



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320774-24

<b>Development</b>	Construction of a telecommunication antenna secured to the rooftop chimney and all associated site works.
<b>Location</b>	The Harp, 10 Main Street, Cahirciveen, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2460407
<b>Applicant(s)</b>	Eircom Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> of March 2025
<b>Inspector</b>	Karen Hamilton

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. National Policy .....	6
5.2. Regional Policy .....	8
5.3. Kerry County Development Plan 2022-2028.....	9
5.4. Kenmare Municipal District Local Area Plan (LAP) 2024-2030.....	10
5.5. Natural Heritage Designations .....	10
6.0 Environmental Impact Assessment (EIA) Screening .....	11
7.0 The Appeal .....	11
7.1. Grounds of Appeal .....	11
7.2. Planning Authority Response.....	16
7.3. Observations.....	16
7.4. Applicant Response to S.132 request.....	16
8.0 Assessment .....	17
8.2. Principle of Development .....	17
8.3. Planning History .....	19

8.4.	Impact on the Built Heritage.....	20
8.5.	Material Contravention.....	22
8.6.	Other .....	23
9.0	AA Screening.....	23
10.0	Recommendation .....	24
11.0	Reasons and Considerations.....	24
12.0	Conditions .....	24
13.0	Appendix 1 - EIA Pre-Screening – Form 1 .....	27

## **1.0 Site Location and Description**

- 1.1. The site is located along the Main Street, Cahersiveen in Kenmare, Co. Kerry. The site contains a three-storey flat roof building, which is occupied as a public house, The Harp Bar. The building extends higher than the adjoining buildings and is visually dominant along the Main Street. The Main Street is a busy regional route through the town.
- 1.2. There is there is currently three telecommunications structures on the roof of the subject site. These masts have been refused permission under ABP 316370-23 (Reg Ref 23/97), further detailed below.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of:
  - Erect a single telecommunications antenna secured to a rooftop chimney, ancillary support pole to carry RRU's and a single 300m diameter dish and associated ground-based telecommunications cabinet.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Decision to refuse permission for one reason stated below:

The application site is located at Main Street, Cahersiveen in a designated Architectural Conservation Area (ACA) in the Cahersiveen Local Area Plan as contained in the Kenmare Municipal District Local Area Plan 2024-2030. It is considered that the proposed development would detract from the architectural heritage of the streetscape and would materially contravene Objective KENMD-CH-21 of the Cahersiveen Local Area Plan as contained in the Kenmare Municipal District Local Area Plan 2024-2030 which seeks to “preserve the towns architectural heritage and encourage development that is designed in a manner that is keeping “with the scale , character and pattern of the existing built fabric and urban form” The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

The report of the planner reflects the above decision to refuse permission and refers to the following:

- The proposal is acceptable in principle.
- There are no traffic concerns.
- There will be no impact on residential amenity.
- In terms of visual impact, the building is in the Cahersiveen ACA, and it is an objective to preserve the architectural heritage as per Section 3.2.1.1.7.3 of the Cahersiveen Local Area Plan and the structure would detract from the architectural heritage and streetscape and materially contravene the objectives of the LAP.

#### **3.2.2. Other Technical Reports**

- County Archaeologist: No objection to proposal.

#### **3.2.3. Conditions**

Not relevant.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland (TII): No observation to make.

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

None received.

## **4.0 Planning History**

### **ABP 316370-23 (Reg Ref 23/97)**

Permission refused for the retention of telecommunications structures and associated equipment.

