

An
Bord
Pleanála

Inspector's Report ABP319001-24

Development

Signal Infrastructure Limited are applying for permission to install a 30m lattice type telecommunications support structure, carrying antenna and dishes together with associated ground equipment cabinets, fencing, access track and associated site works within Collite Forestry at Lacka, Greenane, Co. Kerry. The installation will form part of the Three Ireland Limited mobile telecommunications network.

Location

Coillte Forestry Lacka, Lacka, Greenane, County Kerry

Planning Authority

Kerry County Council.

Planning Authority Reg. Ref.

2360318.

Applicant(s)

Signal Infrastructure Limited.

Type of Application

permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellant(s)

(1) Andrea & Simon Collins.

(2) Xenia Bodler O'Sullivan & Michael
O'Sullivan

(3) Christina Doyle.

Observer(s)

None

Date of Site Inspection

26/07/2024

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Lacka is a townland located on the northside of the Kenmare River between Kenmare town and Sneem on the Ring of Kerry. The subject site and forested hinterland at Lacka, Greenane is owned by Coillte.
- 1.2. The site at Lacka is located on a south facing hillside to the west of Kenmare (4.5 km) above Dromquinna. The site is approximately 850m from the N70 to the south.
- 1.3. The proposed development will be positioned within terrain, which rises from water (Kenmare River / Bay) to the north (location of development site) and south reaching contours between 250m and 520m. The location is scenic within the environs of the Ring of Kerry with visibility from the Ring of Beara.
- 1.4. The commercial forest on the hillside has been partly clear felled and recently re-planted.
- 1.5. The access is partly via a newly constructed forest track to the site. This track is accessed from forest tracks within the forest in turn accessed from a local road to the east of the site. The point of access is the L11762 - Letter Road. The overall distance from the L11762 is approximately 2 km.
- 1.6. There are panoramic views from the site looking south and south west over the Beara Peninsula and Kenmare Bay. Views to the north are restricted by the ascending topography.
- 1.7. The Kerry Way amenity walkway runs to the immediate north of the site.

2.0 Proposed Development

- 2.1. The installation of a 30m lattice type telecommunications support structure, carrying antenna and dishes together with associated ground equipment cabinets, fencing, access track and associated site works within Collite Forestry at Lacka, Greenane, Co. Kerry.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Kerry County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- Road / Traffic no objection.
- Irish water no objection.

4.0 Planning History

There is no relevant recent planning history.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the Kerry County Development Plan 2022-2028. The relevant policies and objectives in the development plan relate to the functional area of Kerry County Council and are set-out below:

- **Zoning**

Volume 6, Section 2 (Zoning), Paragraph 2.3 (Land-Use Zoning) states: *Within the functional area of County Kerry, lands are zoned for particular purposes within the settlement plans contained in this Development Plan and in the local areas plans.*

The development site is in a rural location.

Volume 4 contains maps associated with the plan. Section 3 provides for “Rural Area Types”. Map 5.1 identifies that the subject site is within rural areas under urban influence designation.

Other relevant designations

Map 7.20: Landscape Character Areas - identifies the subject site within a medium / high sensitivity.

‘Map Landscape Designations’ identifies that the area west of Kenmare is within a visually sensitive area.

Specific Landscape Designations

Map R identifies that Lacka is not within the ‘visually sensitive designation’. The subject site is within the ‘rural general’ designation.

Views and Prospects

I note a protected view to the south-west across Kenmare Bay on the north shore of the Beara Peninsula, from a location to the south of Dinish Island, looking *inter alia* north-east toward Dromquinna / Lacka on the opposite side of the Kenmare River.

- **Other relevant development plan policies and objectives**

Chapter 14 (Connectivity), Section 14.1 is relevant and *inter alia* states:

As a peripheral and rural County characterised by peninsulas, connectivity to and within the County and the quality of the infrastructure available (both physical and digital) is of paramount importance in determining the quality of life for its citizens. Similarly, proper transportation and broadband telecommunications constitute vital elements of this infrastructure and are a major factor in attracting industry and employment to an area.

