



An
Bord
Pleanála

Inspector's Report

ABP-319464-24

Development

The erection of a 24m high lattice tower together with antennae, dishes, and associated telecommunications equipment, all enclosed by security fencing and all associated site works.

Location

Ballyfookeen, Bruree, Co. Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

23/60822

Applicant(s)

Vantage Towers Limited

Type of Application

Permission

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party v. Grant

Appellant(s)

Micheál Lyons and Niamh Downey
Mairéad Lyons
Ger Balfe and Sinéad Costello
Jim O'Brien and Suzanne Murphy
Margaret O'Sullivan and Tom Webb

Observer(s)

Joe and Margaret Boyce

Date of Site Inspection

16 September 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located approx. 28km south of Limerick city, 7km north of Charleville, and 3km west of Bruree. It is a rural area, approx. 1.3km west of the N20, the main Cork-Limerick national primary route.
- 1.2. The 0.015ha site outlined in red is accessed via an approx. 500m long track from an existing agricultural entrance on the L-1539. This road is winding in parts, and there is some ribbon development along this road, particularly in the vicinity of St. Munchin's Church. At the existing entrance there is a gradual slope downwards to the west, and a very gradual rise to the east. There are 3no. houses approx. 80m to the west, on the same (northern) side of this road. To east of the agricultural entrance is a mature hedgerow extending approx. 14m along road frontage, east of which is a wide vehicular access. A dwelling and yard located opposite the entrance to the south are served by a very wide vehicular entrance.
- 1.3. Adjoining fields are under grass or crops. Field boundaries at this general location comprise mature trees and hedgerow. The proposed lattice tower would be located at a field entrance, adjacent to the track.
- 1.4. The site is elevated above surrounding lands to the north, south, east and west.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a 24m high lattice tower together with antennae, dishes and associated telecommunications equipment, all enclosed by security fencing.
- 2.2. The agricultural entrance and access track are shown within the landholding outlined in blue, and do not form part of the 0.015ha site area outlined in red. The access track is outlined yellow.
- 2.3. Documentation lodged with the application includes
 - a letter of consent from the site owner
 - a letter from Vodafone Ireland stating that they will commit to installing equipment on the tower, if planning permission is granted to Vantage Towers.

Photomontages of the proposed development have been submitted.

- 2.4. At Further Information (FI) stage, a revised vehicular entrance at the roadside frontage (to L-1539) was shown.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further Information, the planning authority granted permission subject to 4no. conditions. Conditions of note include:

Condition 2 requires the developer to make the proposed mast available on reasonable terms for the provision of mobile telecommunications antennae of third party licenced mobile telecommunications operators.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority's decision:

Assistant Planner (08 January 2024 and 06 March 2024)

First report: Considers Appropriate Assessment (AA) is not required, proposal generally accords with Development Plan Objective IN 05, would not be harmful to visual amenity and sight lines have not been shown on site layout. Recommends FI on 2no. items.

Second report: States enhanced agricultural entrance will be suitable for access/egress of construction/maintenance traffic, and site is not within route corridor of proposed motorway. Recommends grant subject to 4no. conditions.

3.2.2. Other Technical Reports

Roads, Traffic and Cleansing | Central Services (04 December 2023 and 29 February 2024)

First report: Recommends FI to demonstrate that sightlines, stopping sight distances and forward visibility of 90m achieved, to be shown on topographical survey.

Second report: Recommends conditions relating to roads matters, surface water and construction management plan (CMP)

3.3. Prescribed Bodies

None

3.4. Observations to the Planning Authority

31no. observations were received by the planning authority. The issues raised are similar to those referred to in the grounds of appeal.

4.0 Planning History

Subject Site:

No planning history relating to the subject site has been provided.

Sites in the Vicinity:

P.A. Ref. 21/986: Planning permission was granted in 2022 for a 30m high lattice mast at Ballynoe, Bruree, approx. 3km east of the subject site, a short distance south west of Bruree village. This permission has not been implemented.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

The site is within 'Level 7 Open Countryside' as shown on the Core Strategy Map.

Chapter 4: Housing

The site is located on unzoned lands in a rural area, approx. 3km west of Bruree. In terms of rural housing policy, the site is within Rural Housing Category 1 – Areas under Strong Urban Influence.

Chapter 6: Environment, Heritage, Landscape and Green Infrastructure

Objective EH O1 Designated Sites and Habitats Directive includes to ensure that projects/plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to an appropriate assessment and will not be permitted under the Plan unless they comply with Article 6 of the Habitats Directive.

Policy EH P8 Landscape Character Areas is to promote the distinctiveness and where necessary safeguard the sensitivity of Limerick's landscape types.

Map 6.1 Landscape Character Assessment indicates the site is located with Agricultural Lowlands. LCA 01 Agricultural Lowlands includes specific objective (c) discourage development of locally prominent sites.

