



## Inspector's Report

**ABP-322158-25**

### **Development**

Section 254 License for installation of 20-meter monopole and associated cabinet structures on a public grass verge.

### **Location**

Lahinch Road, Claureen Roundabout, Ennis, Co. Clare.

### **Planning Authority**

Clare County Council.

### **Planning Authority Reg. Ref.**

LA24-43.

### **Applicant(s)**

On Tower Ireland Ltd.

### **Type of Application**

Section 254 Licence – Planning Permission.

### **Planning Authority Decision**

Refused.

### **Type of Appeal**

First Party.

### **Appellant(s)**

On Tower Ireland Ltd.

### **Observer(s)**

None.

**Date of Site Inspection**

12<sup>th</sup> day of July, 2025.

**Inspector**

Patricia M. Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site with a given size of c7.02m<sup>2</sup> in area relates to part of the public grass verge that is located on the northern side of the Lahinch Road (N85) to the immediate north west of the Claureen Roundabout, circa over 1.5km to the north west of the historic centre of Ennis, in County Clare.
- 1.2. Between the subject site and the roadside verge there is a public footpath. To the north of the subject site is the curtilage associated with a single storey derelict bungalow. This bungalow has limited setback from the public domain and its surrounding curtilage is unkempt. In proximity to the west of this bungalow the public verge contains a dropped kerb. This serves the said derelict bungalow and also a separate detached habitable dwelling that is located on higher ground levels and at a further setback from the public road to the north west of the subject site. Also, to the immediate west of this dropped kerb there is a large directional sign located. This sign is located on the public verge and is sited on lower ground levels.
- 1.3. On the opposite side of the Lahinch Road, to the south west of the subject site, is a service station (Inver). This service station contains a retail element and its main building as well as forecourt area are set on slightly higher ground levels of the subject site. I observed this service station to be busy at the time of my inspection with a steady flow of vehicles accessing and egressing from its two entrances onto the public road.
- 1.4. Within the visual setting of the subject site and in proximity to the eastern side of the Claureen Roundabout I observed the presence of a telecommunication's monopole structure of similar design and height to that subject of this Section 254 Licence application. This structure projects above its surrounding roof and tree line making it part of the subject site's visual setting.
- 1.5. Additionally, I observed that the public verges at this location contain street lighting and mainly deciduous tree planting. These features are focused on the public verges of the Claureen Roundabout.

- 1.6. The surrounding setting contains a mixture of land uses; however, the predominant land use function is residential. Photographs taken during inspection of the site are attached.

## 2.0 **Proposed Development**

- 2.1. The proposed development consists of a Section 254 Application for the installation of a 20-meter in height monopole structure together with two ancillary operator cabinet structures and associated works on a public grass verge on the Lahinch Road, Claureen Roundabout Ennis, Co. Clare.
- 2.2. The site is given as relating to 1.8m in depth and 3.9m in width plot on the northern side of the grass verge to the west of Claureen Roundabout. The monopole structure appears to be setback c3m from the roadside edge. The monopole structure is given as having a main height of 20m above ground level with a projecting 240mm antennae over and a diameter width of 460mm. The main telecommunication structures commence at 14m above ground level with a proposed 600mm dish. Above this at 16.15m above ground level is 3 No. 4490 RRUs that would be installed on wrap around brackets and above this is a larger 3 No. COMMSCOPE RRVV-65B-R4-V2 2.1m Long Antennae's also proposed to be installed on wrap around brackets. At 19.4m above ground level 3 No. Air 3268 0.6m Long Antennae are proposed also on wraparound brackets.
- 2.3. At ground level two proposed operator cabinets on concrete plinths are proposed with these also providing connection to the nearest ESB supply. These cabinets given to consist of one with dimensions of 1.25m in height, 620mm in width and 250mm in depth; and a second with dimensions of 1.62m in height, 600mm in width and 600mm in depth.
- 2.4. The documentation indicates that this development would bring full indoor/outdoor coverage to significant residential and business premises at this location and within the surrounding area. It is further indicated that the failure to progress this proposed development would have a negative impact on Three's network by leaving customers in this area without sufficient coverage.
- 2.5. This application is accompanied by a Planning Statement and Visual Impact Assessment CGI Images.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 20<sup>th</sup> day of February, 2025, the Planning Authority issued a notification to **refuse** permission for the following stated reason:

*“Having regard to the proposed location of the telecommunications mono-pole antennae and ancillary cabinets in a visually prominent area to the west of the Claureen Roundabout in Ennis, the close proximity of existing telecommunications infrastructure in the immediate environs of the roundabout, and the height, scale and utilitarian design of the development as proposed the Planning Authority considers that the proposed development would constitute the overconcentration of telecommunications infrastructure in this area of Ennis and would have adverse impacts on the visual amenities of the area. In addition, having regard to the close proximity of the proposed development to the proposed public lighting ducting and chamber that would serve the Claureen Link Road development as permitted under P20-8003, the Planning Authority considers that the proposal would be contrary to Settlement Plan Objective V3(a)(19) of the Clare County Development Plan 2023-2029 which seeks to support “the delivery of LIHAF infrastructure (between Lahinch Road (N85) to Drumcliffe Road (L4182)”. Therefore, the proposed development would have adverse impacts on the visual amenities of the area, be contrary of the objectives of the Development Plan, would set an undesirable precedent for other similar type developments and would be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report (19.02.2025) includes the following comments:

- The failure to progress the proposed development would have a negative impact on Three's network customer's coverage in this area.

- The subject applicant is the same as that for the existing monopole structure on the opposite side of the roundabout. This existing structure is not suitable for co-location.
- On the basis of the information provided it cannot be concluded that co-location can be ruled out.
- A second telecommunications structure in the immediate environ of Claureen Roundabout would result in visual clutter and would adversely impact upon the visual amenities of this area.
- The concerns raised by the Road Design Office indicate that this development would have an adverse impact on the implementation of Part 8 permission P20-8003. The basis for this is given on its close proximity to a proposed public lighting ducting and chamber. It is recommended by them that the proposed development is relocated by 2.5m. Of further concern it is noted that this relocation would place the proposed development outside of the red line area of the site.
- The applicable land use matrix for this location does not include telecommunications infrastructure.
- It is considered that given the limited spatial extent of the proposed development it would not inhibit the remainder of the site's use as passive open space.
- Though this proposed development accords with Development Plan objective CDP11.55 'Telecommunications Infrastructure' which seeks to facilitate these at appropriate locations; notwithstanding, due to its proximity to Part 8 permission P-20-8003 it is considered that it would be contrary to Development Plan objective V3(a)(19) of Volume 3(a). This objective seeks to support the delivery of Local Infrastructure Housing Activation Fund (LIHAF) infrastructure between the Lahinch Road (N85) to Drumcliffe Road (L4182) to allow access to lands in an area for the delivery of housing and community facilities.
- The proposed development would be contrary to the proper planning and sustainable development of the area. Refusal of permission is therefore recommended.
- Attached to this report is a screening for appropriate assessment report which concludes that the proposed development would have no potential for significant

effects on European Sites/Sites either alone or in combination with any other plans or projects.

