



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322039-25

<b>Development</b>	Section 254 licence application for the construction of a 20m high telecommunications mono pole streetwork structure with ground cabinet at a grass verge along the N21 Road.
<b>Location</b>	N21 Road, Gortboy, Newcastle West, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	SM254TM/02/024
<b>Applicant</b>	On Tower Ireland Limited
<b>Type of Application</b>	Section 254 licence.
<b>Planning Authority Decision</b>	Refuse licence
<b>Type of Appeal</b>	First Party against Refusal of Licence
<b>Appellant</b>	On Tower Ireland Limited
<b>Date of Site Inspection</b>	23 <sup>rd</sup> of May 2025
<b>Inspector</b>	Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The site is located within the town of Newcastle West, Co. Limerick. The town is located on the N21. The N21 runs from the M20 to the west of Limerick to Tralee.
- 1.2. The site is situated to the northern side of the N21 circa 100m the west of the junction with Station Road the R521. The R251 links the N21 with the N69 to the north. The site is located within a section of the grass verge. There are streetlights and road signs within the grass verge to the east and west. There are mature deciduous trees along the grass verge.
- 1.3. There is a carpet outlet and a premises formally occupied by a car sales outlet located to the norther of the site. The building to the north-east contains a day services centre run by the Brothers of Charity. The closest residential properties are situated circa 75m to the north on Portland Drive.

## **2.0 Proposed Development**

- 2.1. The proposed development is a 20m high telecommunications monopole streetwork structure with ground cabinet at a grass verge along the N21 Road, Gortboy Newcastle West, Co. Limerick.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority decided to refuse to licence the proposed development on the 20<sup>th</sup> of January 2025 for the following reason:
  1. Given the siting of the subject telecommunications infrastructure in relation to a proposed plan for active travel infrastructure along the N21 Road, as identified in the Newcastle West Local Area Plan (LAP) 2023-2029 and supplementary Transport Plan, the Planning Authority considers that on this basis, the granting of a Section 254 licence for the proposal as planned would be premature. Therefore, the Planning Authority is not satisfied that the

proposal has had regard to Section 254(5) of the Planning and Development Act 2000, as amended, where it outlines the criteria to relevant provisions of the development plan, or a local area plan. The Planning Authority cannot, therefore, favourably consider a grant of permission for the subject licence.

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

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

The report of the Planning Officer concluded that based on the recommendations of the Roads, Active Travel and Mobility Departments, that the proposal has the potential to impede the development of future active travel interventions aimed at this location as set out in the Newcastle West Local Area Plan (LAP) 2023-2029 and supplementary Transport Plan. The location of the proposed structure is considered to be unsuitable and cannot be favourably considered by the Planning Authority in the interest of the provision of the Newcastle West Transport Plan.

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

3.2.3. Roads Department - The Road Section is not in favour of the location chosen as it may sterilise this area of ground where Active Travel measures may be required in the future.

3.2.4. Active Travel Department - refusal recommended on the basis that the proposal could impede future Active Travel infrastructure as identified in the Newcastle West Local Area Plan 2023-2029 and supplementary Transport Plan.

3.2.5. Transport & Mobility Department - the works will have the potential to sterilise the grounds where Active Travel plans have been indicated.

### **3.3. Prescribed Bodies**

3.3.1. None

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

3.4.1. None

## **4.0 Planning History**

4.1.1. Ref. S254TM-01-24 - Licence refusal issued on the 2<sup>nd</sup> of July 2024. Reasons for refusal are as follows;