Chapter 7: Sustainable Mobility and Transport

Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network is to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

Objective TR O29 N/M20 Cork to Limerick Project is to support delivery of the N/M20 Cork to Limerick Project, which will connect Cork and Limerick, subject to all environmental and planning assessments.

Objective TR O37 Land Uses and Access Standards is to (a) Ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards

Chapter 8: Infrastructure

Objective IN O5 Telecommunication Support includes to:

- a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers.
- b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works.
- c) Require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures.
- e) Require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. There is a presumption against

the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.

f) Require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense when it is no longer required.

h) Ensure orderly telecommunications development in accordance with requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PI07/12 which takes precedence and any subsequent guidelines.

5.2. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996

Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996 (hereafter referred to as 'the Guidelines') set out national policy in relation to telecommunications structures. Guidance is given in relation to matters such as design and siting, visual impact, sharing and clustering of facilities and development management. The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service.

Section 4.3 relates to visual impact. It notes that in most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. It states that in locations which are sited along major roads and tourist routes, that where the mast is visible but does not terminate views, the impact may not be seriously detrimental. Furthermore, where views may be intermittent and incidental, the mast may be visible or noticeable but may not intrude overly on the general view or prospect.

Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, be located in residential areas or beside schools. In such cases, sites already developed for utilities should be considered and masts should be designed and adapted for the specific location and kept to a minimum height for effective operation.

Section 4.5 relates to sharing facilities and clustering. It states that applicants will be encouraged to share and to satisfy the authority that they have made a reasonable

effort to do so. Where it is not possible, the applicant should be encouraged to share a site or to site adjacently, so that masts and antennae may be clustered. In urban or suburban areas use of the same structure or building by competing operators will almost always improve the situation.

5.3. Telecommunications Antennae and Support Structures and DOECLG Circular Letter PL 07/12

This Circular Letter provided updated guidance to the 1996 Guidelines.

Section 2.2 states that planning authorities are advised that from the date of Circular Letter, attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease.

The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunication installations would not be favoured or where special conditions apply, and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites besides schools.

Section 2.3 states that while these policies are reasonable, there has been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools. Such distance requirements can make the identification of a site for new infrastructure very difficult, and planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 reiterates advice contained in the Guidelines that planning applications should not be determined on health grounds. 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.

5.4. Other Planning/Policy Context

5.4.1. The N/M20 Cork to Limerick Project is a key element of Project Ireland 2040, a

strategy which comprises the NPF and the National Development Plan (NDP) 2021-2030.

- 5.4.2. The N/M20 Cork to Limerick – Project Update June 2024 (www.corklimerick.ie) includes that interactive mapping presents the Engineering Plan of the Developing Design within the refined November 2023 corridor. Interactive mapping of this project states that this is work in progress, that the Developing Design is for information only and may be subject to change.

5.5. Natural Heritage Designations

The site is not within or adjacent to any European sites. The nearest European sites are

- Tory Hill SAC (Site Code 00439) approx. 12km to north east.
- Blackwater River (Cork/Waterford) SAC (Site Code 0021700) approx. 12km to south.
- Kilcolman Bog SPA (Site Code 004095) approx. 20km to south east.
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (SPA) approx. 24km to west
- Glen Bog SAC (Site Code 001430) approx. 15.5km to north east

5.6. EIA Screening

The subject development is not of a class for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The 5no. third party appeals raise similar grounds of appeal, with each appellant indicating the distance of their dwelling from the proposed mast. The main issues raised are grouped thematically, with some specific concerns outlined as follows:

Michael Lyons and Niamh Downey, Ballyfookeen: Dwelling is approx. 900m to north on R518. Significant adverse impacts on the amenities of their home and value of their property and farm

Mairéad Lyons, Ballyfookeen: Mast is 820m south of appellant's home. Position of structure is substantially elevated, it will be obtrusive on skyline. Photomontages are not accurate reflection of tower's impact.

Ger Balfe and Sinéad Costello, Ballyfookeen House: Mast is 410m from their home, Rockhill/Ballyfookeen House which is identified as being of significance by National Inventory of Architectural Heritage (NIAH)

Jim O'Brien and Suzanne Murphy, Ballyfookeen: Home is 420m to south west.

Margaret O'Sullivan and Tom Webb, Ballyfookeen: Home is 432m to south west

Development Plan and impacts visual and residential amenities and on architectural heritage

- Proposal would materially contravene Development Plan and Section 28 Guidelines regarding protection of residential amenity and architectural heritage. Cites Development Plan Objective EH050 Works to Protected Structures and Architectural Heritage Protection Guidelines.
- Adverse impact on character and setting of protected structures. 4no. protected structures and numerous recorded monuments proximate to site. Application was not referred to prescribed bodies particularly Dept. of Housing, Local Government and Heritage, An Taisce and Heritage Council.
- Concerns regarding impacts on vistas towards St. Munchin's Church from all aspects from south, west and east and impact on setting of church.
- Impacts on local landscape, visual amenities and architectural heritage were considerations in planning applications in vicinity which were withdrawn or substantially modified in order to secure permission. Cites 4no. cases.
- Site is elevated, and within Landscape Character Area 'LCA 01 Agricultural Lowlands' for which (d) is to 'deter development on locally prominent sites'.
- Proposal is unjustified and contrary to provisions of Telecommunications Antennae and Support Structures Guidelines, 1996