Section 14.9 (Digital Connectivity) is relevant and *inter alia* states:

Enhanced quality and provision of digital and mobile telecommunications infrastructure is critical for the revitalisation of cities, towns, villages and rural areas. Developments in information and communications technology (ICT) continues to fundamentally change how our society and economy functions.

The following policy objectives are relevant:

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.
KCDP 14-75	Promote the preparation and support the implementation of a digital strategy, seek investment for actions identified, and support the role and initiatives of the Mobile and Broadband Taskforce in addressing digital and mobile coverage blackspots and rural communications connectivity.
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.

Chapter 11 (Environment), Section 11.6 (Landscape) is relevant and *inter alia* states:

There are two landscape designations for the county.

1 Visually Sensitive Areas

2 Rural General

Section 11.6.3.1 (Visually Sensitive Areas) *inter alia* states:

These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.

Section 11.6.3.2 (Rural General) *inter alia* states:

Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated 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 topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

Section 11.6.3.4 (Development in Designated Areas) *inter alia* states:

The capacity of an area to visually absorb development is also influenced by a combination of the following factors:

- 1. Topography - development in elevated areas will usually be visible over a wide area; development in enclosed areas will not.*
- 2. Vegetation - areas which support (or which have the potential to support) trees, tall hedges and woody vegetation can screen new development from view. Areas which cannot easily sustain such vegetation will be unlikely to screen new development.*
- 3. Development - new development is likely to be more conspicuous in the context of existing development in the landscape.*

Volume 6, Section 1 (Development Management Standards & Guidelines) is relevant. Paragraph 1.14.1 states:

The Council recognises the importance of the need for high quality communications and information technology networks in assuring the competitiveness of the County's economy and its role in supporting regional and national development. The advantages of a high-quality ICT infrastructure must however be balanced against the need to safeguard the rural and urban environment.

The Council will have regard to relevant national policy guiding the installation of telecommunication infrastructure. Furthermore, the following shall be taken into account when preparing a planning application:

- Co-location of such facilities on the same mast or cabinets by different operators is favoured to discourage a proliferation, where possible. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters.*
- Every effort shall be made to locate telecommunication masts in non-scenic areas or in area where they are unlikely to intrude on the setting of, or views to/from national monuments, protected structures or sensitive streetscapes. The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities.*
- In the event of the discontinuance of any mast installation the mast and its equipment shall be removed from the site and the land reinstated.*

- *All planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in the interest of health and safety.*
- *Every effort should be made to located new telecommunication masts in existing compounds or adjacent to existing masts.*
- *When locating on greenfield sites the mast should be away from existing residential properties.*
- *The preferred location for masts and antennae is in industrial estates, attached to industrial buildings or other commercial buildings.*

National Policy

- National Planning Framework – Project Ireland 2040

Objective 24 (Addressing Connectivity) – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

Objective 48 (Communications) – ‘In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.’

- Telecommunications Antennae and Support Structures (Guidelines for Planning Authorities, Department of the Environment, July 1996).

The aim of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996” is to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Section 4.3 of the Guidelines states with respect to Visual Impact:

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 or 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.

- DoECLG Circular Letter PL07/12

The Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states:

‘Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process’.

5.2. EIA Screening

The proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

6.0 The Appeal

6.1. Grounds of Appeal

There are 3 number third-party appeals. The grounds of each appeal are individually summarised below.