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

**Acting Senior Executive Engineer – Project Management Office:** In an email communication dated the 19<sup>th</sup> of November, 2024, no issue is raised to the proposed development subject to its relocation approximately 2.5m to the west of the site. Prescribed Bodies

### **3.3. Third Party Observations**

#### **3.3.1. None.**

## **4.0 Planning History**

### **4.1. Site**

#### **4.1.1. No recent and/or relevant planning history.**

### **4.2. Setting**

#### **4.2.1. P.A. Ref. No. 258006 (Neighbouring stretch of the Lahinch Road to the west of the subject site).**

Permission **granted** for: 1) Construction of Mini Roundabout at the junction of the N85 and the L4601 Shanaway Road. 2) 2 No. raised controlled pedestrian crossings on the N85 with central Islands. 3) 1 No. uncontrolled pedestrian crossing on the L4601 Shanaway Road. 4) Installation of additional public lighting columns and associated ancillary works to tie into existing public lighting system. 5) Installation of new gullies, tapping into existing surface drainage system. 6) Provision of associated Signage and Road Markings. 7) All associated and ancillary site works. In accordance with the Birds and Natural Habitats Directive, Screening for Appropriate Assessment has been carried out on the project. An Environmental Impact Assessment (EIA) screening statement has been prepared and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development.

Note: Decision date: 02/10/2025.

**4.2.2. P.A. Ref. No. 208003 (to the north of the site including the curtilage associated with the neighbouring derelict bungalow referred to in Section 1.0):**

On the 14<sup>th</sup> of September, 2020, permission was granted subject to conditions under the Local Infrastructure Housing Activation Fund (LIHAF) for a proposed development consisting of the provision of a link road between the existing N85 roundabout and the junctions of Lees Road (L4180)/Drumcliffe Road (L4599)&(L4182)/Drehidnagower Road (L4587) and includes for the following works: 1) Link road and associated cycle paths and footpaths; 2) The creation of new junction/roundabout and improvements on the Lees Road/ Drumcliffe Road Junction; 3) The creation of new junction and improvements on Lahinch Road onto the existing N85 roundabout; 4) The provision of trunk water and drainage services and other services; 5) Public lighting installation; 6) The connecting of existing services to the site; 7) Ancillary site works, ground works and landscaping. In accordance with the Habitats Directive, Appropriate Assessment Screening has been carried out on the project. An Environmental Impact Assessment (EIA) screening determination has been made and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development.

**4.2.3. ABP-305114-19 (P.A. Ref. No. LA1912) (to the east of the site in the immediate approach of the Lahinch Road onto the eastern side of the Claureen Roundabout on the public verge).**

On the 3<sup>rd</sup> day of January, 2020, permission was granted on appeal for a s254 licence for a 15m monopole telecommunications structure and its associated works subject to conditions.

**4.2.4. P.A. Ref. No. 1221013 (to the south west of the site):**

Permission was refused for a 24m high telecommunications support structure carrying associated telecommunications equipment together with associated works for two given reasons. The first reason relates to visual amenity concerns and the second reason related to the proposal being contrary to Development Plan policy.

Decision date: 08.05.2012.

## 5.0 Policy Context

### 5.1. Local

- 5.1.1. The Clare County Development Plan, 2023–2029, is applicable.
- 5.1.2. The site which forms part of the public verge under the accompanying maps of Volume 3(a) of the Development Plan shows that the public verge at this location is not subject to any land use zoning objective. It also shows that the adjoining lands to the north of this verge which contains the curtilage of a derelict dwelling and the curtilage of the habitable detached dwelling to the north west form part of a larger parcel of land zoned 'Existing Residential'. It also shows that the land on the opposite side of this stretch of the Lahinch Road is zoned 'Commercial' under the said plan and forms part of the 'Com 5' opportunity site. In close proximity to the north east and extending northwards is a larger parcel of zoned 'Open Space' lands which is bisected by a linear strip of land subject to an 'Infrastructure Safeguard (undefined)'. This commences alongside the northern side of Claureen Roundabout. Also, a number of indicative access routes spur out in an east and west direction from this Infrastructure Safeguard linear strip with these including indicative links that include two separate parcels of 'Strategic Reserve Lands' (Note: 'R10' and 'R13') as well as one parcel of land indicated as a 'Transformational Site' (Note: 'SR2').
- 5.1.3. Chapter 19 of the Development Plan sets out the land use zoning objectives and Appendix 2 sets out the land use zoning matrix.
- 5.1.4. Appendix 2 of the Development Plan which provides the indicative land use zoning matrix for zoned lands does not list telecommunications infrastructure on Open Space zoned lands. Section 19.5.4 of the said Plan in relation to land uses not listed in the Indicative Zoning Matrix Proposed land-uses which are not listed in the said zoning matrix states that these: "*will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this Clare County Development Plan 2023-2029, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000, as amended and guidance issued by other government bodies*".

5.1.5. Section 11.8.9 of the Development Plan deals with the matter of 'Telecommunications Infrastructure'. It states: "*fast, reliable and cost effective telecommunications can encourage economic development in an area and can enrich the quality of life at home by offering new choices in education, entertainment and communications*" and that the: "*Council will respond positively to developments of telecommunications infrastructure whilst taking into account other planning policies*". It further indicates that Council will have regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, in assessing proposals for this type of development. It also states that the Council: "*will work with the telecommunications providers to facilitate the development of infrastructure that respects the recognised value of the natural and built heritage and will seek to encourage the co-location of masts and antennae on existing structures within the county*".

5.1.6. Development Plan Objective CDP 11.55 is relevant. It states: "*digital and mobile infrastructure within the County having regard to the DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012) with regard to the appropriate environmental assessments and compliance with objective CDP 3.3 of this plan*".

5.1.7. Section 11.2.9.5 of the Development Plan deals with the matter of Relief/Distributor Roads, with Table 11.3 which sets out Proposed Projects Identified for Future Development including the provision of a link from Lahinch Road (N85) to Drumcliff Road (L4182). Of relevance to this CCDP Volume 3 Settlement Plan Objective of the Development Plan include Objective V3(a)19 which states that it: "*is an objective of Clare County Council: To support the delivery of LIHAF infrastructure (between Lahinch Road (N85) to Drumcliffe Road (L4182) to allow access to lands in this area for the delivery of housing and community facilities including a new school site*".

## 5.2. Local – Other

- **Volume 3a of the County Development Plan:** This sets out the Ennis Municipal District Settlement Plan.
- **Clare Digital Strategy, 2023:** This 5-year strategy, complements the National Broadband Plan and the Clare Rural Development Strategy 2026 which seeks to ensure that broadband is leveraged to help alleviate the root causes of rural

depopulation rather than reinforcing any further migration to urban spaces. It also seeks to provide a vision and an associated roadmap for supporting the digital economy in the county.