Health Impacts

- Serious concerns regarding health impacts of the mast with 4G and 5G transmitters so close to homes

Need for proposal

- No detail or assessment of all existing or permitted telecommunications sites available in the area, and the potential of these sites to achieve the telecommunications coverage requirements for the area
- Coverage mapping is largely indecipherable
- There is not a lack of coverage in the area. It is well publicised that 3G is being dismantled nationwide, with wider use of 4G and 5G.

Planning application is invalid/Vehicular access.

- There is no reference in statutory notices to arrangements for vehicular access. Formation of new entrance arrangement and widening of existing field gate is not exempt development. Proposed entrance is some distance from red line boundary. Cover letter indicates access is to be via existing track.
- 3-m wide agricultural gate is not wide enough for variety and volume of vehicles that will need to access the mast.
- Inaccurate representation of the levels and contours on site

Ecology

- Adverse impact on ecological sensitivity and potential impact on protected species and habitats. Cites 10 European sites within Zone of Influence
- Requests Board to consider possible contravention of Council Directive 92/43/EEC, Habitats Directive due to potential direct and indirect adverse effects on Mague River, and in turn Lower River Shannon SAC and Blackwater River SAC.
- Planning application failed to provide information in respect of AA Screening. No consultation with Birdwatch Ireland or National Parks and Wildlife Service.
- Water Framework Directive is an important piece of environmental legislation
- Planning authority has not conducted informed assessment of impacts on area's heritage and wildlife. The area serves as habitat for various bat species, including Leisler's bat, Daubenton's bat, common pipistrelle and soprano pipistrelle which are observed roosting and foraging in the vicinity.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- Short term future is 4G and 5G. Existing infrastructure does not have capacity to meet demand. At present, all telecom network operators provide 2G through to 5G in the Republic. Vodafone phased out its 3G service at end of 2023, and Three Ireland will phase out its 3G service at end of 2024.
- ComReg maps are based on outdoor coverage levels. Indoor levels will be smaller by comparison and will vary with location and topography.
- Proposed structure is located on a hill to secure coverage and line of sight, to provide for coverage for Bruree, the local area, the N20 and new M20.
- Justification for structure includes
 - Development Plan objectives relating to Bruree cited. Council wish to support growth of Bruree and its tourism potential
 - P.A. Ref. 21/986 permission for 30m lattice mast at Bruree was not implemented as applicant did not secure the necessary legal consents.
 - The M20 road scheme has impacted choice of potential sites.
- Bruree village and environs is recognised as a weak coverage area. Structure is initially for Vodafone, is designed for sharing and it is anticipated that other operators will take representation. Monopole structure is not suitable.
- Coverage services for Vodafone, Three Ireland and eir vary. No one operator provides the full range of high quality services.
- Discounted structures
 - Closest mast to Bruree is at Howardstown North, approx. 3.3km to north west, where Vodafone and Tetra occupy a 15m high lattice tower, at a much lower ground level than village. High ground between Crossleigh and Bruree at Knockenora creates a coverage shadow over village.
 - Eircom and Three Ireland are on mast about 2.6km west of the Vodafone mast, too far from Bruree to provide enhanced 4G and 5G indoor services.
 - Eir Exchange, Ballyagran, c.8.5km south west of Bruree is too far away.

- Three Ireland transmit from Bruree Food Innovation Centre rooftop, north of village centre. It is not suitable for Vodafone to install all equipment necessary for full range of services or high enough for coverage.
- No scenic routes or designated areas within vicinity. Existing mature vegetation including field edge and roadside boundaries will reduce visual impact. Proposal would not be inconsistent with Section 4.3 of Guidelines. General landscape can absorb impact. Due to distance from monuments and protected structures, gradient of hill, field edge and roadside trees, especially trees to rear of St. Munchin's Church, the visual impact will be minimal if at all.
- To ensure road visibility distances some hedging will be cut back at proposed entrance. Existing gate and access track is more than adequate for construction and maintenance. Maintenance is minimal. Site visits are between 4 to 8 per annum and require only a light van.
- Site accessibility is flexible. Should the Board wish to condition alternative access track within the farm, to include (a) track 200m west of existing entrance or (b) through farm entrance 550m north west of proposed access.
- Requests permanent permission
- No NPWS designated areas at proposed structure area, a small area with 7sqm concrete base. Access track is existing. Any disturbance is minimal.
- Guidelines were modified by PL07/12 which advised against specifying minimum separation distances between masts and houses. Health issues are not a planning consideration in relation to telecommunications structures.
- Cites Inspectors' reports on ABP Ref. 243341 and ABP Ref. 236307 regarding impacts on property value.
- Council considered the application and question of validity did not arise.
- Appropriate Assessment: planning officer concluded no significant impact warranting further assessments.