Having regard to visually prominent location of the site on a prominent building within the streetscape on the northern side of Main Street Cahersiveen, in an Architectural Conservation Area (ACA) as designated in the West Iveragh Local Area Plan 2019-2025, it is considered that the proposed development would seriously injure the visual amenities of the area and would detract from the architectural heritage of the streetscape and materially contravene Objective CH-ACA-04 of the West Iveragh Local Area Plan 2019-2025, which seeks to “preserve the towns architectural heritage and encourage development that is designed in manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form”. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. National Policy

*Telecommunications Antennae & Support Structures Guidelines for Planning Authorities, 1996*

- The Guidelines have the status of ministerial guidelines as per section 28 PDA 2000 and, as such, the Board has a duty to “have regard” to them.
- The Guidelines reference the location of masts in upland/mountainous areas, within or in the immediate vicinity of smaller towns or villages and in the vicinity of larger towns and in city suburbs. In terms of visual impact, justification for locating free standing masts within the city suburbs, towns, and villages is required.
- Section 4.3 includes: “*Only as a last resort should **freestanding masts** be located within or in the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.*”
- Care should be given when dealing with sensitive landscapes and other designated areas. Proximity to listed buildings should be avoided.

*Circular Letter PL 07/12, DoECLG 2012.*

- This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

*Architectural Heritage Protection Guidelines for Planning Authorities (2011)*

Section 3.11: Management of Architectural Conservation Areas.

- Consideration given to the management of infrastructural developments.
- Large scale infrastructural development adjacent to an ACA may have an impact on the character.

*Climate Action Plan (CAP) 2025*

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

*Harnessing Digital. The Digital Ireland Framework.*

- Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

### *National Planning Framework 'Project Ireland 2040'*

- First Revision (April 2025)
- National Policy Objective 31: 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.
- National Policy Objective 62: 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.

### *National Development Plan 2021-2030*

- The government recognises that access to quality high speed broadband is essential for today's economy and society.

### *National Broadband Plan 2020*

- The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest

## **5.2. Regional Policy**

### *Regional Spatial & Economic Strategy for the Southern Region 2040*

- Section 4.7: Guiding principles for enterprise include the availability of different types of infrastructure including telecommunications.
- Section 6.2: Telecommunications infrastructure is essential to ensure digital connectivity.



### 5.3. Kerry County Development Plan 2022-2028

The County Development Plan is the overarching plan for policy and guidance on telecommunications infrastructure. The following policies are relevant in the determination of this appeal:

#### *Settlement Hierarchy*

##### Chapter 3 Core & Settlement Strategy

- Cahersiveen is designated as a Regional Town

#### *Telecommunications Infrastructure*

##### Chapter 15 Connectivity

##### Section 14.9.1 Telecommunications & Broadband

- Efficient telecommunications and broadband are central to the development of a knowledge-based economy throughout the Country. Broadband helps to combat social exclusion. Areas without broadband will be less able to take advantage of internet centred developments in education, banking, research and business. In considering locations for masts and other infrastructure requirements, Kerry County Council will have regard to the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' (DoECLG, 1996) and Circular Letter PL07/12. The Council aims to support the sustainable development of mast infrastructure at appropriate locations which facilitates backhaul in the peninsula areas, and Broadband services to areas of the County with no Broadband service and with poor Broadband service.

##### Policy Objective KCDP 14-73

- Support the sustainable provision of modern and innovative telecommunications infrastructure at appropriate locations.

##### Volume 6: Development Management Standards & Guidelines

##### Section 1.14 Infrastructure, Utilities and part 1.14.1 Telecommunications:

This section states that the following shall be taken into account when preparing a planning application, including:

- 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.

#### 5.4. **Kenmare Municipal District Local Area Plan (LAP) 2024-2030**

Cahersiveen Local Area Plan is integrated into the Kenmare LAP. The site is zoned M2-Town Centre.

Appendix B Land-use Zoning: Public Facilities & Infrastructure are open for consideration.

##### *Architectural Conservation Area (ACA)*

##### Section 3.2.1.7.3 ACA

- Recognise the value of the historic area.
- Shopfronts, street furniture and hard and soft surfaces are also key elements of the historic character of the area.
- Elements of Cahersiveen's streetscape display an architectural harmony which forms an intrinsic part of the urban character of the town.

##### **KENMD-CH-21**

- Preserve the town's architectural heritage and encourage development that is designed in a manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form. New developments must be designed to a high architectural standard and must take cognisance of local design features and materials.

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

- Valencia Harbour/Portmagee Channel SAC (Site Code: 002262) approx. 6 km west of the site
- Iveragh Peninsula SPA (Site Code: 004154) approx. 7 km west of the site.

