acceptable.
- Reference is drawn to the submission from TII who had no observations.
- The proposed development cannot be compared to planning applications for residential development in the area, particularly in relation to traffic implications.
- The correct decision in relation to the proposed development was made.

5.3. Observations

None.

5.4. Further Responses

The applicant's response to the Third Party appeal states the following:

- The existing installation is inadequate for modern service requirements and will be removed on completion of the proposed development.
- The residential applications referred to in the appeal appear to be allied to the same site, and were refused due to the restricted sight lines at the access onto a National Road. The comparison with the proposed development is unreasonable. The uses are very different, there is already a telecoms installation in place, the access is used about 4-6 times per year and the equipment can be controlled and monitored remotely. The road use will not change. The telecommunications structure can be shared and is designed to ensure the proliferation of other structures is avoided. In comparison, access to a house can be 4-6 times a day.
- Being on the slopes of a mountain, and the height of the structure, ensures that line of sight is achieved as well as coverage over the area.

- Telecoms are now regarded as critical infrastructure and utility.
- Three Ireland will switch off its 3G network by the end of 2024. Vodafone is turning off its 3G network at the end of 2023. These changes will impact areas with inadequate 4G and 5G such as Derrymore West.
- Suitable sites south of the coastal road require access and power and for coverage must be close to the N86.
- Coverage in the area is currently being provided by the existing installation. Coverage for all three national operators is weak and substandard.
- The backdrop of the mountain range to the south reduces the visual impact.
- Being on the southern side of the road means that it does not interfere with views towards the coast.
- It is important that coverage is provided for the tourist industry.
- Installations listed in the appeal are all too far away to provide the required coverage.
- In relation to visual impact, there is limited flexibility to secure a suitable site with access and power due to topography. The proposed development will use existing power and access.
- The proposed development does not conflict with landscape or scenic route designations.
- It is acknowledged that the structure will be noticeable at different locations, but a balance has been achieved.
- The proposed structure is located away from towns or villages and away from any school or community centre.
- The site is already developed as a utility.
- Operators are required to comply with licensed conditions relating to non-ionising radiation.
- The national guidelines provided no restriction in terms of distances between such structures and dwellings. It is not uncommon for such structures to be in close proximity to residential development.

6.0 Assessment

6.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

6.2. The main issues, therefore, are as follows:

- Site Location
- Visual impact
- Appropriate Assessment

6.3. Site Location

6.3.1 I have given due consideration to the appeal prepared by the Third Party, and the response of the applicant.

6.3.2 I accept that the principle of facilitating the provision of additional ICT infrastructure is supported in national and local planning policy, in particular the Guidelines on Telecommunications Antennae and Support Structures 1996, and the provisions of the Kerry County Development Plan 2022.

6.3.3 The 1996 Guidelines are also clear in stating that locations of telecommunications infrastructure will be substantially influenced by radio engineering factors.

6.3.4 In this respect, the applicant has provided a reasonable technical case for the need for additional telecommunications infrastructure to address the identified deficiencies in network coverage in the area of Derrymore West, particularly in the context of the phasing out of the 3G network and the roll out of 4G and 5G by the country's three main telecommunications operators.

6.3.5 The applicant also makes the case that existing telecommunications infrastructure is too far away to provide the necessary coverage for the area.

6.3.6 Of importance is that the site of the proposed development is characterised by existing telecommunications infrastructure, albeit much smaller than the proposed tower, attached to a farm building, which is to be replaced with a free-standing lattice structure that will enable greater coverage in the area. I consider this to be a key

factor in determining the acceptability of the proposed development at this location. The existing structure provides telecommunications coverage for the area.

- 6.3.7 The proposed development site also has the benefit of power.
- 6.3.8 The proposed lattice tower that will replace the existing infrastructure will be capable of supporting multiple operators, reducing the need for further structures in the area.
- 6.3.9 The proposed development is also located well away from the nearest village and is not located near a school or community centre.
- 6.3.10 The nearest residential dwelling is c. 115m to the north-east. However, as noted, the site is already home to existing telecommunications infrastructure. I also note that the Guidelines do not stipulate separation distances from residential development.
- 6.3.11 The Third Party also has concerns regarding the suitability of the access road off the N86 to the proposed development site. Previous proposals for individual dwellings were refused permission on this basis. I note that the access road has poor sightlines from the west when turning right onto the N86. However, I would be inclined to agree with the applicant that a residential development is not comparable to the proposed telecommunications structure, and that the traffic generated by the proposed development will be low in any event. It is also noted that TII had no observations on the proposed development.

6.4. Visual impact

- 6.4.1 The Third Party raises concerns about the proposed development, by reason of its scale, bulk, mass and size, is not suitable in this visually sensitive area.
- 6.4.2 However, I concur with both the Planning Authority and the applicant that the proposed development site is not located in a visually sensitive area as defined in the Kerry County Development Plan 2022. It is located in an area of the County that attracts a Rural General landscape designation, with such landscapes having a higher capacity to absorb development than visually sensitive areas.
- 6.4.3 It is also characterised by an existing telecommunications structure. It is acknowledged that the proposed development is taller than the existing structure, however, I would concur with the Planning Authority and the applicant that the proposed development can be visually contained in this area, given the existing topography, the existing vegetation cover, and the existing overhead line that

traverses the area. It is accepted that the proposed development, being taller than the existing structure, will be more visible, but not significantly so. I would concur with the Planning Authority in determining that the visual impact of the proposed development is acceptable.

6.4.4 It is noted that there are identified views and prospects on the N86 to the north of the site, however these are of the Tralee Bay to the north, whereas the proposed development site is located to the south of the N86. There are no Protected Views in the direction of the proposed site.

6.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development and proximity to the nearest European site, 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.

7.0 Recommendation

7.1. I recommend that planning permission be granted based on the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to:

(a) the strategic importance of the national broadband service,

(b) the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996,

(c) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,

(d) the policies and objectives set out in the Kerry County Development Plan 2022-2028, and

(e) the siting and design of the proposed development at a location where there is established infrastructure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a necessary telecommunications service for the Derrymore West area, would not constitute a visually discordant feature that would not adversely injure residential and visual amenity. The proposed development would be consistent with the guidance of Section 4.3 of the Guidelines on Telecommunications Antennae and Support Structures 1996 and the provisions of the Kerry County Development Plan 2022. The proposed development would in the interests of the proper planning and sustainable development of the area.

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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

3. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

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. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

6. 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.

7. 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 date of expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

8. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

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.



Aiden O'Neill
Planning Inspector

3rd September, 2023.