6.3. Planning Authority Response

None.

6.4. Observations

An observation has been received from Joe and Margaret Boyce, whose home is shown to be 786m south west of mast. Main issues raised are summarised as follows:

- Proposal will have significant, adverse and irreversible impact on amenities of home, property value, architectural heritage and habitats and species of ecological significance.
- Coverage mapping is largely indecipherable. No detail or assessment of all existing and permitted telecommunication sites presented.
- Site is within Landscape Character Area LCA 01 Agricultural Lowlands, whereby specific objective (d) discourage development of locally prominent sites. Height measurement point of 105m ASL at a point approx. 20m south of mast. No measurement point at the exact site location. Site is in an area identified as measuring 113m OD on online Environmental Sensitivity Mapping. Cites planning applications that failed, were withdrawn or required substantial modification in order to secure permission.
- Application is invalid. No reference in statutory notices to vehicular access arrangement. Existing gated field entrance is about 3m wide and unsuitable in width and alignment for nature and extent of vehicles required. New entrance arrangement and widening of field gate is not exempt development.
- FI response does not provide dimensions or elevation for new entrance. No vertical alignment drawing was requested. New entrance appears to be 5m-7m wide. It is outside red line boundary and has not been notified to public. A residence and service yard with vehicular entrance are directly opposite.
- 4no. protected structures and 3no. recorded monuments in close proximity to the site. Mass Rock is situated to north east of St. Munchin's Church.
- Board is requested to consider possible contravention of Council Directive 92/43/EEC, Habitats Directive. Application is incomplete as no AA Screening.
- Fibre broadband will be available to all locals no later than December 2024.
- Proposal is a material contravention of Development Plan.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Visual Impact
- Impacts on Archaeological and Architectural Heritage
- Rationale for Proposed Mast
- Access
- Other Issues

The issue of Appropriate Screening is addressed in Section 8 of this report.

7.2. Visual Impact

- 7.2.1. I note that Development Plan Objective IN O5 Telecommunication Support *inter alia* promotes shared telecommunications infrastructure and also requires best practice in siting and design of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes.
- 7.2.2. The site is located within Landscape Character Assessment LCA 01 Agricultural Lowlands, which includes specific objective (c) discourage the development of locally prominent sites.
- 7.2.3. No scenic routes or protected views apply to the subject site or surrounding area.
- 7.2.4. The general environs of the subject site are characterised by lands in agricultural use. The subject site is elevated, accessed via a track from an existing agricultural entrance on L-1539. There are trees and hedgerows along the most northerly part of the access route (southern side only) and along some other field boundaries in the vicinity of the site.
- 7.2.5. The plans and particulars on file indicate the overall height of the lattice tower structure is 24m. Photomontages of the proposed development, containing 4no. photograph locations, were lodged with the application. Having regard to the location

of the subject site, the lattice tower design and the height of the proposed structure, I consider that it would be visually prominent in the landscape. With regard to its lattice design, I note that the applicant's response to the grounds of appeal outlines that structure is initially for Vodafone, is designed for sharing and it is anticipated that other operators will take representation. It is outlined that for this reason a monopole structure is not suitable.

- 7.2.6. I note that the monopole structure would, by its nature, be less visually prominent than the proposed lattice tower. However, having regard also the importance placed in the Guidelines to operators sharing masts, I consider in this instance that the lattice tower would be acceptable.
- 7.2.7. In terms of detail, given that the site compound and associated fencing would be partially screened by hedgerow, I do not consider that this aspect of the proposed development would be visible in the wider landscape.
- 7.2.8. Submitted photomontages illustrate that the proposed development would be highly visible from one perspective, principally from the adjoining local road network, and to a lesser extent, from the regional and national road network.
- 7.2.9. There are no dwelling houses in the immediate vicinity of the subject site. The proposed development would be approx. 480m from the public road at L-1539 to the south east, as the crow flies. The stated distances of appellants' dwelling houses range from 410m to 900m.
- 7.2.10. The 1:2500 OS map lodged with the application identifies 2no. dwelling houses on L-1539. Distance from the subject site to these houses is not annotated, and I estimate the distance is in the range of 470m-480m, as viewed on the planning authority's online planning search. I note also that there are a number of other dwelling houses along this stretch of L-1539, generally in the vicinity of St. Munchin's Church, some of which are slightly closer to the proposed mast.
- 7.2.11. Photomontage View 4 is from a point further west of the site access on L-1539, facing north east. The distance to the site is stated as 827m. I consider based on the detail on View 4 that the lattice tower structure would be visible in the surrounding landscape to the west.
- 7.2.12. However, I note also the evolving transportation infrastructure context in the

surrounding area. The N/M20 Cork to Limerick – Project Update June 2024 (www.corklimerick.ie) includes that interactive mapping presents the Engineering Plan of the Developing Design within the refined November 2023 corridor. Interactive mapping of this project states that this is work in progress, that the Developing Design is for information only and may be subject to change. In addition to this interactive mapping, the Developing Design - Roads Drawings (Public Update June 2024) shows (at Sheet 39 of 51) that the 'refined November 2023' corridor is located between View 4 and the mast site. I note that the design of the M20 motorway has not been finalised or approved. However, having regard to the location of the 'refined November 2023 corridor', significant changes to part of this landscape are anticipated.