1. Given the siting of the subject telecommunications infrastructure in relation to a proposed cycle and pedestrian network upgrade scheme outlined in the Newcastle West Local Transport Plan, the Planning Authority considers that the granting of Section 254 licence for the proposal as planned would be premature pending the final design of the proposed cycle and pedestrian network route. Therefore, the Planning Authority is not satisfied that the proposal has had regard to Section 254(5) of the Planning and Development Act 2000, as amended, where it outlines criteria to which the Planning Authority shall have regard, specifically Section 254(5)(b) any relevant provisions of the development plan, or a local area plan. The Planning Authority cannot, therefore, favourably consider a grant of permission for the subject licence.
2. Given the proposed siting of the telecommunications infrastructure in relation to a footpath and national road, the Planning Authority is not satisfied that the proposal has had regard to Section 254(5) of the Planning and Development Act 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, including S254(5)(d) the convenience and safety of road users. In particular, the location of the proposed structure in relation to nearby access roads and the potential to endanger public safety by reason of obstruction of existing road traffic signage and sightlines for vehicles turning onto the N21 Road.

## **5.0 Policy Context**

### **5.1. National Planning Framework**

5.1.1. The NPF generally supports improving local connectivity in terms of broadband and enabling infrastructure that affords communities opportunities to engage with the digital economy.

- 5.1.2. NP Objective 24 – seeks to 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 work and live in rural areas.

## **5.2. National Development Plan 2021-2030**

- 5.2.1. **NSO3 – Strengthening Rural Economies and Communities** – recognises the importance of rolling out the National Broadband Plan in providing consumers with access to high-speed broadband services which will promote balanced regional development. The NBP will enable citizens to benefit from advances in technology.

## **5.3. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996**

- 5.3.1. These guidelines set out current national policy regarding telecommunications structures. Guidance is given in respect of matters such as site selection, minimising adverse impact, sharing and clustering of facilities and development management issues. The guidelines are supportive of the development and maintenance of a high-quality telecommunications network and service.
- 5.3.2. Section 4.3 relates to visual impact. In locations which are sited along major roads and tourist routes it is stated 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.
- 5.3.3. 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.

#### **5.4. Telecommunications Antennae and Support Structures and DOECLG Circular Letter PL07/12**

- 5.4.1. This Circular letter provided updated guidance contained in the 1996 Guidelines, which had advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply and had suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites besides schools. The Circular advised that whilst these policies may be reasonable, there has been a growing trend for the insertion of development plan policies which specify minimum distances from schools and houses, such as 1km. It is stated that such distances, without allowing for flexibility on a case-by-case basis, can make the identification of sites for new infrastructure very difficult. It is therefore advised that Planning Authorities do not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- 5.4.2. Section 2.6 of the Circular reiterates the advice contained in the 1996 guidelines in respect of Health and Safety aspects, that Planning Authorities should not include monitoring arrangements as part of planning permissions and 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 relating to telecommunications infrastructure which is regulated by other codes. Conditions should not be attached limiting the life of the installation to a set period.

#### **5.5. Climate Action Plan 2025**

- 5.5.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan.
- 5.5.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

- 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.

#### **5.6. Harnessing Digital. The Digital Ireland Framework**

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

#### **5.7. Regional Spatial and Economic Strategy for the Southern Region 2040**

- 5.7.1. 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.
- 5.7.2. Section 4.7: Guiding principles for enterprise include the availability of different types of infrastructure including telecommunications.
- 5.7.3. Section 6.2: Telecommunications infrastructure is essential to ensure digital connectivity.

#### **5.8. Limerick Development Plan 2022 - 2028**

- 5.8.1. Chapter 8 refers to Infrastructure
- 5.8.2. Policy IN P1 – Strategic Infrastructure

It is a policy of the Council to:

- (a) Secure investment in the necessary infrastructure (including digital technology, ICT, telecommunications networks, water services, surface water management, waste management, energy networks), which will allow Limerick to grow and realise its full potential.
- (b) Fulfil Limerick's ambition as a contemporary City and County in which to live, work, invest and visit, with supporting infrastructure, whilst complying with the relevant EU Directives and national legislation, including the protection of the environment.