### 5.3. **Regional**

#### 5.3.1. **Regional Spatial and Economic Strategy for the Southern Region (RSES):**

- Section 6.2 - Digital Connectivity: Recognises the importance of enhanced quality and provision of digital and mobile telecommunications infrastructure as being critical for the revitalisation of cities, towns, villages, and rural areas.
- 6.2.3 - National Broadband Plan: recognises the alignment of this plan with the Digital Agenda for Europe and that it aims to deliver high-speed broadband services to all businesses and households in Ireland.
- RPO 134(a) seeks to build smart regions and (b) seek investment in broadband, fibre technologies, wireless networks, and digital infrastructure.
- RPO 136 seeks the implementation of the National Broadband Plan.
- RPO 137 states that 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”*.
- RPO 138 states that it is: *“an objective to promote the preparation and support the implementation of digital strategies by each local authority, seek investment for actions identified, and support the role and initiatives of the Mobile and Broadband Taskforce in addressing digital and mobile coverage blackspots and rural communications connectivity”*.

### 5.4. **National**

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) (the Telecommunications guidelines)
- Circular Letter PL07/12 relates to Telecommunications Antennae and Support Structures Guidelines.

- Circular Letter PL 03/18 relates to Revision of Development Contribution Guidelines in respect of telecommunications infrastructure.
- National Broadband Plan, 2020.
- Harnessing Digital. The Digital Ireland Framework.
- National Planning Framework ‘Project Ireland 2040’.
- National Development Plan 2021-2030.
- Climate Action Plan (CAP), 2025.

## 5.5. **Natural Heritage Designations**

### 5.5.1. The site is located:

- C460m to the east of the Special Area of Conservation: Lower River Shannon (Site Code: 002165).
- C.9km to the north east are Special Area of Conservation: Ballyallia Lake (Site Code: 000014) and Proposed Natural Heritage Areas: Ballyallia Lake (Site Code: 000014).
- C2.4km to the north is the Special Protection Areas: Ballyallia Lough (Site Code: 004041).
- C2.9km to the south west are Special Area of Conservation: Pouladatig Cave (Site Code: 000037) and Proposed Natural Heritage Areas: Pouladatig Cave (Site Code: 000037).
- C3.4km to the south are Special Area of Conservation: Newhall and Edenvale Complex (Site Code: 002091) and Proposed Natural Heritage Areas: Newhall And Edenvale Complex (Site Code: 002091).
- C4.7km to the south east is the Special Protection Areas: River Shannon and River Fergus Estuaries (Site Code: 004077).

## 5.6. **Built Heritage**

- Recorded Monument CL08266 (Class Code: RGDH) is located c130m to the south.

- Claureen Bridge (NIAH Reg. No. 20403303 rated 'Regional' / Categories of Special Interest are listed as 'Architectural' and Technical) is located c311m to the east.

## 6.0 EIA Screening

6.1. The proposed development constitutes a 'project' for the purposes of EIA Directive, but does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, and therefore no preliminary examination or EIA screening is required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. The grounds of this appeal can be summarised as follows:

*Planning Authority Decision*

- The decision of the Planning Authority should be overturned on the basis that it is unreasonable.
- The Planning Authority's reasons for refusal could be addressed by conditions.

*Overconcentration of Telecommunications Infrastructure*

- The nearby EIR street pole is not suitable from a technical perspective to facilitate a dual operation and the only solution at this time is a separate provision.
- There is established precedent for the approval of similar developments in vicinity of one another.

*Visual Impact*

- This proposed development would not give rise to visual clutter.
- Planning Officer raised no concerns in relation to height, scale, materials nor do they indicate that the setting for this proposed development is one that is visually sensitive.

- The Planning Officer provided no basis for reaching a conclusion that this development would give rise to cumulative visual impact.
- Street poles by their nature are slender and do not necessarily detract from the visual amenity of the area. They are also a standard type of structure to be expected in such a setting.
- There are multiple existing street poles in close proximity of the site.
- The slight-moderate visual impact of this development is reasonable in this visual setting.

*Precedent*

- Reference is made to a number of appeal cases that are contended to establish precedent for the development sought.

*Implication on LIHAF Infrastructure*

- The relocation of the pole by 2.5m is not feasible within the redline boundary.
- There is no reason as to why the Council as owners of the grass verge cannot condition to move the pole by 2.5m.
- This is not a planning application and there is no legal requirement to provide a redline boundary.
- They would be open to a condition requiring the pole to be relocated.

*Prematurity*

- The concerns with regard to the proposed development being premature pending the development of an adjacent derelict house is not expanded upon by the Planning Officer.

*Need for the Proposed Development*

- There is a coverage need for the proposed development at this location.

*Other Matters Arising*

- There is no legal requirement for the applicant to seek the consent from the local authority to apply for a Section 254 licence on public owned land.
- There is no proposal for a new road in this area.

## 7.2. Planning Authority Response

7.2.1. The Planning Authority's response can be summarised as follows:

### *Planning Authority Decision*

- Reference is made to their given reason for refusal.

### *Visual Impacts*

- The Appellants visual amenity impact comments do not overcome their reason for refusal.
- The provision of a second telecommunications structure in the immediate environs of the Claureen roundabout would give rise to visual clutter and would give rise to adverse visual amenity impacts on the area.

### *Co-Location*

- The potential for co-location has not been adequately addressed.

### *Relocation*

- The relocation of the proposed infrastructure is noted and the reasons for doing so as to avoid conflict with the LIHAF scheme. This matter could be dealt with by way of a condition if permission were to be granted.

## 7.3. Observations

7.3.1. None.

## 8.0 Assessment

### 8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the First Party's appeal submission, responses received, the report of the local authority, having inspected the site, and having regard to the relevant local/regional/national policy provisions and guidance, I consider that while the proposed development sought under this application gives rise to a number of secondary issues of concern; notwithstanding, I consider that the substantive issue are those raised in the Planning Authority's in its single reason for refusal. Against this

background I propose to examine this appeal case under the following broad headings:

- Principle of the Proposed Development
- Justification for the Proposed Development
- Siting and Location
- Visual Amenities

8.1.2. The matter of 'Appropriate Assessment' and the Water Framework Directive also requires examination. These are examined separately under Section 9 and 10 of my report below.

## 8.2. **Principle of the Proposed Development**

8.2.1. Permission is sought under Section 254 (S254) of the Planning and Development Act, 2000, as amended, for the installation of a 20-meter monopole structure together with its associated cabinet structures and ancillary works on a site that forms part of the public grass verge on the northern side of Lahinch Road (N85) and to the north west of its junction with the Claureen Roundabout, on the western fringes of Ennis, in County Clare.

