



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319564-24

<b>Development</b>	24 metre high telecommunications tower together with antennas, dishes and equipment
<b>Location</b>	Knocknahoe East , Killarney , County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	24/60061
<b>Applicant(s)</b>	Vantage Towers Limited
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Notification to Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tony and Geraldine Mackey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> August 2024
<b>Inspector</b>	Gary Farrelly

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.019 hectares and is located within the rural townland of Knocknahoe East, County Kerry, which is located approximately 8km east of the town of Killarney. Access to the site is via an access track that serves an existing agricultural shed and lands. This access track is accessed off a cul-de-sac L-11209 local tertiary road which is accessed off the L-3019 local primary road approximately 650 metres south of the subject site.
- 1.2. The site comprises of agricultural grassland and is located next to an existing farm shed. The boundaries of the site comprise of a line of mature established hedgerow and trees to the south with the remaining boundaries being undefined. The elevation of the site measures 230mAOD.

## **2.0 Proposed Development**

Permission is sought to erect a 24-metre-high telecommunications tower. The design of the structure is proposed to be a lattice type. The top of the tower will accommodate a total of 6 no. Vodafone operator antennas, 4 no. Vodafone operator dishes together with 3 no. antennas and 1 no. dish for a second operator. Below this equipment a further 3 no. antennas and 1 no. dish are proposed for a third operator. At the base of the structure a total of 5 no. operator cabinets are proposed. The compound will be enclosed by a 2.4-metre-high palisade fence.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Kerry County Council (the planning authority) decided to grant permission by Order dated 26<sup>th</sup> March 2024, subject to 4 no. standard conditions.

### **3.2. Planning Authority Reports**

#### Planning Report

There is 1 no. area planner (AP) report on file which assessed the proposed development in terms of, inter alia, its principle, visual impact, traffic safety and residential amenity. The AP considered that given the separation distance from existing houses the development would not impact negatively on residential amenities. An Environmental Impact Assessment (EIA) preliminary examination was undertaken and concluded that the proposal was not one that required EIA or EIA screening. The AP recommended a grant of permission which was endorsed by the Senior Executive Engineer.

#### Other Technical Reports

None on file

### **3.3. Prescribed Bodies**

None on file

### **3.4. Third Party Observations**

There were 2 no. third party observations that objected to the proposed development on a number of grounds, including on health and safety, the impact of the development on biodiversity such as the hen harrier, and the visual impact of the development.

## **4.0 Relevant Planning History**

None according to file or planning register.

## **5.0 Policy Context**

### **5.1. Kerry County Development Plan 2022-2028**

It is an objective of the Council to:

KCDP 11-77

Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

KCDP 11-78

Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

KCDP 11-79

Preserve the views and prospects as defined on Maps contained in Volume 4.

KCDP 11-81

Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

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 14-79

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.

Volume 6, Appendix 1 Development Management Standards and Guidelines

### Section 1.14.1 Telecommunications

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.

### **5.2. National Policy**

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Climate Action Plan 2024
- Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

### **5.3. Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

#### **Regional Policy Objective (RPO) 137: Mobile Infrastructure**

It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.

### **5.4. National Guidance**

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), and associated Circular Letter PL07/12 (19<sup>th</sup> October 2012)

### **5.5. Natural Heritage Designations**

The subject site is not located within any designated site. The nearest designated site is the Killarney National Park, Macgillicuddy's Reeks and Carragh River Catchment Special Area of Conservation (SAC) (Site Code 000365) which is located approximately 2.5km to the east and northwest of the subject site.

### **5.6. Environmental Impact Assessment (EIA) Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is

also no requirement for a screening determination. I refer the Board to Appendix 1 of the report in this regard.