Andrea & Simon Collins, Greenane Cottage, Templenoe, V93C5V0. The grounds of appeal are summarised below:

- The appellants reject the assessment of the planning authority that the telecommunication structure will not be visible as it is within a forested area and will be disguised by surrounding trees. The development is located on a ridge on the very southern part of Lacka where a large site has already been cleared of trees.
- The proposal is at a location at a higher elevation than the N70. Therefore, the telecommunications tower will be very visible from the N70 and the residential areas of Templewnoe, Greenane, Reen, Rossacoosane and Kenmare. It is claimed it will be a visual “eyesore”.
- The applicant’s acknowledge that the mast will be clearly visible for 2 miles around and up to 4 miles to a lesser degree. The appellants rhetorically question the visibility of the tower if the tower were already surrounded by trees. The appellant’s also note the applicant’s suggestion to plant more trees (that would take 15-20 years to reach maturity), which runs contrary to the claim that the tower is already surrounded by trees (in a forested area and hidden from view).
- The appellants cites policy objectives of the Kerry county development plan in the context of digital connectivity policy, which requires the sustainable provision of modern telecommunications infrastructure at appropriate locations. The appellants dispute that the subject location is an appropriate location. It is claimed the 100 ft latticed tower will spoil the open and uninterrupted views.

- The appellants note that the Kerry Way, popular with walkers from all over the world, intersects the proposed mast site so that walkers will have to walk past the tower. It is claimed that the proposal will compromise the experience of the indigenous landscape by walkers. There are almost no (if any) photos showing the quality of the scenic views consistent with the area.
- It is claimed that the area already has adequate coverage, including 5g micro-cells along the entire Ring of Kerry road (N70) where the majority of homes are located. There are fewer homes at higher elevations, which still have coverage. It is claimed the local population did not lobby for the new infrastructure.
- The appellants cites policy objectives of the Kerry county development plan in the context of digital connectivity policy, which requires the minimisation and / or mitigation of any adverse impacts. It is claimed that the presence of the proposed tower cannot be “mitigated” or disguised given it will be a massive “eyesore” out of place with the natural environment. Local government agree that this type of infrastructure are more suited to industrial areas.
- The appellants cites landscape policy of the Kerry county development plan in the context of “Rural General” designation. The policy states that permission will not be granted for development which cannot be integrated into its surroundings. The felled trees all around the proposed mast cannot mitigate visual impact. The applicants acknowledge that the 30m structure will be visible for 2 miles. The appellants claimed the structure will be highly visible from 4 miles given sitting on an already cleared site with no surrounding trees.
- The public advertisement of the development is deficient given the location of the site notice posted on a private / public road junction where there are no houses and out of sight of residents downhill toward the N70. It is claimed the public notice was posted in the “Daily Star” where no one saw it. The appellants claim the proposal should have been advertised in the “Kerryman”- a local newspaper - given the nature of the development in terms of the size and scale.
- The appellants claims an EIA should have been undertaken. It is claimed there are alternative development stie(s) to the east of Temploe near the

GAA playing fields where a smaller mast could be located. The proposed location within a semi-rural unspoilt area which attracts visitors from all over the world is not the location to erect a 100ft latticed tower.

Xenia Bodler O'Sullivan & Michael O'Sullivan, Dromquinna Stables, Blackwater P.O., Templenoe, Sneem Road, Kenmare – V93XCA4. The grounds of appeal are summarised below:

- The appellants live and work from the above address where they operate an equestrian business with 27 equines. It is claimed that equines are sensitive to electromagnetic waves. The appellants are concerned about the health and behaviour of their family, their equine stock and the children and special needs adults that they instruct given the nature and location of the proposed development approximate to their equestrian business.
- The appellants claim that the proposed telecommunications tower will be visually instructive. The visual impact would depreciate amenity including the experience of visitors to Kenmare who enjoy the unspoilt countryside in the area.
- The appellants express concern in the matter of the visual impact of having the proposed telecommunications tower in close proximity to the Kerry Way walk. The appeal contains additional appended information on the nature, operation and experience of visitors on the Kerry Way.
- The appellants understand that the community will enjoy better reception as a result of the installation of the telecommunications tower. However, they advise that the location of the new infrastructure should be moved further north of the subject site to a higher elevation within the forestry in order to reduce the visual impact.
- The appellants reject the assessment of the planning authority that the tower is not visually obtrusive and that it would not seriously injure the amenities of the area. They claim that looking from their location up toward the mountain the proposal will be visible. Furthermore, looking down the mountain onto Kenmare Bay, the proposal will be in plain sight, which will depreciate the experience of the rider on the mountain looking toward Kenmare Bay.