8.2.2. The Planning Authority issued a refusal of permission for this proposed S254 Licence development on the 20<sup>th</sup> day of February, 2025, on the basis of adverse visual amenity impact and the developments close proximity to a public lighting and ducting chamber that would serve the Claureen Link Road development as permitted under P.A. Ref. No. P20-8003 concerns. In relation to the latter concern it was also considered by the Planning Authority that the proposed development would be contrary to Settlement Objective V3(a)19 of the Development Plan. I note that this objective seeks to achieve the delivery of LIHAF infrastructure between Lahinch Road and Drumcliffe Road. Additionally, the Planning Authority's reason for refusal also considered that the proposed development has the potential to set an undesirable precedent for similar types of development. The refusal concluded that the proposed development would be contrary to the proper planning and sustainable development of the area.

8.2.3. In terms of the general principle of the proposed development, I first of all note to the Commission that at a national planning level, the National Broadband Plan (NBP) is the Government's initiative to deliver high speed broadband services to all premises

in Ireland. I also note that the National Planning Framework recognises that in the information age: “*telecommunications networks play a crucial role in enabling social and economic activity*”. To this end National Policy Objective 31 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 live and work in rural areas.

- 8.2.4. Additionally, I am cognisant that at a national planning context level that the ‘Harnessing Digital – The Digital Ireland Framework’ document seeks to position Ireland as a digital leader, driving and enabling digital transformation across the economy and society with its strategy including enhanced digital infrastructure as well as connectivity, with other national policy provisions and guidance in a consistent manner generally supportive of telecommunication infrastructure proposed development subject to safeguards.
- 8.2.5. At a regional level Regional Spatial and Economic Strategy for the Southern Region (RSES) recognises the importance of enhanced quality and provision of digital and mobile telecommunications infrastructure as being critical for the revitalisation of settlements and rural areas. With Regional Planning Objective (RPO) 136 supporting the implementation of the National Broadband Plan and RPO 134 seeking to build smart regions as well as seeking investment of such infrastructure. As such I consider that RSES aligns with national planning provisions and guidance in relation to telecommunications infrastructure in achieving regional high-quality connectivity in a manner that accords with the National Broadband Plan.
- 8.2.6. At a local planning level, Section 11.8.9 of the Development Plan, deals with the matter of telecommunications infrastructure. This section of the Development Plan in my view aligns with the above higher level planning policy provisions and guidance. It states that the Council will: “*respond positively to developments of telecommunications infrastructure whilst taking into account other planning policies*”.
- 8.2.7. In addition, I note that the Development Plan Objectives CDP 11.55 indicates that the Council will: “*consider the provision of high-speed, high-capacity digital and mobile infrastructure within the County having regard to the DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012)*” and under CDP 11.54(a): “*support and facilitate the*

*delivery of the National Broadband Plan and high-capacity ICT infrastructure to all locations across the county”.*

8.2.8. I note to the Commission that the aforementioned Development Plan objectives are further added to by Objective CDP 11.53. This Development Plan objective sets out that the Council will: *“support and facilitate the implementation of the Clare Digital Strategy 2023 and support the role and initiatives of the Mobile and Broadband Taskforce in addressing digital and mobile coverage blackspots and rural communications connectivity”.*

8.2.9. To this I note that Volume 3(a) of the Development Plan provides a more detailed focus on the settlement of Ennis including in its specific settlement written statement and accompanying localised maps. Under Section 1.5 it recognises this settlement's high-quality telecommunications infrastructure and excellent connectivity. I also note that the more detailed land use zoning map for this settlement indicates that the public verge upon which the First Party proposes to place the proposed telecommunications monopole mast, and its associated cabinets is not identified as forming part of any land use objective designation. It appears to be unzoned land that also appears to form part of the public domain of Lahinch Road as well as its approach to the Claureen Roundabout.

8.2.10. In the immediate vicinity of the site the surrounding lands are subject to a number of land use zoning objectives. The closest being the 'Existing Residential' land use zoning objective that includes the curtilage of the derelict building noted in Section 1 of this report located to the north of the site with this zoning objective extending to include the detached habitable dwelling located in close proximity to the north west of the site. The land use zoning objective for such lands includes the conservation and enhancement of the quality and character of these areas. It also seeks to protect residential amenities and to allow for small scale infill development which are described in the Development Plan as being appropriate to the character and pattern of development in the immediate area as well as facilitates land uses that would enhance existing residential communities.

8.2.11. On this basis it is my opinion that given that Existing Residential zoned lands are at their nearest point located c3.8 to the north of the given red line site area at is nearest point and bound the public verge to which this Section 254 Licence relates that any

development at this location should be one that is not detrimental to the residential amenities of this sensitive to change adjoining land use zone.

8.2.12. To this I note that the Development Plan provides no specific guidance for unzoned land within settlement or transitional land use zoning in terms of assessing proposed developments in this type of planning circumstance. However, I note to the Commission that Section 19.3 (iii) indicates that: "*land-use zoning objectives should assist individuals in accessing the most appropriate location for new development*" and that: "*not all needs can be anticipated and therefore some flexibility is required, having regard to all other principles, policies and objectives*".

8.2.13. Additionally, I note to the Commission that Section 19.4 of the Development Plan also indicates that the: "*Council shall consider each proposal for development on its individual merits having regard to Section 34 of the Planning and Development Act, 2000, as amended*". This approach is consistent with planning practices with the Board on appeal similarly considering it on its individual merits and on a site-specific basis, having regard to national through to local policy provisions as well as other relevant planning considerations.

8.2.14. To this I note that the nearby stretch of the Lahinch Road to the west of the site is subject to recently approved P.A. Ref. No. 258006 (Note: refer to Section 4.2.1 of the report above). The red line area of this planning application site adjoins the drop kerb entrance onto the northern side of the Lahinch Road that serves the aforementioned derelict bungalow and the detached dwelling to the immediate west of it. By way of this planning application permission was unconditionally approved for the construction of a mini roundabout at the junction of the N85 and the L4601 Shanaway Road together with all associated road access improvement works and services. This work would be a crucial component in progressing 'COM5 Claureen' as set out under Volume 3(a) of the Development Plan which seeks to secure the redevelopment of the undeveloped commercially zoned land in proximity to the south west of the site on the opposite side of the Lahinch Road as a neighbourhood centre to serve Claureen and Woodstock.

8.2.15. Of further relevance to the proposed development site setting is the grant of permission P.A. Ref. No. 208003 (Note: refer to Section 4.2 of the report above) under the Local Infrastructure Housing Activation Fund (LIHAF) for a proposed development

consisting of the provision of a link road between the existing N85 roundabout and the junctions of Lees Road (L4180)/Drumcliffe Road (L4599)&(L4182)/Drehidnagower Road (L4587). The site area of this development includes the north of the site including the curtilage associated with the neighbouring derelict bungalow which is within c3.8m of the site.