## **6.0 The Appeal**

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

A third-party appeal was lodged to the Board on 22<sup>nd</sup> April 2024 by Tony and Geraldine Mackey. The appellants' dwelling is located approximately 710 metres southeast of the proposed development. The grounds of appeal are summarised as follows:

- The planning authority did not follow its own development plan, did not seek any third-party report and did not give consideration to the issues raised in the objection letter.
- The application lacks sufficient detail and does not describe the antennae, dishes and associated telecommunications equipment in the application title. The application does not include details of the number of dishes including their diameter, any lighting on the mast and the elevations of the compound are not included.
- The site represents the most visually prominent location for a tower within the landscape. The development will distort and impact the integrity and scenic value of the area.
- No landscaping will offset the significant visual impact generated by the 24-metre-high tower. Section 3.1 of the application is not accurate as the site represents a high elevation and is not concealed by trees.
- Access to the site is via a private roadway and there is no acquired right to use the roadway for commercial/industrial use.
- The preferred location for the development is within an industrial estate or an area zoned for industrial use away from residential properties. Such estates exist at Coolcaslaght approximately 2.5km away or at Tiernaboul approximately 5km away.
- No statement of compliance with the International Radiation Guidelines has been furnished.

- No environmental impact assessment or risk assessment have been provided.
- The area is surrounded by bats and wildlife and a biodiversity report should be carried out to assess the impact on threatened species including the hen harrier. Numerous surveys have been completed by Bird Watch Ireland and IRD Duhallow.
- The technical requirements outlined in Section 4.2 have not been explained or justified. Any evidence of customer demand in section 2.2 is not provided. 4G is already available in the area and the signal is sufficient. Section 2.1 in the application is not correct.
- Section 5.1.2 refers to 1996 Guidelines which are 28 years old. References to the County Development Plan are taken out of context as this is not a commercial or industrial area.

## 6.2. Applicant Response

The applicant issued a response to the grounds of appeal on 3<sup>rd</sup> May 2024. Its comments are summarised as follows:

- An overview of the market operators, technology, line of sight requirements, infrastructure requirements and statistics in the Irish market are provided. Vantage Towers is an independent provider of support structures and is intending to provide space for market operators.
- ComReg maps provide excellent coverage map information, however, are based on outdoor coverage levels. Indoor levels will be smaller by comparison and will vary with location and topography.
- ComReg's Radio Spectrum Management Strategy Statement for 2017 to 2018 outlined a number of issues that may be affecting mobile user experience such as increased use of phones with poor antennae performance, better building insulation materials reducing signal penetration and the ability of operators to find suitable cell sites or obtain planning permission.
- The development will improve coverage over the road network improving in-vehicle communication which is an essential component of today's driving environment.



- The site is set back 190 metres from the local road and surrounded by mature trees, vegetation and a farm shed which mitigate any visual impact.
- It is necessary for the proposed structure to be located on a hill due to the surrounding undulating topography and to secure both coverage and line of sight. The difficulty of propagation can be seen by the poor level of coverage as depicted by the ComReg maps for all three of Ireland's operators.
- The proposed structure is designed to cater for all three of Ireland's operators and therefore there will be no need for additional structures in the catchment area.
- There are no existing installations within the local area with the closest installations being located 4.75km west in Tullig and 5.6km southwest in Tieraboul. These installations and the industrial estates referenced by the appellant are at ground level below the proposed site and due to distance and topography they are unable to secure the required coverage over the proposed target area.
- The proposed development does not conflict with any natural heritage designations or scenic routes. There are no NPWS designated areas within the area of the proposed development.
- It is acknowledged that the structure will remain noticeable at different locations, however, the undulating topography, varied road network direction, setback from the road and substantial roadside vegetation will act to reduce the visual impact with any views being momentary, intermittent and incidental.
- The structure is located away from towns and villages and away from any school or community centre in accordance with the 1996 Guidelines.
- A number of photomontages are included, and it is submitted that any views of the proposed structure from the appellant's property are minimal.
- The lattice design is structurally secure and accommodate equipment more easily for more operators than an alternative design.
- The appellant's comments regarding the access are without any justification.

- ComReg is the licencing authority for the use of radio frequency in Ireland and is responsible for ensuring that communication operators comply with the licenced conditions relating to non-ionising radiation. The proposed development will comply with relevant health and safety legislation and ComReg guidelines.
- Reference is made to appeal ref. 247800 regarding distances to housing. Reference is also made to Circular PL07/12.
- The information stated as missing is provided within the plans submitted.
- It is respectfully requested that the Board confirms the local authority's decision to grant permission.

### **6.3. Planning Authority Response**

The PA did not issue a response to the grounds of appeal.