Christina Doyle, Lacha Stables, Reen, Kenmare, County Kerry, V93A8NB

- The grounds of the appeal relate to human and animal health concerns and the visual intrusiveness of the development at the proposed site. The appellant proposes moving the site of the telecommunications structure north at a higher elevation within the forest.
- The appellant keeps her horses especially her broodmares on a farm, which will be a few hundred yards from the proposed telecommunications structure. The appellant is concerned that the proposal will be harmful to her broodmares and founs in the longer term in terms of their sensitive hearing by reason of continuous emitting noise.
- The appellant observes that in Dromore Woods where the other telecommunications tower is located there is no birds and bees around the tower.
- The appellant claims that antennas are harmful for human beings long term. She is concerned for her own health.
- The appellant claims that the proposal would be very harmful to wild life in the area, which she has encouraged by providing trees and hedgerows, citing the existing abundance of birds, different species of bees, moths and butterflies.
- The proposed site is in a beautiful rural mountain side completely unspoilt. The appellant claims the telecommunications structure would be totally intrusive and out of character with the natural environment and surrounding area. It would be an "eyesore" beside the Kerry Way.
- It is the appellant's considered opinion that the proposed elevation and height of the structure is such that it will be seen from TUBRID cross on the N70 just outside Kenmare to COSS. It will also be seen from the coast road in TOUSIST on the R571 across Kenmare Bay including from the Star Outdoors Leisure amenity.
- The appellant fears that the proposal will act as a precedent for other companies to erect more and stronger dishes to the determinant of her health and the health of her horses.

6.2. Applicant Response

The applicant response has been prepared by David Counihan of Indigo, Raheen Business Park, Limerick on behalf of the applicant, Cignal Infrastructure Limited, and is summarised below:

- The following is a response to third-party appeals lodged by Andrea & Simon Collins (3rd party) / Christina Doyle (3rd party) and / Xenia Bodler O'Sullivan & Michael O'Sullivan (3rd party) against the decision of Kerry County Council to grant permission for the proposed development.
- Cignal Infrastructure Limited is a company of Cellnex, which is a European provider of telecommunications infrastructure. The applicant has considerable experience in the relevant field of expertise and manages 1,150 sites in Ireland. The applicant proposes to add additional sites to its portfolio supporting the requirements of the telecommunication industry and to facilitate the provision of broadband in "black spot" areas. The roll of private providers such as Cignal is a significant and fundamental pillar in the role out of the Governments telecommunications policy.
- The proposal represents infrastructural investment to provide operational space for 'Three Ireland' and will offer other operators space to co-locate services on the developed site.
- The applicant claims that all matters raised in the appeals have been addressed in the planning authority assessment in an appropriate manner having regard to the submitted documentation and relevant development plan policy and national guidelines. However, the applicant wishes to lodge a response to the following main issues raised in the appeals:
 - Visual Impact
 - Justification for new site-adequate coverage
 - Requirement for EIA
 - Health Impacts