- 8.2.16. These works include the creation of a new junction and improvements on Lahinch Road onto the existing N85 roundabout, public lighting installation and the provision of other services including drainage.
- 8.2.17. Further, the reversal of the derelict state of the bungalow and its overgrown/unkempt curtilage of the derelict bungalow to the north forms part of a larger redevelopment of the lands to the north of the site which include Strategic Reserve Land parcels identified as 'R10' and 'R13' as well as the 'Transformational Site' identified as 'SR2' under Volume 3a of the Development Plan.
- 8.2.18. Additionally located on the western approach of the Lahinch Road onto the eastern side of the Claureen Road permission was granted for a S254 licence for a 15m telecommunications monopole structure and its associated works subject to safeguards (Note: refer Section 4.2 above / ABP-305114-19 of the report above). This application was determined under the previous Development Plan and though local through to national planning provisions as well as guidance have evolved, with their being a consistency in their support of telecommunication structures as part of achieving the aims of the National Broadband Plan, the site context in terms of the surrounding land use zoning objectives and specific provisions for the land to the western, north and north/western as well as south west in vicinity of the Claureen Roundabout are not comparable to the public verge associated with the S254 licence granted under appeal case ABP-305114-19).
- 8.2.19. On the basis of the above, whilst I accept that the general principle of developments that result in improved telecommunication/broadband are acceptable at a local through to national planning context, this is subject to safeguards. In this regard I consider that this includes but not limited to compliance with Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996), other relevant local through to national planning provisions in terms of the acceptability of the proposed S254 licence for a 20m in height monopole, its associated cabinets and works at a site

that comprises of the public verge of the heavily trafficked N85 National Road, where as described significant change and public realm/infrastructure enhancements are envisaged.

- 8.2.20. Additionally, at a point where any development on this stretch of the public verge of the Lahinch Road has the potential to be highly visible including in this particular circumstance may have the potential for likely implications on untapping the latent potential the adjoining curtilage of an unkempt and derelict former habitable dwelling as well as neighbouring zoned land.
- 8.2.21. Moreover, development at this location also has the potential to have amenity impacts on the existing residential development to the north west, including diminishment of its residential setting. As such I consider that the proposed S254 Licence should be considered on its merits with a particular focus on these particular issues.

### **8.3. Justification for the Proposed Development**

- 8.3.1. This appeal site forms part of the public verge to the north west of the Claureen Roundabout and is located on the western fringes of the settlement of Ennis, an identified 'Key Town' under the applicable Development Plan and RSES in Co. Clare. The Development Plan under objective V3(a)1: "*to support Ennis as a self-sustaining, regional economic driver and as a key location for investment choice in the county and the Southern Region, and to support its enhanced development based on its strategic location relative to the cities of Limerick and Galway, Shannon International Airport and the Atlantic Economic Corridor as well as its role as a centre of employment and economic activity*". Volume 3(a) of the Development Plan also indicates that this settlement has developed a reputation for doing business based on a number of factors that is indicated to include high quality telecommunications infrastructure. The surrounding site setting while including other land uses is pre-dominantly residential in its context. With this reflected in land use zoning objectives of the Development Plan as well as including in proximity lands for a neighbourhood centre and future expansions of residential units as well as other synergistic land uses.
- 8.3.2. The Planning Statement (dated 30<sup>th</sup> day of October, 2024) as submitted with the application for the S254 licence for the proposed telecommunications infrastructure includes a detailed justification for the proposed development, which is also detailed within their First Party Appeal submission.

8.3.3. The documentation sets out that the 20m monopole, the cabinets and associated works sought are required by their customer Three in order to improve coverage for their business as well as residential users in this area which they indicate is a black spot for them. Additionally, they indicate that the proposed development would improve capacity for Three's customers as part of their traffic movements through this heavily trafficked location in the settlement of Ennis.

8.3.4. The First Party also indicates that it would form part of an established telecommunications network that Three operates in the area and that the subject site has been carefully chosen to ensure performance levels are maintained.

8.3.5. The First Party's documentation indicates the existing site and its context coverage as being 'Fair' and in proximity to the west, south/west and north west as being mainly 'Fair' and 'Poor' for the subject operator. Whereas the proposed coverage for the subject operator would change subject to this development being implemented to 'Excellent' to the immediate west, northwest and southwest of the subject site. Additionally, it is contended by them that the do-nothing approach would result in continued deficit indoor/in car coverage in addition to outdoor mobile and wireless broadband cover over a significant section of the site's surrounding urban environment. Whereas the do-something approach will reverse this for their customer Three.

8.3.6. In conclusion, having regard to the information submitted, having reviewed the ComReg maps I note that there are variations in the level of service coverage for different operators in this area and with several operators providing service coverage that exceeds 'Poor' and 'Fair'. Notwithstanding, I am satisfied that the First Party has provided sufficient information to justify the need for the proposal in relation to Three coverage to its business and residential customers at this locality. On this basis given local through to national policy provisions and guidance I consider the development as proposed to be generally acceptable in principle.

#### **8.4. Siting and Location**

8.4.1. The Development Plan under Chapter 11 that the Council will work with the telecommunications providers to facilitate the development of infrastructure and under Objective CDP 11.55. It is also indicated that such applications will be considered having regard to *the DEHLG Telecommunications Antennae and Support Structures*

*Guidelines for Planning Authorities 1996 (as updated by Circular PL07/12 of 2012).* The said guidelines clearly state that telecommunication operators should endeavour to locate masts in industrial estates, on industrially zoned land or in commercial areas and only as a last resort should free-standing masts be located in a residential area.

- 8.4.2. The Planning Authority in their determination of this application raised no objection to the general principle of the proposed development or the justification for it given the existing coverage maps provided by the First Party.
- 8.4.3. Notwithstanding this consideration, the Planning Authority did raise concerns as to the suitability of the location, with this particular concern including but not limited to the potential for it to adversely impact the visual amenities of the site setting through to adversely impact on permitted and envisaged development at this location. Additionally I note that the Planning Authority's Road Design Office that the proposed development would be located where it had the potential to adversely impact on the implementation of a Part 8 grant of permission (Note: See Section 4.2 above – P.A. Ref. No. 208003) which at this location includes public lighting ducting and chamber) and forms part of the delivery of LIHAF infrastructure between Lahinch Road (N85) and Drumcliffe Road (L4182). They therefore suggested the proposed development to be relocated 2.5m outside of the red line site area.
- 8.4.4. The Planning Authority's concerns also included that there was a need for them to rule out with certainty that there was no potential for the proposed development to be co-located with existing telecommunications infrastructure provided in this area. In relation to this concern, they considered that if co-location was not possible on the existing monopole provided by the First Party on the eastern side of the public verge of Claureen Roundabout in the vicinity of the site they did not provide any basis for the same. They considered that the information provided failed to rule out why a replacement structure would not be feasible at this nearby monopole or on other telecommunications infrastructure in the area. They further considered that the First Party instead sought to focus on precedent of similar types of developments provided in close proximity to one another in the documentation provided with this application.
- 8.4.5. On this particular point I note that there is lateral separation distance of c88m between the telecommunication infrastructure sought under this application and that on the eastern side of the Claureen Roundabout public verge which was permitted on appeal

under ABP-305114-19 in early 2020. I also note that the Planning Statement provided by the First Party identifies this telecommunication infrastructure as 'Site A'. With their Planning Statement indicating that this is the closest existing telecommunications sites within this locality based on COMREG information (Note: Commission for Communications Regulations).