### **6.4. Further Response**

On 13<sup>th</sup> January 2025, in accordance with Section 132 of the Planning and Development Act 2000, as amended, the applicant was requested by the Board to submit a Statement of Compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in order to comply with Section 1.14.1 of Appendix 1, Volume 6 of the Kerry County Development Plan 2022-2028.

On 14<sup>th</sup> January 2025, a response was received from the applicant declaring that the equipment to be installed at the site will be designed to be in full compliance with the requirements of the Radio Frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12<sup>th</sup> July 1999 “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz).

## 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, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Technical Justification
- Visual & Residential Amenity
- Biodiversity
- Health and Safety

### Technical Justification

- 7.2. I note the appellant's comments that the technical requirements for the proposed development have not been explained and that the existing 4g coverage in the locality is sufficient. I note the applicant's response including its requirement to site the development on such a hilltop location in order to secure both coverage and line of sight due to the surrounding undulating topography, its requirement for a lattice type design to ensure capacity for the 3 no. operators (Three, Eir & Vodafone) and to ensure that there is no requirement for additional structures within the catchment area.
- 7.3. The Board should note that Section 4.2 of the 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996' states that the location of telecommunications infrastructure will be substantially influenced by radio engineering factors. Furthermore, Section 4.3 of the 1996 Guidelines acknowledges that if every hilltop location was to be ruled out, the consequences would be that the area may not be able to be serviced or that a number of structures would be required to provide the same level of service.
- 7.4. Firstly, I have reviewed the Commission for Communications Regulation (i.e. ComReg) outdoor mobile coverage mapping<sup>1</sup> for the operators Three, Vodafone and Eir and I note that it illustrates 'fair' to 'fringe' 4g and 5g outdoor coverage within a

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<sup>1</sup> [https://coveragemap.comreg.ie/map?location=52.0847643,-9.3973446&technology=5g&network=vodafone&place\\_id=GhIJji98jtkKSkARAnxcwHDLIsA](https://coveragemap.comreg.ie/map?location=52.0847643,-9.3973446&technology=5g&network=vodafone&place_id=GhIJji98jtkKSkARAnxcwHDLIsA)

substantial area of the surrounding environment (with 'Three' coverage in areas to the north of the site non-existent). Having regard to this, I consider that there is a technical justification for the development of a telecommunications mast at this location.

- 7.5. Secondly, I note the alternative locations outlined by the appellant and the response from the applicant stating that due to distance and topography that these installations and industrial estates are unable to secure the required coverage over the proposed target area.
- 7.6. Having inspected the environs of the site and having reviewed the ComReg siteviewer interactive map<sup>2</sup>, I note that there are no existing telecommunications infrastructure in close proximity to the subject site. The nearest existing infrastructure is at Tullig, which is approximately 4.5km west of the subject site. I note that this already accommodates the three operators, yet the 4g and 5g coverage within the area of the subject site is still only at a 'fair' to 'fringe' standard, as noted above under paragraph 7.4. Therefore, it is my view that the existing site at Tullig is not suitable to secure the required coverage for the target area.
- 7.7. With regards to the other alternatives referred by the appellant, having regard to the ground levels of these sites, the distance from the subject site and to the existing situation at Tullig which illustrates that 4g and 5g coverage does not extend to Knocknahoe East, it is my view that these alternative locations would not be suitable to secure the required coverage for the target area.
- 7.8. Overall, I am satisfied that adequate justification has been demonstrated for the 24 metre high lattice structure at this location having regard to the technical information submitted by the applicant with the application and appeal and having regard to the ComReg data outlined above. Furthermore, such development is supported in principle by objectives KCDP 14-71 and KCDP 14-73 of the Kerry County Development Plan 2022-2028 (CDP).

### **Visual & Residential Amenity**

- 7.9. I note the appellant's concerns regarding the visual impact of the development on such a prominent site. Having inspected the site, I acknowledge that the site does represent a hilltop location where there are views of the site from public viewpoints to the south.