- In the matter of visual impact, the applicant has submitted a visual impact assessment, prepared by ACP-Architectural Consultants. A photomontage with associated viewpoint map is included as part of the visual assessment. The impacts on the receiving landscape has been assessed by a landscape architect. The applicant acknowledges that the structure will be visible in the surrounding area. However, the site conforms to national guidelines as provided for in Section 4.3 (Visual Impacts), Telecommunications Antennae and Support Structures Guidelines 1996, which states that in rural areas towers and masts can be placed in forestry plantations.
- The planning authority has assessed the visual impact of the structure. The planning authority considered that the proposed structure when viewed from the immediate local area is expected to create localised moderate visual impact and is acceptable. The applicant claims that if an authority were to rule out every site where a visual impact was created there would be adverse consequences for service delivery. The visual impact of the proposal on the subject rural landscape is acceptable as evidenced in the photomontages submitted.
- It is claimed as an acceptable principle in visual impact assessment that simply being able to see a structure from a particular viewpoint or property is not always a sufficient reason to find a visual impact unacceptable. The visual impact of development should be commonly understood and should be described significantly adverse for there to be a probable unacceptable adverse impact on living conditions. Such adverse impacts should outweigh the wider public benefits.
- In the matter of the justification of new infrastructure, the driver for the provision of a new site is to address a coverage blackspot along the R569 and to provide voice and data service along the N70 including the area of Templenoe / L4050.
- In the matter of EIA, the proposed development is of a type and scale that does not require EIA and is below sub-threshold to warrant EIA screening.
- In the matter of health impacts, a statement of compliance by the host mobile operator "Three Ireland" with the International Commission on Non-Ionising

Radiation Protection (ICNIRP) is included with the planning application documentation.

6.3. Planning Authority Response

No response recorded to date.

6.4. Observations

None

6.5. Further Responses

N/A

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submissions and is a consideration of the proposed development for the installation of new telecommunication infrastructure. I have reviewed the relevant documentation and conducted a detailed site visit. There are no new matters for consideration.
- 7.2. The applicant proposes to construct a 30m lattice telecommunication support structure, carrying antenna and dishes together with associated ground equipment cabinets, fencing, access track and associated site works within Collite Forestry at Lacka, Greenane, Co. Kerry. Cabinets and related ancillary equipment including power metres, cabling management system and other related equipment will be contained within a proposed 2.4m high palisade fenced compound (120 sqm.) The proposed development will form part of planned upgrade and capacity improvement for the operator 'Three Ireland' network.
- 7.3. It is noted from the submitted documentation that the forestry plantation is in standard conifer reforestation for roundwood production which was recently clear felled and replanted under licence. I can confirm from my site visit that the new planting is established within the clear felled area on the hill side in the location of the development site.

7.4. The planning authority granted planning permission subject to condition following an assessment of the development proposal. The planning authority concluded that 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.

7.5. The substantive grounds of appeal relate to visual impacts, concern at impacts on animal and human health and the potential to relocate the site of the telecommunication tower *inter alia* to an area further north into the forest away from the subject location at the southern part of Lacka. The following assessment is structured under the following main headings:

- Requirement for new telecommunications infrastructure in the area
- Alternative siting
- Human and animal health concerns
- Visual and environmental impacts
- Other matters

Requirement for new infrastructure

7.6. The applicant has provided a rationale for the proposed development justified by the deficiency of service within the area. In specific the driver for the provision of a new site is to address 3G/4G voice and data service along the N70 and to the area of Templehoe including local road L4050. The proposed new telecommunications tower will extend voice and data services over a wider coverage footprint than currently exists and will add significant capacity to wireless mobile broadband services in the wider rural area.

7.7. The service operator "Three Ireland" is presently experiencing sub-optimal service deliver in the area to deficient surrounding the site (mobile phone coverage). All existing telecommunication base station sites were assessed as part of the technical justification prepared by the "Three Ireland" engineering team. The operator demonstrates that within the search ring area there are no suitable telecoms structures with adequate height to locate RF equipment to clear the surrounding clutter and provide coverage to the area (see search ring spatially on Pg. 5 of the Technical Justification Report dated 01/06/2023).

- 7.8. I consider that the applicant has demonstrated the requirement for the subject infrastructure within the area, which forms part of an integrated telecommunications network system.
- 7.9. I note on the day of my site visit that my mobile service was deficient in the vicinity of the development site. The proposal is for a multi-user structure, which will potentially extend service to other operators. The applicant is motivated to provide a multi-user platform given the considerable capital investment in infrastructure planning and construction. The tower once built will be offered to all other wireless network providers in line with the applicants business and planning policy to maximise co-location on existing sites.