- 8.4.6. The accompanying Planning Statement includes under Section 3.2.5 the site location relative to 5 existing telecommunications sites. The identified existing telecommunication infrastructure also based on COMREG information are situated at varying further distances from the site in a general westerly direction with as said 'Site A' being the closest and also indicated as the only relevant infrastructure that is located inside the First Party's search ring. It indicates that 'Site A' has been discounted in that it is street pole solution for EIR and therefore cannot accommodate a shared location with Three.
- 8.4.7. The First Party further indicates that they have exhausted all other options in the area for alternatives sites, with any existing telecommunication structures being located not close enough to Three's customer demand area as well as are discounted in part on the basis that Three already has equipment that addresses their service needs. With this being given to be the case for 'Sites B' through to 'Site E'.
- 8.4.8. The appeal submission indicates that the other street pole design telecommunications monopole structure which provides coverage for the operator EIR is not suitable from a technical perspective to facilitate dual operation nor are any other street poles nearby to the site suitable for carrying the infrastructure proposed. They therefore contend that the only solution at this time is the provision of a separate street pole type telecommunications monopole and its associated works, with the First Party further contending that there is precedent for this at other locations within similar urbanscapes.
- 8.4.9. On the basis of the information provided I am not satisfied that there is sufficient basis in the documentation provided by the First Party on file to conclude that co-location at 'Site A' or otherwise is not a realistic or viable option. Including by way of either alteration to this existing telecommunications street pole structure or replacement with a structure that could facilitate the co-location of Three and Eir collectively as opposed to providing an additional 20m monopole at what is a highly visible location and

location where there is latent zoned potential as well as through to public infrastructure improvements.

- 8.4.10. On this point I note that the main telecommunications infrastructure associated with the proposed 20m in height monopole commences at c13m above ground with the height of the monopole structure at 'Site A' having a maximum given height in the planning documents of 15m and with available information appearing to show that this appeal site occupies higher ground levels despite the c88m lateral separation between the existing and the proposed infrastructure.
- 8.4.11. In turn I am not satisfied that the information provided despite there being a justification in terms of Three's existing coverage in the area to the west, northwest and southwest of Claureen Roundabout for additional infrastructure to overcome their coverage deficit in this area, for the provision of an additional telecommunications structure on the public verge of the Lahinch Road. A location even if relocated as suggested by the Councils Roads Design Office by 2.5m would be highly visible, no potential for visual screening/buffering through to has the potential to not only diminish the untapping of the latent potential of the derelict property to the north which in my view is an important road frontage having regard to the level of change that is provided for under Volume 3a Settlement Plan for Ennis which forms part of the Development Plan. That is to say the provision of new road that opens onto the northern side of Claureen Roundabout with it providing a critical new link that would allow the unlocking of the neighbouring lands to north of the site and to the north west of this roundabout as Strategic Reserve Lands (Note: 'R10' and R13') and 'Transformational Site' (Note: 'SR2').
- 8.4.12. Further the neighbourhood centre (COM5) that is proposed on the opposite side of the Lahinch Road and the improvements also recently approved by the under P.A. Ref. No. 258006 which includes junction and public realm enhancement/infrastructure improvements for this evolving and expanding urban neighbourhood on the western fringes of Ennis would have a more visually diminished setting if this proposed development were to be permitted at this location in the manner proposed.
- 8.4.13. In relation to the refusal of permission for under P.A. Ref. No. 1221013 for a 24m high telecommunication support structure carrying associated telecommunications equipment , and associated cabinets with a fenced compound in the immediate setting

of the site, I consider that there has not only been significant change that has occurred to relevant local through to national planning policy provisions and guidance for consideration of such applications. Also, the site setting has significantly changed by the expansion of developments through to improvements to public infrastructure including the N85 in the intervening time.

- 8.4.14. This application together with the various precedent examples cited by the First Party in their documents on file including those determined on appeal in my view are for similar reason not comparable to the proposed development sought under this application for a Section 254 licence.
- 8.4.15. Further as said I raise concern in relation to the proximity to the proposed monopole structure which appears to be within c3.8m of the southern boundary of the derelict properties curtilage to the north but also in terms of whether it was to be refurbished as a dwelling unit in future or subject to a future development that accorded with the 'Existing Residential' land use zoning.
- 8.4.16. Also, the curtilage of the nearest residential property is at its closest point located 20m to the north west of the site. With it and the neighbouring lands to the north of the Lahinch Road and Claureen Roundabout at this location having a transitional land use zoning character that overlaps with lands that have recognised under Volume 3a of the Development Plan untapped potential Open Space land. But also, as said the proximity to Strategic Reserve Lands, Transformational Site, and the new infrastructure services as well as public realm works in this locality. Which as discussed above is subject to significant future expansion as a neighbourhood at a well-connected location with good accessibility to the centre of Ennis as part of local planning policy provisions.

- 8.5. Having regards to the above considerations I share the concerns of the Planning Authority in this case. I am therefore not satisfied on the basis of the information provided that all co-location possibilities have been exhausted and as such the proposed site location does not represent a 'last resort' option. Particularly in the context of the envisaged change provided for zoned lands and within the public domain in the vicinity of the site through to the proximity to the site to existing dwelling units.

8.6. Conclusion: I consider that the proposed development does not meet the requirements in justifying its siting as a 'last resort' location and would therefore be contrary to objective CDP 11.55 of the Development Plan which requires such applications to have regard to the DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 (Section 4.3).

#### **8.7. Visual Impact**

8.7.1. In addition to the visual amenity impact concerns already discussed in my assessment above to this I note to the Commission that the given reason for refusal of this S254 application by the Planning Authority was that it considered the telecommunications mono-pole, antennae and ancillary cabinets, on a site that they consider is visually prominent to the west of Claureen Roundabout would as a result of its height, scale and utilitarian design result in an overconcentration of such structures as well as would result in adverse impacts on the visual amenities of the area.

8.7.2. On the matter of overconcentration, it is contended by the First Party that the provision of the proposed structures is their only option and is a solution that has been accepted elsewhere with situations of two or more street poles in vicinity of each other with examples of this provided by them.