- 7.2.13. I do not consider that the proposed mast as viewed from the west would be an adverse visual impact, due to its distance from the public road, and noting also the evolving transportation infrastructure context in its immediate environs, and am satisfied that the visual impact as viewed from the west would be acceptable.
- 7.2.14. Similarly, with regard to other locations in the vicinity, I note the detail shown on Photomontage View 3 at O'Rourke's Cross, that is, the staggered crossroads at N20/R518. While the mast would be visible from nearby public roads at this location, it would be at a distance of approx. 1.1km from the junction. Having regard to the distance of the mast from nearby roads, I am satisfied that the proposed development would be sufficiently distant such that it would not adversely impact on the visual amenities of the area as viewed from this location.
- 7.2.15. Near the eastern end of L-1539, I note that long-range views in a north west direction would be principally of the mature, established treeline on higher ground in the vicinity of St. Munchin's Church. This is the tree-lined avenue to Ballyfookeen (Rockhill) House. This treeline commences a short distance back from the L-1539 and continues in a roughly north-south route over a relatively long distance. While the mast may be partially visible from the eastern end of L-1539, having regard to both the distance from the public road and the established mature screening, I consider that the proposed development would be acceptable in terms of its visual impact as viewed from this general area.
- 7.2.16. The matter of vehicular access to serve the proposed development is discussed in

the following section. In terms of the potential loss of hedgerow/earthbank to the west of the existing agricultural access, I note that the 'refined November 2023' corridor includes an approach to/over the motorway, which extends along the L-1539 to a point almost immediately west of the modified entrance. As outlined previously, while noting that the M20 motorway design has not been finalised or approved, I consider that in this context the removal of hedgerow/earthbank at this location would be acceptable.

- 7.2.17. I have noted in this assessment that Development Plan LCA 01 Agricultural Lowlands includes specific objective (c) discourage development of locally prominent sites. In addition, Objective IN O5 Telecommunications Support (e) states that there is a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations. However, I note that the proposed development, by its nature, seeks to provide coverage to its target area by locating on an elevated site. While noting that the proposed mast would be visible in the landscape, including from some long-range views, having inspected the subject site and viewed the surrounding area, and having regard in particular to the distance of the proposed structure from the nearest dwelling houses and adjoining roads, I do not consider that it would result in adverse visual impacts and would be acceptable in terms of its impacts on the visual amenities of the area.

7.3. Impacts on Archaeological and Architectural Heritage

- 7.3.1. There are no recorded monuments at or in the immediate vicinity of the subject site, as viewed on www.archaeology.ie (accessed on 4 February 2025). The nearest recorded monuments are LI038-144 Ringfort – rath approx. 330m to south east, LI038-139 – Ringfort – rath approx. 460m to north west, LI038-142 – Ringfort – rath approx. 460m to north, LI038-143 Enclosure approx. 440m to south, and LI038-145 – Enclosure approx. 500m to south east.
- 7.3.2. In terms of detail, the entry for LI038-143 – Enclosure, shown to rear (south) of the house and yard opposite the agricultural entrance/access track on L-1539, states no trace of monument when inspected.
- 7.3.3. Having regard to the distance of the proposed lattice tower and associated infrastructure to these recorded monuments, I do not consider that the proposed

development would adversely impact on the recorded monuments in the vicinity of the site. Accordingly, I consider that the proposed development would be acceptable in terms of its impacts on archaeology.

- 7.3.4. With regard to architectural heritage, there are no protected structures at or in the immediate vicinity of the subject site. The grounds of appeal refer to 4no. protected structures in the vicinity, namely RPS No.s 92, 93, 94 (St. Munchin's Church) and 160. Save for St. Munchin's Church, these protected structures relate to vernacular thatched dwelling houses.
- 7.3.5. The National Inventory of Architectural Heritage (NIAH) (www.buildingsofireland.ie) shows a cluster of 5no. entries on the NIAH at Ballyfookeen, including and in the vicinity of St. Munchin's Church. Two entries relate to vernacular thatched dwelling houses (which are also protected structures; RPS No.s 92 and 93 refer), and the remaining two relate to street furniture (post box and water pump). Two further entries a short distance further west on the L-1539 are Ballyteige Upper (house) and a vernacular thatched dwelling house (protected structure RPS No. 160).
- 7.3.6. The grounds of appeal from Ger Balfe and Sinéad Costello include an NIAH entry for Rockhill (Ballyfookeen) House, which they outline is approx. 410m from the proposed mast.
- 7.3.7. The grounds of appeal also refer to a mass rock situated to the north east of the church, on grounds within the ownership of one of the third parties, Jim O'Brien and Suzanne Murphy. The information on file includes mapping and photographs of the mass rock, stated to have been used during penal times.
- 7.3.8. Having examined all information on file, and while noting that the proposed development comprising a lattice tower and associated supporting telecommunications infrastructure would be located on an elevated site and would be a new intervention in this landscape, having regard to the distance of the proposed development from the protected structures along L-1539, I consider that the proposed development would not adversely impact on the character or setting of these protected structures, nor on other heritage buildings and structures outlined in the NIAH and in the submissions received in relation to the appeal. Accordingly, I consider that the proposed development would be acceptable in terms of its impacts on the architectural heritage of the area.