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<sup>2</sup> <https://siteviewer.comreg.ie/#explore>

- 7.10. The applicant has sited the structure next to an agricultural shed and a line of established mature trees. It is my view that this would help assimilate the structure into the landscape when viewed from the south (and the appellant's dwelling), however, I do recognise that it will not fully screen the development.
- 7.11. Notwithstanding this, due to the nature and design of telecommunications infrastructure, it is to be expected that such structures would be visible from the surrounding environment, especially when sited on a hilltop location. However, the Board should note that the site and surrounding landscape is not considered sensitive under the CDP. The site and environs have not been designated as a 'Visually Sensitive Area' under Volume 4 (Map 4: K) of the CDP. Moreover, there are no designated views and prospects in close proximity to the site that the proposed development would interfere with. Additionally, having reviewed the Historic Environment Viewer, I note that there are no recorded monuments in close proximity to the site.
- 7.12. I consider that the subject site does not represent a residential area with the nearest residential property being located approximately 200 metres to the southwest. Whilst I acknowledge that the structure will be visible from the appellant's property, which is located along the L3019 public road to the southwest of the site, I note that this property is located approximately 700 metres from the site. Having regard to this separation distance and to the siting of the development, I consider that the structure would not significantly adversely impact the visual or residential amenities of the appellant or any of the adjoining dwellings.
- 7.13. Furthermore, with regards to views from the local public road network, due to the position of the site in relation to the direction of travel on the L-3019 road, the c. 650 metre separation distance between the site and the road and to the siting of the development, I consider that such views would be intermittent and incidental and, therefore, would not be seriously detrimental.
- 7.14. With regards to views from the L-11209, having regard to the minor nature of this cul-de-sac road, to the siting of the development and to local obstructions of viewpoints, such as mature and established vegetation, I consider that the impact on such views would not be seriously detrimental.

- 7.15. Overall, having regard to my assessment above, I consider that the proposed development complies with objectives KCDP 11-77, KCDP 11-78, KCDP 14-79 and KCDP 14-80 of the CDP and Section 1.14.1 of Appendix 1, Volume 6 (regarding its greenfield siting).

### **Biodiversity**

- 7.16. I note the appellant's concerns regarding the impact of the development on local wildlife, including on bats and the hen harrier, and the absence of a biodiversity report. The Board should note that the Hen Harrier and the Lesser Horseshoe Bat are qualifying interests of European sites and therefore these issues are addressed under Section 8 of this report.
- 7.17. With regards to the impact of the development on other bat species and local biodiversity, the Board should note that I have no significant concerns with same, having regard to the location of the development within agricultural grassland, to the nature of the development, to the absence of any hedgerow or tree removal and to the temporary nature and duration and limited scale of construction works associated with such a development.
- 7.18. Overall, I do not consider that the development would conflict with the strategic objectives of the 2023-2030 National Biodiversity Action Plan.

### **Health and Safety**

- 7.19. As required by Section 1.14.1 of Appendix 1, Volume 6 of the CDP, the applicant issued a statement of compliance declaring that the equipment to be installed onsite will be in full compliance with the requirements of the Radio Frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP).
- 7.20. Notwithstanding this, the Board should note that, as described in Circular PL 07/12, planning authorities should be primarily concerned with the appropriate location and design of such structures and do not have the competence for health and safety matters which are regulated by other codes.

### **Other Issues**

- 7.21. I note that the appellant has raised a number of concerns with regards to the absence of information on the submitted drawings. However, having reviewed the content of

the submitted drawings, I consider that this information is outlined within the plans and elevational drawings.

- 7.22. I note that the appellant also questions the content of the title of the application, however, I consider the title of the application does provide an adequate description of the nature and extent of the development which I consider to be in accordance with the Planning and Development Regulations 2001, as amended.
- 7.23. With regards to the appellant's question over the right to use the road for such a development, the Board should note that the appellant has provided no evidence to support their claims. I note that the road in question is a local tertiary road (L-11209) as illustrated on the Local Road Network GIS map<sup>3</sup>.