- Proposed Natural Heritage Area: Valencia River Estuary approx. 270m to the north of the site.

## 6.0 Environmental Impact Assessment (EIA) Screening

- 6.1.1. 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. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant in relation to the refusal from the planning authority (PA). The issues raised are summarised below:

#### *Justification for location*

- A background to EIR's operations and the technology used for the telecommunications mast is provided.
- The mast is required at this location due to the absence of sufficient coverage.
- The line of sight is necessary to connect the cell to the network.
- Under certain licence conditions, operators are required to provide coverage in weak areas.
- Ultra-fast broadband enhances the GDP.
- The ComReg data provides information on the indoor and outdoor coverage
- Prior to the installation of the mast there was poor coverage in Cahirciveen town centre and service users struggled to make or receive calls.
- A map of indoor coverage in Cahirciveen, when only using the ESB Castlequin mast to the north, illustrates no coverage along the mains street.

- A map of indoor coverage in Cahirciveen with the proposed mast, illustrates a significant improvement in the indoor coverage.
- The ComReg coverage illustrates poor outdoor coverage with difficulty providing 4G and 5G.

#### *History of installation*

- EIR did not have any exempted development rights because the site is located within an ACA.
- By the time EIR received notification the masts were erected, hence the proposal for retention.
- The previous application for retention was refused by the PA and Board because of the impact on the ACA.

#### *Alterations between the previous proposal and the current proposal*

- The proposal only includes a single antenna rather than 3 no panels and associated RRU radio units.
- The previous antenna measures 3m rather than 2.6m now.
- The previous antenna was in line with the building and streetscape façade, the current proposal is 3m setback from the building and streetscape and partially screened by rooftop chimneys.

#### *Existing Structures*

- Three other structures have been considered in the applicant's submission, Castlequin ESB located c. 1.6m northwest, Caherciveen Towercon, 1.33km to the east and Caherciveen Garda Station, c. 425m northeast. The coverage provided from these masts was considered and the applicant concludes insufficient coverage of the town from these locations.
- Due to the nature of the relatively narrow street through Caherciveen, Eir was unable to provide a coverage for the entire town.

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

- Section 14.9 of the development plan promotes digital connectivity and supports the enhanced provision of digital and mobile telecommunications.

- Section 14.9.1 of the development plan also supports the roll out of Broadband and will have regard to the 1996 Telecommunications Guidelines.
- A list of policies and objectives from the development plan, relating to the promotion of telecommunications infrastructure, is included in the appeal statement.

*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (as updated PL07/12 OF 2012).*

- The development plan references the 1996 Guidelines.
- The visual impact is an important consideration which have to be taken into account when arriving at a decision for locating in a particular area.
- There is limited flexibility to secure an installation at the Harp Bar, due to the need to secure coverage to fill a gap.
- The Guidelines allow local factors to be considered.
- The site is in an Architectural Conservation Area (ACA) although does not conflict with any listed buildings, archaeological sites or monuments.

*Kenmare Municipal District Local Area Plan 2024-2030 and the West Iveragh Local Area Plan 2019-2025*

- The refusal made reference to the West Iveragh Local Area Plan 2019-2025 although the Kenmare Municipal District LAP has replaced this.
- Caherciveen is a regional town, and the growth of these towns is considered critical.
- The plan also considers the Caherciveen Town Centre Regeneration Project which requires regeneration.
- The LAP is ambitious with goals to boost the local economy.
- First class communications services are required for this location.

*Built Heritage and Architectural Conservation*

- The reason for refusal is because the installations fall within an area designated as an ACA.

- There are a number of protected structures in the ACA, the Harp Bar is not one of these structures.
- The proposal does not affect the integrity of the ACA or any protected structure.

#### *Previous ABP reference ABP 316370-23*

- The previous inspectors report considered the principle of development at this location acceptable.
- The inspector noted that no Architectural Heritage Impact Assessment (AHIA) had been submitted.
- The inspector noted that visibility was not necessarily a sufficient reason for refusal although there were no adequate mitigation measures in place.
- An AHIA accompanied this appeal. The impact has been determined as slight with a minor change to the architectural heritage. (report summarised below).