Alternative sitting to the north

- 7.10. A number of the appellants have indicated an acceptance for the provision of the telecommunications structure to the north of the existing site deeper within the forest and at a higher elevation. A relocation to an area east of Templehoe near the GAA playing fields with the provision of a smaller structure is also advocated.
- 7.11. I respectfully inform the Board that a theoretical alternative site is not part of this appeal assessment. I consider that the applicant has demonstrated a robust rationale for the location of the subject 30m lattice tower and associated compound on lands in southern Lacka.

Human and animal health concerns

- 7.12. A statement of compliance by the host mobile operator "Three Ireland" with the International Commission on Non-Ionising Radiation Protection (ICNIRP) is included with the planning application documentation (dated March 2019). The applicant response notes that the communications regulator in Ireland does random testing of sites throughout Ireland to ensure that all base stations are transmitting below the limits defined by the ICNIRP.
- 7.13. It is noted that planning authorities do not have competence for health and safety matters in respect of telecommunications infrastructure as outlined in Circular Letter PL 07/12 (*Telecommunications Antennae and Support Structures Guidelines* - DoECLG).

Visual and environmental impacts

- 7.14. The subject site is located to the west of Kenmare town in an area characterised by high scenic quality. The site is elevated above the Kenmare River and enjoys panoramic views to the south and south west over Kenmare Bay. Higher ground and the bay provide a scenic setting for Kenmare. The elevated position of the site ensures visibility from viewpoints to the east, south (from across the Kenmare River) and west with the ascending contours of the elevated hill side screening views from the north. The landscape character is identified as medium / high in the county development plan (Map 7.2).
- 7.15. The appellants reject the assessment of the planning authority that the telecommunication structure will not be visible as it is within a forested area and will be disguised by the surrounding trees. A number of the appellants observe that the proposed elevation and height of the structure will not only result in negative localised adverse visual impacts rather owing to the scale of the structure it will have broader negative visual impacts as seen from viewpoints from Tubrid Cross (to the east) on the N70, just outside Kenmare, to Coss Strand (to the west). It is claimed the development will also be seen from the coast road in Tousist, along the R571, across Kenmare Bay on the north side of the Beara Peninsula, including from the Star Outdoors Leisure amenity.
- 7.16. The Kerry County Development Plan 2022-2028 designates the landscape to the west of Kenmare town predominately within the designation 'visually sensitive areas'. However, the location of the proposed development is within a strip of territory above the N70 (Ring of Kerry road) and below the upland mountain area that has a designation 'rural general' (Landscape Map R).
- 7.17. The Kerry development plan states that *Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes*. However, notwithstanding the higher capacity of these areas 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.
- 7.18. The applicant has submitted a visual impact assessment, prepared by ACP-Architectural Consultants dated 10th November, 2023. A photomontage with associated viewpoint map (Viewpoints1-14) is included as part of the visual

assessment. The impacts on the receiving landscape has been assessed by a landscape architect. The visual assessment acknowledges that collectively *inter alia* the visual sensitive area, view and prospects and walking amenities (The Kerry Way) means the receiving landscape and visual amenity is sensitive to change.