8.7.3. The First Party in their appeal submission also contend that the site is not a visually sensitive location. They also contend that the design of the monopole structure is by its nature one that would not be highly visible, nor would it detract from the visual amenity of this particular area. To this they also contend that the design is one that would not be innocuous with other standard type of infrastructure in such an area and that overall, the visual impact they conclude would be slight-moderate. To this a number of additional visual aids are provided by the First Party in their appeal submission. These I note are in addition to those provided by them in the application as lodged with the Planning Authority in a document titled 'Visual Impact Assessment'. Similarly concluded that the visual amenity impact would be slight to moderate.

8.7.4. The Planning Authority in their response to the grounds of this appeal indicate that it is their consideration that the provision of a second telecommunications structure in the immediate environs of the Claureen roundabout would give rise to visual clutter. Alongside that this development would give rise to adverse impacts on the visual

amenity of the area. These considerations reiterate in part their given reason for refusal for the proposed development.

8.7.5. In relation to the telecommunications monopole, I have previously set out the details of this structure in my report above. I again note that it is of a similar design to that present on 'Site A'. The most significant difference between the two is this proposal taller height, which is given as 20m, when the lightning final at its top is excluded. It would be positioned c2.8m to the north of the roadside carriageway and immediately alongside the pedestrian footpath in an area of maintained cut short grass verge. It would as previously noted be within c3.8m at its nearest point of the nearest residential plot of land and if permitted it would form part of a streetscape scene that on the northern side of Lahinch's Road approach to the Claureen Roundabout is one that slopes upwards to the west of this roundabout but is characterised by mainly detached residential dwellings varying between single and two storey in their height. Should the derelict bungalow be refurbished in future I consider that it is of note that the proposed 20m monopole structure when the final is excluded, if permitted, would project c13.6m above the ridge height of this property and would in this context be visually dominant as well visually incongruous.

8.7.6. Further it is of note in my view that this existing building has a principal façade that is only marginally setback from its southernmost boundary, with the adjoining and neighbouring stretch of the Lahinch Road having a slight south easterly direction in its alignment as it approaches the western side of Claureen Roundabout.

8.7.7. In its streetscape context the monopole structure would be modestly forward of the derelict bungalow's principal southern façade.

8.7.8. Additionally, the monopole structure would be within just over 12m at its nearest point from the derelict dwelling. To a lesser extent the monopole structure would be visually incongruous from the dwellings on the western side of the Lahinch Road to the west of its junction with the Claureen Roundabout, in particular the single storey detached dwelling located to the immediate north west of the aforementioned derelict bungalow despite this structure being positioned on much higher ground levels.

8.7.9. In this context the addition of a 20m monopole structure would in my view be visually incongruous and visually overbearing on the residential character of its largely residential in character streetscape scene.

8.7.10. I am of the opinion that these visual impacts would be further added to by the cabinet structures which would flank the proposed monopole structure on its western and eastern side with limited information provided on the treatment of the surrounding ground level associated with these works. Through to the proposed telecommunications structure is positioned at such a point where it is not possible to provide any meaningful visual buffering nor are there any built or natural features in its vicinity that would visually buffer as well as screen it from view. In particular from its streetscape scene as part of a heavily trafficked road corridor and evolving urbanscape with significant potential recognised as well as provided for under local planning policy documents.

8.7.11. Whereas there is an element of visual buffering present in the immediate proximity of the existing monopole on the eastern side of the Claureen Roundabout and referred to as 'Site A' in the documents provided by the First Party together with possible lower ground levels alongside this structure's more limited overall height.

8.7.12. Alongside I consider that the proposed monopole structure would as a result of its height be visually at odds with successful public domain placemaking as part of the visioned creation of a neighbourhood centre on the opposite side of the Lahinch Road to the south west of the Claureen Roundabout. With public infrastructure particularly in the form of public realm improvements in part permitted as part of the visioned changes provided for under the Development Plan.

8.7.13. I am also not convinced that the 20m height of this monopole structure would be innocuous or comparable in its visual impact to the existing street monopole structures including street lighting and that it would not give rise to a qualitatively poorer public realm outcome for this stretch of the Lahinch Road and the Claureen Road at point where it would become a highly visible focal insertion to its streetscape scene and urbanscape setting.

8.7.14. To this I also note that the main flow of traffic in this busy location is along the N85 whose route is indicated to consist of the southern and western spur of the Claureen Roundabout. I also note that Section 4.3 of the Telecommunications Guidelines indicate that consideration should be had to major roads and the like. In this case I consider that this stretch of the N85 is heavily trafficked and in time it will become an improved environment for more vulnerable road users as it evolves into a

neighbourhood centre with expanding synergistic residential and other land use developments.

- 8.7.15. I also note that the chosen site is highly visible from the southern spur of this roundabout, and I raise concern that the open location of this green public verge location together with the rise in ground levels adds to the site's visibility.
- 8.7.16. Additionally I consider that for public domain movements in an easterly direction from the Lahinch Road towards the Claureen Roundabout, the proposed development would if permitted, when observed in addition with the existing telecommunications structure at Site A and the other projections including in particular signage structures like the tall signage at the Inver Service Station and other street signage would give rise to visual clutter.
- 8.7.17. It would also be an addition that would be highly visible from road improvement works associated with a concurrent proposed development under P.A. Ref. No. 258006 and from the future development that may occur in the vicinity particularly in relation to lands subject to COM5, Strategic Reserve Lands and Transformational Site under Volume 3a of the Development Plan.
- 8.7.18. To this I note that Section 4.3 of the Telecommunications Guidelines also indicates that in urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure as a part of avoiding adverse visual amenity impacts. I note that this possibility was not investigated as part of the alternative sites investigated with this application and as part of the appeal in the documentation provided by the First Party.
- 8.7.19. Conclusion: On the basis of the above considerations, I concur with the Planning Authority that the visual impacts of the proposed development at this location would seriously injure the amenities of the area. I am also of the view that the relocation of the proposed development by 2.5m on the public verge would not overcome this issue but would simply remove the potential of it conflicting with the delivery of the LIHAF infrastructure referenced above. This I note is supported by Objective V3(a) (19) of the Development Plan. To this I also consider that at this location the proposed development, if permitted, has the potential to diminish the latent potential of available zoned land in proximity of Claureen Roundabout to be untapped as infrastructure, including expansion of road connectivity to these lands through to the enhancement

of the public realm. The documents provided no exceptional circumstances to overcome these impacts particularly where co-location options have not been exhausted or a less sensitive to change alternative site being considered within the search ring for the proposed monopole.

## **8.8. Residential Amenity Impact**

8.8.1. The assessment above has concluded that the proposed development would visually diminish residential amenity of property in its vicinity by way of adverse visual impact. There is no information provided that would support that the proposed development would give rise to any depreciation in property value of private land in the vicinity of the site including residential properties in its immediate setting.