7.4. Rationale for Proposed Mast

- 7.4.1. The grounds of appeal include that the coverage maps are largely indecipherable. I would agree that much of the detail on the Comreg coverage maps included in the applicant's cover letter/planning report lodged with the application is not easily discernible.
- 7.4.2. I have viewed the applicant's response to the grounds of appeal, which outlines that Bruree village and its environs are recognised as a weak coverage area, and include Comreg outdoor coverage maps for Vodafone 4G and 5G. Details shown indicate that 4G coverage is Good in a limited area in the vicinity of the subject site, and that in the wider area coverage is mostly Fair, with some Fringe areas also shown, particularly at Bruree. The Comreg map shows 5G coverage is mostly Fringe at the subject site and in the wider areas to north and west, and Fair in some areas more distant to the south and towards Bruree. Some of Bruree village area is indicated to be No Coverage.
- 7.4.3. On the basis of the information on file, including the applicant's response to the grounds of appeal, I am satisfied that the applicant has demonstrated deficiencies in the existing services and provides a justification for the need for the proposed mast to serve the wider environs of the subject site, including Bruree to the east and towards the indicative future M20 to the west.
- 7.4.4. With regard to assessment of alternatives, the applicant's response to the appeal grounds reiterates some of the content of the cover letter/planning report originally lodged. The response outlines that 4no. existing telecommunication structures/buildings in Bruree and wider environs to north west, west and south west were discounted for a range of reasons. It is further stated that the 30m lattice mast permitted at Bruree (P.A. Ref. 21/986) was not implemented as the applicant did not secure the necessary legal consents. I note that this permitted mast location at Bruree is approx. 2.5km east of the current appeal site.
- 7.4.5. Based on the submitted information, in the context of existing structures which have been discounted, I consider that an absence of potential alternatives has been adequately demonstrated. Having regard to the information submitted on the applicant's response to the grounds of appeal, I am satisfied that a rationale has been provided regarding the provision of a mast at the subject site.

7.5. Access

N/M20 Cork to Limerick project - New Issue

- 7.5.1. The N/M20 Cork to Limerick – Project Update June 2024 (www.corklimerick.ie) includes that interactive mapping presents the Engineering Plan of the Developing Design within the refined November 2023 corridor. Interactive mapping of this project states that this is work in progress, that the Developing Design is for information only and may be subject to change.
- 7.5.2. I note that the Second Planner's report states the site is not within the route corridor for the proposed motorway, and that the internal Roads, Traffic & Cleansing reports do not discuss the proposed motorway. The internal referral sheet does not indicate that the file was referred to other sections/bodies regarding the N/M20 project.
- 7.5.3. Based on the information file and the updates viewed on www.corklimerick.ie, the site outlined in red appears to be distant from the 'refined November 2023 corridor'. However, while noting that the motorway design has not been finalised, this delineated corridor and emerging design for L-1539 connecting to/over the proposed motorway extends to a point almost immediately west of the existing agricultural entrance by which the proposed development would be accessed.
- 7.5.4. Having regard to the proximity of the (non-finalised) modified L-1539 to the existing agricultural entrance, as part of a motorway scheme, I consider that having regard to the strategic nature of the M20 motorway design that any proposed amendments to the existing entrance should be shown on suitably scaled annotated drawings in the context of the emerging M20 design, in the interests of clarity.
- 7.5.5. In the event that the Board was minded to grant permission, it may consider that this matter would be required to be addressed. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue this matter.

Principle of Modifications to Entrance

- 7.5.6. The lodged plans and particulars show that the subject site outlined in red would be accessed via an existing agricultural entrance on the L-1539, which is not within the

red line boundary and is shown to be within the landholding outlined in blue. The description of development does not include any proposal to modify same.