- 7.19. I have reviewed the photomontage illustrating the visual change from selected viewpoints (VP1-VP14). I am satisfied that the images presented are comprehensive and represent the visual impacts that would result.
- 7.20. The appellants reject the assessment of the planning authority that the telecommunication structure will not be visible as it is within a forested area and will be disguised by surrounding trees. The applicant acknowledges that the structure will be visible in the surrounding area. The justification for the applicant location choice is that the site conforms to national guidelines as provided for in Section 4.3 (Visual Impacts) Telecommunications Antennae and Support Structures Guidelines 1996, which states that in rural areas towers and masts can be placed in forestry plantations. I consider the location within commercial forestry acceptable.
- 7.21. In terms of visual impacts, the visual impact assessment identifies that most change would be experienced intermittently to openly along a restricted section of the N70 and the Kerry Way walking route where notable amount of new tower would extend above the trees into the skyline in view frames that hold sensitive landscape elements (water & mountain).
- 7.22. The applicants acknowledge that the existing plantation has the ability to absorb some change against the backdrop of trees in the viewpoints presented. However, It is recognised that visual mitigation through planting is not possible in some instances as the proposed tower will be taller than the mature plantation. A section of the upper tower would not be screened.
- 7.23. The applicants claim it would be possible to reduce the amount of tower that would be visible permanently in the medium term by allowing the newly planted forest surrounding the tower to reach maturity. The visual assessment concluded that the predicted effects (after mitigation) would range from imperceptible to significant in the medium term. However, once the planting had fully matured it would reduce the impact to moderate for the most sensitive receptors.

7.24. The appellants claim that a large area incorporating the subject site has already been cleared of trees and that the proposed telecommunication tower will be highly visible especially from the Kerry Way. The applicants clarify that the clear felled area has been replanted. The applicants argue that a mature tree screen around the development on all sides would ensure concealment of most of the tower and compound fencing and cabinets at close and distant ranges in the longer term.

Kerry Way

7.25. The Kerry Way runs to the immediate north of the subject site. On the day of my site visit a large area of mature planting had been felled on the mountain side including in the vicinity of the subject site.

7.26. The visual assessment has identified the Kerry Way as the most sensitive receptor. I note that there was no tree screening between the Kerry Way walkway and the site notice clearly in position on the development site. The proposed telecommunication tower (30m) and high palisade compound fence (2.4m) will be clearly visible from the Kerry Way in the vicinity of the development site in the absence of screening in the short term. It is noted perhaps in mitigation that the palisade fence will have a green powder coating.

7.27. The applicant argues that in time the new plantation would screen greater amounts of the tower for the most sensitive receptor the Kerry Way. The applicant proposes that a section of the new plantation should be retained permanently around the proposed tower once grown to maturity in order to mitigate some of the visual change in time. A rating of moderate is suggested by the visual impact assessment in the longer term when the new planting has matured and the development is in part screened.

7.28. I note that there will be a significant visual impacts in the immediate hinterland of the footprint of the telecommunications structure and compound given the clear felling of the receiving area. Notwithstanding that this area has been replanted in the short term the base of the structure and compound will be clearly visible to walkers using the Kerry Way. However, any adverse impact would be restricted to a relatively short part of their walking route.

7.29. Furthermore, the subject site is in an isolated location. There are no residences in the immediate vicinity (the site is approximately 2 km from the local road although

dwelling houses with access from the N70 are more proximate). Thus the proposal would not have a significant adverse visual impact on permanent residents.

- 7.30. I do not consider that a refusal of planning permission is warranted on the grounds of significant adverse impacts on the amenity of the Kerry Way given the mitigation provided by planting, screening the base of the tower and compound in the medium to longer term.

Views and Prospects

- 7.31. A number of the appellants have cited the potential visual impact from viewpoints along the R571 on the south side of the Kenmare River. The Kerry county development plan landscape designation Map R identifies a protected view to the south-west across Kenmare Bay on the north shore of the Beara Peninsula. The view is from a location to the south of Dinish Island, looking *inter alia* north-east toward Dromquinna / Lacka on the opposite side of the Kenmare River.
- 7.32. Viewpoint 14 corresponds to the subject view. The viewpoint is approximately 4 km from the subject site. I do not consider that the marginal impact on this protected view or from views along the R571 given the distance from the development site is such to warrant a refusal of planning permission.
- 7.33. There is an additional identified protected view proximate to the subject site to the west of the development site along the N70. It is considered that the proposal will not have a discernible impact given that dense and high hedgerow with trees restricting outward views further west along the N70.