#### 5.8.3. Section 8.4.2 – Telecommunications Support Structures, Antennae and Domestic Satellite Dishes

The Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a modern society and economy. While the advantages of a high-quality ICT infrastructure is acknowledged, these must be balanced with the need to safeguard both the urban and rural landscape, which can be significantly impacted due to the physical nature of telecommunication structures. Visual impact should be kept to a minimum, with detailed consideration of design, siting and the scope for utilising landscaping measures effectively. In considering planning applications, regard shall be had to Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, Circular Letter PI07/12 and the Planning and Development Regulations 2001 (as amended). These guidelines and regulations encourage the sharing or clustering of sites, as reflected in this chapter.

#### 5.8.4. Objective IN O4 – Broadband

It is an objective of the Council to:

- (a) Support the delivery and implementation of the National Broadband Plan and any subsequent plans.
- (b) Encourage the provision of WiFi zones in public buildings and advance Limerick's participation in the WiFi4EU programme (a European-wide initiative promoting free access to WiFi connectivity for citizens in public spaces) and facilitate a network of 40- 50 free public WiFi access points (APs) in Limerick City.

- (c) Require carrier neutral, open access, multi-duct infrastructure serving new residential, commercial/business units, community hubs/centres, communal residential services and other appropriate new development (e.g. rail and road development), to be incorporated into the design and layout of new developments in Limerick.
- (d) Require ducting for broadband fibre connections to be provided underground during the installation of services and during the carrying out of any work to roads or rail lines.
- (e) Ensure broadband installation shall comply with the Guidelines for NBI End Users when laying ducting to facilitate the installation of Fibre Networks on Private Property and the requirements of the National Broadband Plan 2020 and any subsequent plans.
- (f) New development (commercial, community, leisure) or housing development exceeding four units will be required to demonstrate, in a written statement, how fibre-enabled internet is made available to users when assessing planning applications.

#### 5.8.5. Objective IN O5 – Telecommunication Support

It is an objective of the Council to:

- (a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers. Shared infrastructure should be made available to all broadband service providers on a non-exclusive basis to both suppliers and users of the new infrastructure.
- (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.
- (d) Facilitate the public and private sector in making available where feasible and suitable, strategically located structures or sites, including those in the

ownership of Limerick City and County Council, to facilitate improved telecommunications coverage if the need is sufficiently demonstrated.

- (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.
- (g) Apply a presumption against erecting satellite dishes where they would materially affect the character and appearance of a Protected Structure, an Architectural Conservation Area (ACA) or in any other area where they could cause unacceptable effects on visual amenity.
- (h) Ensure the orderly development of telecommunications throughout the County in accordance with the 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.

## **5.9. Newcastle West Local Area Plan 2023-2029**

- 5.9.1. Policy SMTP2 – Promotion of Sustainable Patterns of Transport: It is a policy of the Council to: Seek to implement in a positive manner, in co-operation with other relevant stakeholders and agencies including the National Transport Authority (NTA), the policies of the NPF, RSES and the Department of Transport's Active Travel publications and the National Sustainable Mobility Policy (2022), to encourage more sustainable patterns of travel and greater use of sustainable forms of transport in Newcastle West, including public transport, cycling and walking.
- 5.9.2. Objective SMT01 – Local Transport Plan: It is an objective of the Council to implement the Local Transport Plan for Newcastle West and all actions/recommendations contained within, in particular:

- (a) The walking/Cycling Strategy for Newcastle West and subsequent walking/connectivity actions and cycling/connectivity actions as set out in Table 4.1 (Pedestrian Infrastructure interventions/actions) and Table 4.2 (Cycle Infrastructure Intervention/actions) of the Local Transport Plan and figure 7.3 and figure 7.4 below.
- (b) The roads strategy for Newcastle West and subsequent roads/connectivity actions as set out in Table 4.3 (Road interventions/actions) of the Local Transport Plan and figure 7.5 below.
- (c) The prioritisation, detailed design and delivery of the interventions/actions set out above and in the Local Transport Plan for Newcastle West will be progressed during this lifetime of this plan.