- 7.5.7. FI Drawing No. 24-018-003 shows modifications to the existing entrance, whereby it would be slightly re-positioned to the west, splayed and would require removal of some earthbank in a westerly direction. This drawing suggests that the hedgerow would be cut back but not entirely removed in an easterly direction, and it states, with regard to both directions, that approx. 90m sightlines available once remedial measures are applied (my emphasis). Lands to east of the agricultural entrance are not within the landholding outlined in blue. No corresponding elevation showing heights of entrance, piers, etc., of the modified entrance has been submitted.
- 7.5.8. A letter of consent from the landowner was submitted with the FI response, stating consent is given to the applicant to revise the site entrance details.
- 7.5.9. On site inspection I noted that L-1539 did not appear to be heavily trafficked. However, based on the information on file and having inspected the site, I consider that modifications to the existing entrance would be required in order to achieve adequate sight distances in both an easterly and westerly direction to serve the proposed development. In particular, I do not consider that it has been demonstrated that adequate sight distances can be achieved in an easterly direction without cutting back or removal of some hedgerow.
- 7.5.10. In particular, the distance of hedgerow directly to east of the entrance required to be cut back/removed is approx. 14m in length, estimated from FI Drawing No. 24-018-003, directly east of which is a wide vehicular entrance. This adjoining entrance does not have any delineated roadside features such as walls, piers or gates.
- 7.5.11. Notwithstanding that the existing agricultural entrance and lands to west of same are within the blue line boundary, lands to the east are not. While access to the proposed telecommunications structure at approx. 500m to the north east is contingent on utilising this entrance, I consider that the proposed amendments to the entrance, as shown in the FI response, do not come within the scope of the subject application. Accordingly, I consider that in principle, the amendments shown on FI Drawing No. 24-018-003 cannot be considered pursuant to this application.
- 7.5.12. Notwithstanding therefore that the subject lattice tower would, in my opinion, be acceptable in terms of visual and other impacts at this location, given that I consider

sight distances are inadequate in both directions at the existing entrance to serve the proposed development, I am not satisfied that the proposed development would be acceptable in terms of traffic safety. I consider therefore that the proposed development would not be in compliance with Development Plan Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network which is to safeguard the carrying capacity and safety of the non-national road network throughout Limerick. Refusal of permission on this basis is recommended.

7.5.13. In this assessment I have noted also that Objective TR O37 Land Uses and Access Standards (a) includes that any development involving intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards. As outlined previously, given that it has not been demonstrated that adequate sight distances can be achieved in an easterly direction from the existing entrance to serve the proposed development without remedial measures, and which lands are not within the landholding outlined in blue, I consider that the proposed development would not be in compliance with Objective TR O37. Refusal of permission on this basis is recommended.

7.5.14. In terms of detail, I draw the Board's attention to FI Drawing No. 24-018-003, which shows a recessed entrance with wing walls. The eastern wing wall is indicated to traverse the existing agricultural track/entrance. However, no tie-in of this re-positioned entrance to the existing agricultural track is shown. In the event the Board was minded to grant permission for the proposed development, it may consider that this matter would be required to be addressed. However, given the substantive reason for refusal, it may not be necessary to pursue this matter.

Existing Entrance

7.5.15. As outlined in the previous section, I consider that modifications to the existing entrance would be required in order to achieve adequate sight distances in both an easterly and westerly direction to serve the proposed development. In this regard I note in particular that following construction of the proposed development, the applicant's response to the grounds of appeal outlines the intermittent nature of maintenance at 4 to 8 times per year, with a light van.

7.5.16. I consider that the stated frequency of the maintenance requirements are very low over the course of a year. However, I note also that the applicant seeks that the

proposed development be permitted on a 'permanent' basis. In the event that the Board was minded to grant permission for the proposed development, I note that Circular Letter PL 07/12 states planning authorities are advised that from the date of the Circular Letter, attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease.

- 7.5.17. Notwithstanding therefore the very infrequent nature of the maintenance visits, I consider that in the event that a grant of permission for the proposed lattice tower and associated infrastructure was to be considered on a permanent basis, that is, not as a temporary permission, this would further emphasise the importance of achieving adequate sight distances at the entrance onto the public road.

Alternative Entrances

- 7.5.18. The applicant's response to grounds of appeal states site accessibility is flexible, and two other accesses are possible. These are (a) track positioned 200m west of existing entrance or (b) through main farm entrance situated 550m north west of proposed access. These alternative entrances/routes are not shown on drawings.
- 7.5.19. While noting that these two locations are suggestions only, given the absence of information on file in relation to same, it is recommended that these options need not be considered further by the Board.

7.6. Other Issues

Public Health and Safety

- 7.6.1. The observations on the appeal raise health concerns in relation to the siting of the proposed lattice tower in the vicinity of existing residential properties and farms.
- 7.6.2. Circular Letter PL07/12 states that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have the competence for health and safety matters in respect of telecommunications infrastructure. It also notes that telecommunications infrastructure is regulated by other codes and such matters should not be additionally regulated by the planning process.

Impact on Residential Amenity

- 7.6.3. I note the concerns raised in the grounds of appeal relating to various separation

distances of the proposed lattice tower to existing residential properties. Based on the information on file, the nearest dwelling houses to the mast would appear to be Ballyfookeen (Rockhill) House (approx. 410m to north east) and some dwelling houses a similar distance to the south along L-1539. While the proposed mast would be visible from residential properties in the wider area, I am satisfied having regard to the distances involved that the proposed development would not adversely impact on the residential amenity of the area.