#### *Alternative Option*

- Appendix 3B includes an alternative location on the rooftop for the telecommunications infrastructure.
- It is proposed to locate the antenna further back from the current proposed location by c. 1m. The alternative location would be c. 5m from the front of the building line.
- It is submitted that this proposal would not be highly visible from the surrounding area.
- The location is required to provide adequate coverage.
- This new amended location and the antennae is not very visible.
- A series of photomontages have been submitted illustrating the alternative option.

#### *Appendices*

- Appendix 1: Photomontage of Proposal
- Appendix 2: Architectural Heritage Impact Assessment (AIHA) Report

- Appendix 3A/B: Alternative Option
- Appendix 4: Photomontage of the Option.

#### *Appendix 2: Architectural Heritage Impact Assessment (AIHA) Report*

- The AIHA includes an introduction to the proposal, background information on the planning history and baseline analysis on the existing archaeological, architectural and cultural heritage of the area.
- It is noted that the site is located within an ACA. There are no Record of Monuments & Places (RMPs) or Protected Structures (PS) on the site. The location of RMPs and PS in the vicinity are noted.
- Methodology from the EPA guidance is used to assess the effect on cultural heritage.
- National and regional policy documents relating to the protection of built heritage are included in the AIHA.
- The impact assessment looks at the significance of impact on the baseline/receiving environment. The site forms part of the Cahersiveen Architectural Conservation Area.
- It is not considered that the building itself has any architectural merits.
- The proposed antennae are considered to be significantly different to the current infrastructure whereas the footprint is greatly reduced and stepped back from the ledge of the flat roof.
- The impact can be considered reversible and medium term, usually lasts 7 to 15 years.
- Although No. 10 is the tallest building on the street, the antenna is reduced by being stepped back from the roof ledge.
- There will be a slight impact on the ACA although will be intermittently visible in the town and partly visible along Main Street, West Main Street and Church Street.

- The impact is not considered to be one of visual dominance, significant scale, interference with sight lines, causing movement, sound or light effects which cause an altered setting.
- The visual impact assessment imagery also provides greater clarity as to the reduced impact on the proposed infrastructure and demonstrate a slight impact on the ACA.

## 7.2. Planning Authority Response

None received

## 7.3. Observations

None received.

## 7.4. Applicant Response to S.132 request

- 7.4.1. Section 14.9.1 of the Kerry Development Plan requires the planning authority to have regard to the 1996 Telecommunications Guidelines in considering masts or other telecommunications infrastructure. Volume 6 states that *“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.”*
- 7.4.2. In considering the applicant’s compliance with the development plan, I considered it pertinent to request the applicant submit a Statement of Compliance with the relevant health and safety standards for telecommunications masts.
- 7.4.3. The applicant’s response on the further information request was received by the Board on the 11<sup>th</sup> of March 2025 and includes a Declaration of Conformity with the ICNRP guidelines (‘ICNIRP Declaration’) as evidence the telecommunications infrastructure is compliant with the development plan policy.



## 8.0 Assessment

8.1. Having regard to the above and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of Development
- Planning History
- Impact on the Built Heritage.
- Other

### 8.2. Principle of Development

8.2.1. Cahersiveen is designated as a regional town in the Kerry County Development Plan 2022-2028 (CDP). The Kenmare Municipal District Local Area Plan 2024-2030 (LAP) includes policies and objectives for development in Cahersiveen. The site is located on lands zoned in the LAP as M2; Town Centre where public facilities & infrastructure are open for consideration.

8.2.1-8.2.2. The proposed development includes telecommunications infrastructure (300mm diameter dish and 6. No Remote Radio Units (RRU)) located on the rooftop of an existing building, c. 3m from the building edge. National, Regional and Local policy supports the roll out of telecommunications infrastructure as the country implements the digital transformation network. The CAP further highlights the need for green and digital societies as an overarching aim to achieve decarbonisation and net zero commitments. Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

8.2.2-8.2.3. The Kerry CDP refers to the Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996); (the Guidelines) and requires the Council to have regard to these. The Guidelines places high quality telecommunications services at the forefront of support for the economy, personal connection and protection of the environment and requires that in larger towns, cities

and smaller towns and villages, the location should be necessary, and masts and antennae should be designed and adapted for the specific location.