#### **5.10. Newcastle West Local Transport Plan**

- 5.10.1. CI 8 – Implementation of improved cycle facilities along the N21, inclusive of proposed pedestrian/cycle network interventions to the east connecting with the Tesco superstore located to the south of the N21.

#### **5.11. Natural Heritage Designations**

- 5.11.1. Stacks to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161) is located circa 5.5km to the west.
- 5.11.2. Askeaton Fen Complex SAC (Site Code 002279) is located circa 13.5km to the north-east.
- 5.11.3. Lower River Shannon SAC (Site Code 002165) is located circa 9.2km to the west.

### **6.0 The Appeal**

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

A first party appeal was submitted by David Mulcahy Planning Consultants Ltd. on behalf of the applicant On Tower Ireland Ltd. The grounds of appeal can be summarised as follows:

- The Council have refused a licence on the basis of it being premature as it would restrict potential design solutions for an active travel scheme which does not yet exist at a design stage.
- This is based on Objective SMT01 which refers to Local Transport Plan: It is an objective of the Council to implement the Local Transport Plan for Newcastle West and all actions/recommendations contained within, in particular:
  - (a) The walking/Cycling Strategy for Newcastle West and subsequent walking/connectivity actions and cycling/connectivity actions as set out in Table 4.1 (Pedestrian Infrastructure interventions/actions) and Table 4.2 (Cycle Infrastructure Intervention/actions) of the Local Transport Plan and figure 7.3 and figure 7.4 below.
  - (b) The roads strategy for Newcastle West and subsequent roads/connectivity actions as set out in Table 4.3 (Road interventions/actions) of the Local Transport Plan and figure 7.5 below.
  - (c) The prioritisation, detailed design and delivery of the interventions/actions set out above and in the Local Transport Plan for Newcastle West will be progressed during this lifetime of this plan.
- It is also based on the Newcastle West Local Transport Plan and Cycling Intervention CI 8 which states – Implementation of improved cycle facilities along the N21, inclusive of proposed pedestrian/cycle network interventions to the east connecting with the Tesco superstore located south of the N21.
- It is submitted that the refusal of the licence on the basis of restricting potential design solutions for a future infrastructure is impractical and unreasonable.
- Licences for streetpoles/cabinets are generally granted on a temporary basis for 3-5 years. It is submitted that the active travel scheme could be designed to cater for an option showing the temporary streetpole/cabinet remaining in situ or slightly relocated and with the streetpole/cabinet being removed if there is no other option available.

- Typically, such active travel schemes involve a long design stage then a Part 8 planning process.
- The lifetime of the streetpole/cabinet will likely be well advanced or completed by the time the active travel scheme is actually constructed.
- It is submitted to the Board that a grant of permission for a licence for a 3 year period in this instance would be appropriate and would allow the situation to be reviewed in a relatively short time period.
- It is highlighted that in the event that the final design finds that the active route has no other option but to run through the site of the streetpole and cabinet the Council has the right under planning legislation to request the applicant to remove any Section 254 development due to road widening or improvement.
- Section 254(4) states, "A licence may be granted under this section by the planning authority for such period and upon such conditions as the authority may specify, including conditions in relation to location and design, and where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her own expense."
- This section of the legislation is open for the Planning Authority to use in the event that the Active Travel route ends up passing through or very close to the proposed development. The applicant can be notified upon finalisation of the design stage and before implementation to give sufficient time to remove the development.
- The Planning Authority also have the option to refuse permission for any continued planning permission after the temporary period if the final design is known at that stage and the development is causing an obstruction.
- The alternative is that the telecommunications structure remains in limbo until the Active Travel route design is agreed/implemented which is contrary to national policy and development policy to deliver this important infrastructure.