- 7.6.4. I note also the concerns raised in the grounds of appeal relating to devaluation of properties. However, having regard to the distance between the proposed lattice tower and existing residential properties in the vicinity of the site, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Impact on Ecology

- 7.6.5. The grounds of appeal raise concerns relating to the Habitats Directive and impacts on ecology. With regard to the Habitats Directive, the matter of Appropriate Assessment Screening is outlined in Section 8.0 of this report.
- 7.6.6. The grounds of appeal include that the planning authority has not conducted an informed assessment of impacts on the area's wildlife, and that the area serves as habitat for various bat species, including Leisler's bat, Daubenton's bat, common pipistrelle and soprano pipistrelle which are observed roosting and foraging in the vicinity.
- 7.6.7. There are no Natural Heritage Areas (NHA) or proposed Natural Heritage Areas (pNHA) in the vicinity, the nearest being Heathfield Wood pNHA (Site Code 001434) approx. 12km to west.
- 7.6.8. The subject site is located on farmed agricultural land and is not within a protected habitat. While noting the 24m height of the proposed mast, the proposed development including supporting infrastructure and fencing would occupy a small footprint. Having regard to the nature and scale of the proposed development, including its limited footprint, I consider that the proposed development is not likely to have a significant impact on habitats and wildlife in the area.
- 7.6.9. There are no buildings on site or in the immediate vicinity of the subject site which

would accommodate bat roosts, although I note that hedgerow and some mature trees form the boundaries of one of the fields along the access track, and of other fields in the vicinity. I note that these concerns would be managed under the provisions of the Wildlife Act 1976, and granting permission for a mast would not constitute consent for a developer to disturb bats or to interfere with their breeding or roosting areas. The NPWS licensing regime would be required to be complied with and a derogation licence may be required for any works that disturb or interfere with bats. Accordingly, I am satisfied that the proposed development is not likely to adversely impact on bats.

Irish Aviation Authority

- 7.6.10. The First Planner's report states that the Irish Aviation Authority (IAA) has no requirement for obstacle lighting on this telecommunications structure.
- 7.6.11. The documentation on file indicates that the planning authority referred the application to the IAA. However, for clarity, there does not appear to be any documentation received from the IAA on file.

8.0 AA Screening

- 8.1. I have considered that the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.
- 8.2. The subject site is located on unzoned agricultural land at Ballyfookeen, Bruree, Co. Limerick. The site is not within or adjacent to any European sites. The closest European sites are Tory Hill SAC (Site Code 00439) approx. 12km to north east and Blackwater River (Cork/Waterford) SAC (Site Code 0021700) approx. 12km to south.
- 8.3. The proposed development comprises the construction of a 24m high lattice tower together with antennae, dishes and associated telecommunications equipment, all enclosed by security fencing, on a 0.015ha site, as detailed in Section 2.0.
- 8.4. The planning authority considered that the proposed development should not exercise a significant effect on the conservation status of any SAC or SPA and Appropriate Assessment is not necessary.
- 8.5. The proposed development is situated on actively farmed agricultural land. No watercourses are shown located at or in the vicinity of the subject site. I note that

www.catchments.ie (accessed on 31 January 2025) indicates the nearest watercourse to be approx. 700m to north, namely IE_SH_24M010400 (EPA Name: Upper Ballyteige).

8.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is not conceivable risk to any European site. The reason for this conclusion is as follows:

- The nature, scale and location of the development,
- The distance between the distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site.

8.7. I consider that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on European site and appropriate assessment is therefore not required.

9.0 Recommendation

9.1. It is recommended that permission be refused for the reason set out below.

10.0 Reasons and Considerations

1. Having regard to Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network and Objective TR O37 Land Uses and Access Standards of the Limerick Development Plan 2022-2028, and having regard to the nature, scale and location of the proposed development outlined in red, which is accessed via a track from an agricultural entrance at the public road, the Board is not satisfied on the basis of all information on file that the existing entrance at the public road would be acceptable in terms of traffic safety to serve the proposed development. The Board considers that the proposed development would endanger public safety by reason of traffic hazard because adequate visibility cannot be achieved at the entrance's junction with the public road where sightlines are restricted in an easterly and westerly direction, the entrance is not within the red line boundary, and notwithstanding that lands to the west are outlined in blue, lands to the east are not shown to

be within the applicant's ownership or control. The proposed development would therefore contravene Policy TR P11 and Objective TR O37 of the Limerick Development Plan 2022-2028 and would 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.

Cáit Ryan
Senior Planning Inspector

06 February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318898-24		
Proposed Development Summary	The erection of a 24m high lattice tower together with antennae, dishes, and associated telecommunications equipment, all enclosed by security fencing and all associated site works.		
Development Address	Ballyfookeen, Bruree, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X	The subject development does not fall within a Class for which EIAR is required.	No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____