8.2.3-8.2.4. In terms of assessing the proposal, the Guidelines state that the first step is to consider if any alternative locations, outside towns, and villages are available to the operator. For the purpose of assessing this proposal, whilst the Kerry CDP settlement strategy lists Cahersiveen as a regional town I note it is modest in scale with a population of c. 1,300, therefore I consider reference in the Guidelines to small town is relevant for the assessment of this proposal.

8.2.4-8.2.5. Section 4.3 of the Guidelines states that only as a last resort should freestanding masts be located within smaller towns and villages and if such a location becomes necessary masts and antennae should be designed and adapted for the specific location. The Guidelines do not preclude any locations rather the need for appropriate consideration of visual impact is required.

8.2.5-8.2.6. As justification for locating the proposal within the town centre of Cahersiveen the applicant's documentation refers to the operator's requirement to provide digital connection for coverage in areas of weak coverage such as the immediate vicinity of the site. The applicant states that prior to the installation of the current infrastructure there was poor coverage in Cahersiveen town centre. Three sites with existing infrastructure were investigated including Castlequin ESB located c. 1.6m northwest, Caherciveen Towercon, 1.33km to the east and Caherciveen Garda Station, c. 425m northeast of the site. The survey notes no current utility sites could provide coverage in the town centre; therefore, these sites were discounted.

8.2.6-8.2.7. As stated above Cahersiveen, in my opinion Cahersiveen is a small town. The land use zoning map in Fig 3.21 of the Kenmare LAP does not illustrate an extensive number of commercial lands and I note these are located to the west of the Cahersiveen, within the settlement boundary. The subject site is in the town centre, which is central to the built-up area of Cahersiveen. Whilst I note the applicant has not included an analysis of all commercial zoned lands within the settlement, having regard to the location of the site within the town centre (see below for coverage information), I am satisfied the applicant has considered sufficient alternative sites, namely existing utility sites within the settlement's boundary, as options to locate in the first instance.

8.2.7-8.2.8. Regarding the applicant's justification for coverage, whilst I note the ComReg outdoor coverage map indicates the coverage in the immediate area as Good, I note the telecommunications infrastructure, previously refused, is still operational, further discussed below. In relation to the applicant's justification for locating within the town centre, I am satisfied that the applicant has considered reasonable alternatives. Having regard to the location of the coverage, I am satisfied that a tall building in the centre of the town centre would reasonably be considered as an appropriate location for providing digital coverage for the area. In addition, rather than being a freestanding mast, the infrastructure proposed will be attached to the top of an existing building. Taking all these factors into consideration I consider the justification for the proposed development within the town centre complies with the requirements of the Guidelines as a last resort for locating within the small towns and investigating possibilities for co-locating on other utility sites.

### **8.3. Planning History**

- 8.3.1. The subject site contains a three-storey building, located along the main street of Cahersiveen, Co. Kerry. There are currently three telecommunications antennae attached to the roof of the building, The Harp, a public house. These antennae are located along the north of the rooftop, fronting onto the Main Street. Permission was refused by the Board (ABP 316370-23 (Reg Ref 23/97)) for the retention of these antennae for one reason relating to, the location of the site within an ACA, the impact on visual amenity and the overall impact on the built heritage. The Board considered the retention of the three antennae would materially contravene Objective CH-ACA-04 of the West Iveragh Local Area Plan 2019-2025 which seeks to "preserve the towns architectural heritage and encourage development that is designed in manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form".
- 8.3.2. The proposed development relates to a single telecommunications antenna located in a different area of the Harp Bar, attached to a rooftop chimney, set back from the edge of the building. The ancillary support pole to carry RRU's and a single 300m diameter dish and associated ground-based telecommunications cabinet. This proposal is substantially different from the previous refusal and the visual impact of this proposed on the architectural heritage of the ACA is further discussed below.