- In relation to Section 254(5) of the Planning and Development Act 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, specifically Section 254(5)(b) – any relevant provisions of the development plan, or a local area plan. It is not considered that the Board is prohibited in this regard based on (a) any permission having a temporary lifetime and (b) the expressed right for the Planning Authority to have the applicant to remove the structure if it causes an obstruction.
- The Council have refused permission on the basis that the siting of the subject telecommunications infrastructure is premature pending a proposed plan for active travel infrastructure along the N21 Road as identified in the Newcastle West Local Area Plan (LAP) 2023-2029 and supplementary transport plan.
- It is understood that there is no timetable for the design and delivery of this active travel. It can take a considerable amount of time for active travel schemes to go through the design process and through the planning system. The proposed development could be at the end of its temporary life period by the time the scheme commences and therefore it would be a non-issue.
- The applicant requests that the Board grant permission for the licence.

## **6.2. Planning Authority Response**

- 6.2.1. The response from the Planning Authority dated 25/3/2025 states that they have no further comments to make outside of that of the assessment dated 25/1/2025.

## **7.0 Assessment**

The review of the application for the licence and the grounds of appeal can be considered under the following Application

- Background to the Application
- Legislative Context/Section 254
- Reason for refusal – Newcastle West LAP

## **7.1. Background to the Application**

- 7.1.1. The applicant is an infrastructure provider On Tower Ireland Ltd which is a company of Cellnex which is a European Telecommunications infrastructure provider. They have significant commercial relationships with each mobile network operator in the state, Three, Vodafone and Meteor/Eir. They also serve radio, broadband and emergency communications service providers. They set out in the report of Jason Redmond & Associates Consulting Engineers submitted with the application and appeal that the subject telecommunications infrastructure is required to improve coverage in the area due to an existing coverage black spot.
- 7.1.2. It was identified that that a new telecommunications structure would be required to be erected within the search ring area of 400m on the eastern side of Newcastle West on the N21 in order to provide the necessary coverage to the existing coverage black spot.
- 7.1.3. Regarding the matter of the examination of co-location it is set out in the report of Jason Redmond & Associates Consulting Engineers that following a comprehensive search of the target area that no existing base station options were identified that could be shared or upgraded to provide the coverage required.

## **7.2. Legislative Context/Section 254**

- 7.2.1. Section 254(1)(ee) of the Planning & Development Act, 2000 (as amended), states that a person shall not erect, construct, place or maintain overground electronic communications infrastructure and any associated physical infrastructure on, under, over or along a public road save in accordance with a licence. Section 254(6)(a) states that any person may appeal to the Board in relation to the refusal of a licence. Section 254(5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:
- (a) The proper planning and sustainable development of the area,
  - (b) Any relevant provisions of the development plan, or a local area plan,
  - (c) The number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
  - (d) The convenience and safety of road users including pedestrians.

- 7.2.2. I consider the site is along the public road, as defined in the Roads Act, 1993 (as amended). It comprises a grass margin which contains road signs and public lighting. Therefore, I consider section 254 is the appropriate mechanism for the proposed development.

### **7.3. Reason for refusal - Newcastle West LAP**

- 7.3.1. The reason for refusal refers to the proposed telecommunications infrastructure being premature pending the design of an active travel scheme along the N21 Road.
- 7.3.2. The provision of active travel infrastructure along the N21 Road is identified in the supplementary Transport Plan of the Newcastle West Local Area Plan (LAP) 2023-2029. Specifically, cycling intervention, CI 8 refers to 'Implementation of improved cycle facilities along the N21, inclusive of proposed pedestrian/cycle network interventions to the east connecting with the Tesco superstore located south of the N21.'
- 7.3.3. In relation to the provisions of the Newcastle West Local Area Plan 2023-2029, policy SMTP2 refers to the promotion of sustainable patterns of transport specifically the greater use of sustainable forms of transport in Newcastle West, including public transport, cycling and walking. Objective SMT01 refers to Local Transport Plan and states that it is an objective of the Council to implement the Local Transport Plan for Newcastle West and all actions/recommendations contained within and in particular (a) which refers to the walking/Cycling Strategy for Newcastle West and subsequent walking/connectivity actions and cycling/connectivity actions as set out in Table 4.1 (Pedestrian Infrastructure interventions/actions) and Table 4.2 (Cycle Infrastructure Intervention/actions) of the Local Transport Plan.
- 7.3.4. In response to the reason for refusal the first party consider that the licence should be granted on the basis that the active travel scheme could be designed to cater for an option showing the temporary streetpole/cabinet remaining in situ or slightly relocated and with the streetpole/cabinet being removed if there is no other option available. They also submitted that the lifetime of the streetpole/cabinet will likely be well advanced or completed by the time the active travel scheme is actually constructed. The first party further submitted to the Board that a grant of permission