Other considerations

Inadequate public notices

- 7.34. The appellants claim that the peripheral location of the site notice positioned on a local road rather than in a more prominent position was deficient to alert the public to the proposed development. Furthermore, it is claimed that the publication of notification in the "Daily Star" – *where no one saw it* – rather than the "Kerryman", with superior local circulation, represents insufficient publication of the proposed development. I am satisfied evidenced in the submission of three number appeals comprising comprehensive grounds that robust notification of the proposed development by the applicant has been discharged.

Requirement for an EIS

- 7.35. I would concur with the planning case officer that the proposal is a small scale project comprising the construction of a 30m lattice tower together with attached antenna equipment, with associated ground equipment and container enclosed within a fenced compound. The proposal is located in a rural area and is below the mandatory thresholds.

The given co-ordinates of subject site

- 7.36. Finally, I note that the grid reference given on the application form is incorrect – Grid Eastings 486,496 / Grid Westings 57,189 – as the reference appears to relate to a site in Swansea in Wales. However, the exact location of the development site is transparent given that the site is within a felled forest area at the end of a dedicated surfaced track and is clearly demarcated by a site notice.

7.37. Conclusion

I conclude that the applicant has robustly demonstrated the requirement for new telecommunications infrastructure in the subject location in south Lacka.

The development site is within a moderate / high sensitivity rated landscape that is sensitive to visual change. The subject site is located within a commercial forest. The development plan landscape designation for the immediate area is "Rural General". The landscape designation "Rural General" acknowledges rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes..

It is acknowledged that the height of the telecommunication support structure will be visible from view points within the wider area given the elevation of the site and the height of the structure (30m). However, the submitted visual assessment concludes that the impact in the longer term subsequent to the maturity of the replanting, which is established within the clear felled area on the hill side in the location of the development site, would result in a moderate rating for the most sensitive receptors, including the impact on the amenity of the Kerry Way walking route.

I conclude on balance that the proposed development, comprising a 30m lattice telecommunication support structure, carrying antenna and dishes together with associated ground equipment cabinets, fencing, access track and associated site

works, would be acceptable in principle given the proposed location within the “Rural General” designation in a commercial forest environment and subject to the mitigation measures proposed.

7.38. Appropriate Assessment Screening

The subject site is not located within a Natura 2000 designated site. The proposed development is located within Coillte commercial forestry to the north of the Kenmare River above the N70 (850m).

The Kenmare River SAC and Blackwater River (Kerry) SAC are located approximately 1.1 km and 2.8 km south and north of the site location, respectively.

The Kenmare River is separated from the proposed development site by the N70 (Ring of Kerry) and a buffer of forested land partly felled and agricultural fields. The Blackwater River is 2.8 km distant from the site location.

It is possible to screen out the requirement for the submission of an NIS, having regard to the nature and scale of the development, comprising a telecommunications tower (30m) and associated compound, and given the distance to the Kenmare River and Blackwater River areas.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission subject to condition having regard to the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to -

- (a) National Planning Framework – Project Ireland 2040
- (b) The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996

- (c) The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government Circular Letter PL07/12
- (d) The objectives of the Kerry County Development Plan 2022-2028
- (e) The nature, scale and location of the proposed telecommunications structure

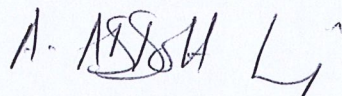
It is considered that the proposed development, comprising a 30m lattice telecommunication support structure, carrying antenna and dishes together with associated ground equipment cabinets, fencing, access track and associated site works, would be acceptable in principle given the proposed location within the “Rural General” designation in a commercial forest environment and subject to the mitigation measures proposed.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation recommendations contained within the submitted Visual Assessment Report, (prepared by ACP-Architectural Consultants) dated 10th November 2023, shall be implemented in full by the applicant.</p> <p>Reason: In the interest of visual amenity including the amenity of the Kerry Way walkway.</p>

3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
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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.



Anthony Abbott King
Planning Inspector

13th September 2024