#### 8.4. Impact on the Built Heritage

- 8.4.1. The subject site is located within a designated ACA in Cahersiveen's town centre. The PA refused permission for the proposal for reasons nearly identical to the Boards previous refusal (ABP 316370-23 (Reg Ref 23/97)) relating to the visual impact on the ACA, impact on the architectural heritage of the streetscape and that the proposal represented a material contravention of Objective KENMD-CH-21 of the Cahersiveen Local Area Plan as contained in the Kenmare Municipal District Local Area Plan 2024-2030. The planner report did not elaborate on the amended design put forward by the applicant in this proposal.
- 8.4.2. Objective KENMD-CH-21 of the Cahersiveen Local Area Plan as contained in the Kenmare Municipal District Local Area Plan 2024-2030 states the following:  
*"Preserve the town's architectural heritage and encourage development that is designed in a manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form. New developments must be designed to a high architectural standard and must take cognisance of local design features and materials."* An Architectural Heritage Impact Assessment (AIHA) Report and photomontages were submitted as part of the grounds of appeal. The applicant argues that the proposal would not affect the integrity of the streetscape or the ACA. The AIHA concludes that there will be a slight impact on the ACA although the proposed development will be intermittently visible in the town and partly visible along Main Street, West Main Street and Church Street.
- 8.4.3. I note the information submitted regarding the development plan (Objective KENMD-CH-21), in addition to national guidance on proposals within ACA's (Section 3.11 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011)) which does not preclude all development visible with an ACA rather it requires the character of the area to be maintained. Both national and local policy guidance requires development to be designed in a manner which is in keeping with the scale and character of the built fabric and form.
- 8.4.4. The proposed infrastructure is set back from the edge of the building by c. 3m, with one antenna proposed. The photomontage views, which accompany the application, illustrate the antenna located on the rooftop and indicate limited visibility from the long-range views on approach to the building. These views illustrate the proposal

from east, bottom on the main street in Cahersiveen, and to the east, at the top of the main street in Cahersiveen. In addition to the long-range views at either end of the town centre, short range views from c. 200m to the east and west of the site are also included. The illustrations indicate that whilst the antennae will be visible it is not excessive or dominant on the rooftop and, in my opinion, not of a scale which would have a negative impact within the setting of the ACA. I am satisfied that the views within photomontages represent locations where the proposal would have the greatest visual impact within the ACA. The town centre is mainly based around the Main Street, flat in topography, with approaches to the east and west. I do not consider the telecommunications infrastructure on the roof of the Harp Bar would be particularly visible from any other locations or have an adverse visual impact on the ACA. The proposed development, located on the rooftop and set back c. 3m from the edge of the building would not be visible from the front of the site.

- 8.4.5. The submitted photomontages, clearly illustrate the proposed development and because of the of the antenna, which is a single pole type structure, located at a distance (c. 3m) from the edge of the building, I do not consider there would be any significant adverse impact on the ACA. In this regard I consider the proposed complies with Objective KENMD-CH-21 of the LAP.
- 8.4.6. An alternative option for locating the antenna in a different location, forms part of the appeal submission. The infrastructure is a similar design although the alternative option includes a new location c. 1m further back from the proposed location, refused by the PA. Appendix 3B of the appeal submission includes plans and particulars relating to the alterative including update photomontage illustrations. These photomontage drawings indicate that the antennae would not be visible from long range views. Having regard to my assessment above, the Board will note I have concluded the proposal would have not significant adverse impact on the ACA and I recommend that permission is granted for the proposal put forward to the PA. Should the Board consider the amended design represents a more appropriate location for the proposed development, the inclusion of the alternative option can be reasonably included as a condition on any grant of permission.
- 8.4.7. Upon site inspection, I noted the current telecommunication infrastructure, previously refused by the Board, and whilst I concur with the Boards previous decision (ABP 316370-23 (Reg Ref 23/97)) that these are a dominant feature of the

streetscape, I consider the proposed development now before the Board is significantly different and would be visually discrete on the top of the building. The documentation states that the current infrastructure will be decommissioned, and I consider that in the event of any grant of permission, a condition could be reasonably included to ensure the removal of same prior to the operation of this proposal.