## **8.0 Appropriate Assessment (AA) Screening**

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 2.5km from the Killarney National Park, Macgillycuddy's Reeks and Carragh River Catchment Special Area of Conservation (SAC) (Site Code 000365).
- 8.2. As stated above, the appellant has raised concerns regarding the impact of the development on bats. *Rhinolophus hipposideros* (Lesser Horseshoe Bat) [1303] is a qualifying interest (QI) of SAC000365, where the conservation objective is to maintain its favourable conservation condition, which is defined by, inter alia, no significant decline in potential foraging habitat. The National Parks and Wildlife Service's (NPWS) conservation objective document (2017) indicates that QI 1303 normally forage in woodlands/scrub within 2.5km of their roosts. Map 10 of the NPWS Conservation document shows that the nearest roost location is Site 296 which is approximately 8.5km west of the subject site.
- 8.3. The appellant also raises concerns regarding the impact of the development on the Hen Harrier. The Hen Harrier (*Circus cyaneus*) [A082] is a QI of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (SPA) (Site Code 004161), which is located approximately 13km northeast of the

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<https://roadmanagement.maps.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=815bdcf61c3d4e91929179438cf05b9a>

subject site. The conservation objective is to restore its favourable conservation condition which is defined by, inter alia, restoring the extent and quality of heath and bog and associated habitats, restoring the extent and condition of low intensity managed grasslands and associated habitats, and maintaining the length and quality of hedgerows. The site synopsis indicates that Hen Harriers will forage up to c. 5km from their nest site. I note the NPWS' Conservation Objectives Supporting Document: Breeding Hen Harrier (2022) states that foraging areas of nesting pairs have become larger in Ireland since the establishment of the SPA boundaries.

8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Having regard to the nature of the development and to the temporary nature, duration and limited scale of construction works associated with such a development.
- Having regard to the absence of any hydrological connection to any European site, having reviewed the Environmental Protection Agency's AA Mapping Tool and having inspected the site.
- Having regard to the separation distance from the European Sites regarding any other potential ecological pathways and intervening lands.
- With regards to any potential ex-situ effect on the Hen Harrier [A082], having regard to above, to the separation distance from SPA 004161, to the nature of the development and to the absence of any hedgerow or tree removal as part of the proposed development.
- With regards to any potential ex-situ effect on the Lesser Horseshoe Bat [1303], having regard to above, to the separation distance to the nearest roost Site no. 296, to the foraging range of the species and to the absence of any hedgerow or tree removal as part of the proposed development.
- Having regard to the screening determination of the PA.

8.5. I determine that on the basis of objective information, that the development would not likely have a significant effect on any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore



Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

I recommend to the Board that permission should be **Granted**, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the provisions of:

- (a) The National Planning Framework,
- (b) The Regional Spatial and Economic Strategy for the Southern Region,
- (c) The Kerry County Development Plan 2022-2028, which seeks to facilitate and support the delivery of information and communications technology (ICT) infrastructure at appropriate locations,
- (d) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12,

together with the design, height, location and siting of the proposed development within an area not designated as visually sensitive under the Kerry County Development Plan 2022-2028, and to the separation distance to residential properties, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously detrimental to the residential or visual amenities of the area. Furthermore, it is considered that, having regard to the Commission for Communications Regulation outdoor mobile coverage mapping and based on the technical information submitted with the application and appeal, adequate justification has been demonstrated for the proposed structure. It is considered that the proposed development would be in accordance with objectives KCDP 11-77, KCDP 11-78, KCDP 14-71, KCDP 14-73, KCDP 14-79 and KCDP 14-80 of the Kerry County Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further particulars received by An Bord Pleanála on the 14<sup>th</sup> day of January 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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

**Reason:** In the interest of public safety.

3. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of six months, the structures shall be removed and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within seven months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.

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

4. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

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

5. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

**Reason:** To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

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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.

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Gary Farrelly  
Planning Inspector

11<sup>th</sup> February 2025

## Appendix 1: EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319564-24			
<b>Proposed Development Summary</b>	The construction of a 24 metre high telecommunications tower together with associated antennas, dishes and cabinet equipment.			
<b>Development Address</b>	Knocknahoe East , Killarney , County Kerry			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>				
<del>Yes</del>			Proceed to Q.3	
<b>No</b>	<b>X</b>		No further action required	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<del>Yes</del>				EIA Mandatory EIAR required
<del>No</del>				Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>				
<del>Yes</del>				Preliminary examination required (Form 2)
<b>4. Has Schedule 7A information been submitted?</b>				
<del>No</del>		Pre-screening determination conclusion remains as above (Q1 to Q4)		
<del>Yes</del>		Screening Determination required		