for a licence for a 3 year period in this instance would be appropriate and would allow the situation to be reviewed in a relatively short time period.

- 7.3.5. In relation to the arguments made by the first party I would note that as set out in Objective SMT01 of the Newcastle LAP it is an objective of the Council to implement the Local Transport Plan for Newcastle West within the lifetime of the plan this specifically includes the implementation of improved cycle facilities along the N21.
- 7.3.6. While, I would note the point made by the first party that a three-year permission for the licence could be issued, I consider that there are alternative locations within the 400m search ring where the subject telecommunications infrastructure could be sited which would not interfere with the design and implementation of the active travel infrastructure along this section of the N21.
- 7.3.7. Accordingly, on that basis I would conclude that having regard to the location of the proposed development on a grass verge, adjacent to the public road, the N21, at a location proposed for active travel infrastructure as identified in the Newcastle West Local Area Plan (LAP) 2023-2029 and the supplementary Transport Plan and specifically Cycling Initiative - CI 8 in the Transport Plan which seeks the implementation of improved cycle facilities along the N21 and Objective SMT01 of the LAP which refers to the implementation of the Local Transport Plan for Newcastle West, that the proposed development would be premature pending the design of the active travel infrastructure.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an existing built-up area on the eastern side of Newcastle West. The proposal comprises of a telecommunications mast and associated works.
- 8.2. The subject site is located over 5km from Stacks to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161). Lower River Shannon SAC (Site Code 002165) is located circa 9.2km to the west. Askeaton Fen Complex SAC (Site Code 002279) is located circa 13.5km to the north-east.
- 8.3. There is no connection to any European (Natura 2000) sites and no pathways.

8.4. Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale of the proposal; and
- The absence of connectivity to any European site.

8.5. 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 a European Site and appropriate assessment is therefore not required.

## **9.0 Water Framework Directive**

9.1. The subject site is located to the eastern side of the town of Newcastle West, Co. Limerick. The River Daar is situated 354m to the east. The River Daar is a tributary of the River Deel. The site is located on the groundwaterbody Newcastle West. The groundwaterbody Knockaderry is situated circa 3.4km to the east.

9.2. The proposed development comprises 20m high telecommunications mono pole streetwork structure with ground cabinet at a grass verge along the N21 Road.

9.3. No water deterioration concerns were raised in the appeal of the section 254 licence application.

9.4. I have assessed the section 254 licence application for the construction of a 20m high telecommunications monopole and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

9.5. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development

## **Conclusion**

- 9.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

- 10.1. I recommend that a licence be refused for the proposed development.

## **11.0 Reasons and Considerations**

1. Having regard to the location of the proposed development on a grass verge, adjacent to the public road, the N21, at a location proposed for active travel infrastructure as identified in the Newcastle West Local Area Plan (LAP) 2023-2029 and the supplementary Transport Plan and specifically Cycling Initiative - CI 8 in the Transport Plan which seeks the implementation of improved cycle facilities along the N21 and Objective SMTO1 of the LAP which refers to the implementation of the Local Transport Plan for Newcastle West, it is considered that the proposed development would be premature pending the design of the active travel infrastructure. The proposed development would, therefore, 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.

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Siobhan Carroll  
Planning Inspector

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