## **8.9. Other Matters Arising**

8.9.1. **Procedural Concerns:** The First Party in this appeal case raises a number of procedural concerns in relation to the determination of this application by the Planning Authority. In particular they raise concerns that the extend to the visual amenity concerns raised by their given reason for refusal does not correlate with the considerations given by their Planning Officer who they argue in their assessment of visual impact does not raise any specific concern over the height, scale, materials of the proposed telecommunications structure.

In relation to this concern for clarity I note that the Commission does not have an ombudsman role on such matters and it considers the proposal '*de novo*' having regard to the same planning matters to which a Planning Authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any relevant planning history relating to the application and the like. The matters raised in the appeal are dealt with under separate broad headings in the main body of my assessment above and are considered *de novo*. I therefore do not propose to provide further comments upon the procedural concerns raised in the appeal submission on the above basis.

8.9.2. **Civil Matters:** I note that this application is not accompanied by a letter of consent from Clare County Council for the making of this application on the public verge. Nor is there any additional information sought on foot of the potential relocation of the

proposed telecommunication infrastructure by 2.5m outside of the red line area given the concerns for potential adverse impacts on the delivery of LIHAF infrastructure between Lahinch Road (N85) and Drumcliffe Road (L4182)/P.A. Ref. No. 208003.

It is my opinion that any instances of interference with public land in the absence of consent attributable to the proposed development would essentially be a civil matter for resolution between the parties concerned. In this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

Further having regard to the concerns raised in relation to the proposed telecommunications infrastructure at the public verge at this location it is my opinion that the albeit modest suggested relocation of it by 2.5m which would in effect place it outside of the red line area but still within land in the ownership of Clare County Council would not overcome the substantive concerns in relation to this location's ability to absorb this proposed development in a manner that could be considered to accord with the proper planning and sustainable development of this evolving and expanding urbanscape located on the fringes of the settlement of Ennis, Co. Clare.

## 9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 9.2. The proposed development comprises the construction of a 20m monopole telecommunications structure together with all associated site works at a site that forms part of the public verge of Lahinch Road to the north west of Claureen Roundabout, in the western fringes of the settlement of Ennis, Co. Clare.
- 9.3. The closest Natura 2000 sites are the Special Area of Conservation: Lower River Shannon (Site Code: 002165) which is located circa 460m to the east of the site and at further lateral separation distance of c0.9km is the Special Area of Conservation: Lower River Shannon (Site Code: 002165), both as the bird would fly.

9.4. No nature conservation concerns were raised in the planning appeal, with the site being modest in its overall size and consisting of maintained grass.

9.5. 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 Natura Site. The reason for this conclusion is based on the following considerations:

- The limited nature, scope and extent of works associated with the project together with the lack of impact mechanisms that could significantly affect a Natura 2000 site or sites.
- The relative distance between the project and closest Natura 2000 site with the absence of a direct or indirect source-pathway-receptor link. Similarly, the lack of a direct or indirect source-pathway-receptor link between the project and Natura 2000 sites at a further lateral separation distance.
- The nature and land use activity of the land in between including the absence of any potential for combination with other plans or projects on Natura 2000 site/sites.

9.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any Natura 2000 Site either alone or in combination with other plans or projects. Likely significant effects can therefore be excluded, and it can be concluded that Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required in this case.

## 10.0 Water Framework Directive (WFD)

10.1. The subject site is located c310m from the Claureen River (FERGUS\_060 /EU Code IE\_SH\_27F010700) on ground levels of c3m higher than its riverbanks at Claureen Bridge, WFD status noted to be at risk.

10.2. The proposed development comprises the construction of a 20-metre-high telecommunications monopole and its associated works which includes the provision of cabinet structures with these and the monopole to be located on the public grass verge of the Lahinch Road to the north west of Claureen Roundabout in a services area of Ennis. Limited water would be required during the construction phase and negligible during operational phase.

10.3. No water deterioration concerns were raised by the Planning Authority in their assessment of this application. Also, no water deterioration concerns were raised by parties to this appeal or in the documentation on file.

10.4. I have assessed the proposed development 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.

10.5. 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. The reason for reaching this conclusion is based on the following considerations:

- The modest nature, scale, and extent of the development.
- The limited ground works associated with the proposed development during construction and the likely construction methods involved.
- The distance from the nearest water bodies.

10.6. On the basis of the above 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.

## 11.0 Recommendation

11.1. I recommend that a Section 254 licence is refused for the proposal.

## 12.0 Reasons and Considerations

1. Having regard to:
  - (a) National policy regarding the provision of mobile and telecommunications services,
  - (b) The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996, as updated by Circular Letters PL 07/12 and PL11/2020, respectively,
  - (c) The policy of the planning authority as set out in Clare County Development Plan, 2023–2029, to support the provision of telecommunications infrastructure but also to facilitate future expansion of the settlement of Ennis at this location including public infrastructure improvements,
  - (d) The land use zoning objectives of adjoining and neighbouring lands in the vicinity of the site as set out in Clare County Development Plan, 2023–2029,
  - (e) The nature and scale of the proposed telecommunications support infrastructure,
  - (f) The planning history of the site and its setting,
  - (g) The location of the proposed 20-meter monopole, associated cabinet structures and works on a public verge at a highly visible location in a busy but residential in character streetscape scene.

It is considered that having regard to the siting of the proposed development within the settlement boundary of Ennis, it is considered that sufficient examination of alternative sites and justification for the proposed development at this location as a 'last resort' has not been undertaken. Accordingly, the development proposed if permitted would be contrary to the Telecommunications Antennae and Support Structures Guidelines (1996) and that the proposed development having regard to the close proximity of the proposed development to the proposed public lighting ducting and chamber that would serve the Claureen Link Road development as permitted under P20-8003, would be contrary to Settlement Plan Objective V3(a)(19) of the Development Plan which seeks to support the delivery of LIHAF

infrastructure (between Lahinch Road (N85) to Drumcliffe Road (L4182). Further, the proposed development would have an adverse impact on the visual and residential amenities of the area. For these reasons, the proposed development would be contrary to the proper planning and sustainable development of the area.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Patricia M. Young  
Planning Inspector

24<sup>th</sup> day of November, 2025.

## 13.0 Form 1 - EIA Pre-Screening - No EIAR Submitted

<b>Case Reference</b>	ABP-322158-25
<b>Proposed Development Summary</b>	Section 254 License for installation of 20-meter monopole and associated cabinet structures on a public grass verge.
<b>Development Address</b>	Lahinch Road, Claureen Roundabout, Ennis, Co. Clare.
<b>In all cases check box /or leave blank</b>	
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p> <p><input type="checkbox"/> Yes, it is a Class specified in Part 1. State the Class here.</p> <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p> <p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road</p>	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold.</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold.</b></p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes <input type="checkbox"/></b></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No <input checked="" type="checkbox"/></b></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_

Date: 24<sup>th</sup> day of November, 2025.