- 8.4.8. Having regard to the design of the telecommunications infrastructure and the location set back from the buildings edge, I am satisfied that the proposal would not have a significant negative impact on the built heritage of the ACA or the streetscape of Cahersiveen town centre. In this regard, I do not consider the proposal represents a material contravention of the local area plan, further addressed below.

## 8.5. Material Contravention

- 8.5.1. The PA reason for refusal states that the proposed development would materially contravene Objective KENMD-CH-21 of the Cahersiveen Local Area Plan as contained in the Kenmare Municipal District Local Area Plan 2024-2030 which seeks to “preserve the towns architectural heritage and encourage development that is designed in a manner that is keeping “with the scale , character and pattern of the existing built fabric and urban form”.

- 8.5.2. As stated above, I do not consider the proposal represents a material contravention of the development plan, this aside, Section 37 (2) (b) of the Planning and Development Act, as amended, states that “*where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”*

- 8.5.3. The Board will note that Section 37 (2) (b) relates exclusively to any material contravention of the development plan. The PA have refused permission having regard to the objectives of the Local Area Plan. I note the Kerry County Development Plan 2022-2028 does not include any explicit policy requirements for compliance with the Kenmare Municipal Local Area Plan, therefore justification under Section 37 is not required to grant permission.

## **8.6. Other**

- 8.6.1. Volume 6 of the Kerry CDP Volume 6: Development Management Standards & Guidelines, includes an explicit requirement for all planning applications 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. The applicant did not submit this information with the application and the planning authority did not request it.
- 8.6.2. The applicant submitted a Declaration of conformity with the ICNRP guidelines ('ICNIRP Declaration') on the 11<sup>th</sup> of March 2025 following a request by the Board. I am satisfied that there is sufficient document and information to conclude that the proposed development complies with the requirements of the development plan.

## **9.0 AA Screening**

- 9.1. Having regard to the nature and scale of the proposed development within a serviced urban area, the nature of the receiving environment and the proximity to the nearest European sites, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

I recommend that permission is GRANTED, subject to the conditions below.

## 11.0 Reasons and Considerations

Having regard to:

- a) the applicant's justification for telecommunications infrastructure on this site and the strategic and locational advantage for delivering digital connectivity for the town of Cahersiveen, a designated regional town for County Kerry;
- b) the government's guidelines on Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996);
- c) the policies and objectives of the Kerry County Development Plan 2022-2028 and the Kenmare Municipal District Local Area Plan 2024-2030 specifically Objective KENMD-CH-21 and the overall design of the infrastructure and its minimal impact as demonstrated in the submitted photomontages; and

it is considered that the proposed development would not have a significant negative visual impact on the Architectural Conservation Area in Cahersiveen and would be in keeping with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted, 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>(a) The current telecommunications infrastructure and associated fittings shall be removed not later than 3 months from this grant of permission unless planning permission has been granted for its retention for a further period prior to that date.</p> <p>(b) A written and photographic record of the removal of these structures shall be submitted to the planning authority within one month of its erection.</p> <p>Reason: To enable the planning authority to consider the impact of the development over the stated time period, and in the interest of orderly development.</p>
3.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
4.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
5.	<p>In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 3 months, the structures shall be removed, and the site shall be reinstated within 3 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 3 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.</p> <p>Reason: In the interest of the visual amenities of the area</p>

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.

---

Karen Hamilton  
Planning Inspector

26<sup>th</sup> of May 2025

### 13.0 Appendix 1 - EIA Pre-Screening – Form 1

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP-320774-24</b>		
<b>Proposed Development</b> <b>Summary</b>	Construction of a telecommunication antenna secured to the rooftop chimney and all associated site works.		
<b>Development Address</b>	The Harp, 10 Main Street, Carherciveen, Co. 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>	
<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>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	<b>X</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>			Preliminary examination required (Form 2)
------------	--	--	---

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_