



An
Bord
Pleanála

Inspector's Report

ABP-322312-25

Development

The erection of a 30 metre high telecommunications lattice tower with antennas, dishes and associated equipment attached, and with equipment cabinets at ground level all enclosed by security fencing and to include an extension to an existing access track

Location

Knocknagorteeny (Townland), Murroe, County Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2460917

Applicant(s)

APW UK WIP Limited t/a Icon Tower

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Maria O'Connell

Observer(s)

Pauline Devaney

Date of Site Inspection

16th June 2025

Inspector

Clare Clancy

Contents

| | |
|---|----|
| 1.0 Site Location and Description | 5 |
| 2.0 Proposed Development | 5 |
| 3.0 Planning Authority Decision | 6 |
| 3.1. Decision | 6 |
| 3.2. Planning Authority Reports | 7 |
| 3.3. Prescribed Bodies | 9 |
| 3.4. Third Party Observations | 9 |
| 4.0 Planning History..... | 9 |
| 5.0 Policy Context..... | 9 |
| 5.1. National and Regional Policy | 9 |
| 5.2. Regional Spatial & Economic Strategy for the Southern Region 2040..... | 11 |
| 5.3. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996 | 11 |
| 5.4. Limerick Development Plan 2022-2028 | 12 |
| 5.5. Natural Heritage Designations | 14 |
| 6.0 EIA Screening..... | 15 |
| 7.0 The Appeal | 15 |
| 7.1. Grounds of Appeal | 15 |
| 7.2. Applicant Response | 17 |
| 7.3. Planning Authority Response..... | 20 |
| 7.4. Observations..... | 20 |
| 7.5. Further Responses | 21 |
| 8.0 Assessment..... | 21 |
| 8.1. Justification for Location | 21 |

| | |
|---|----|
| 8.2. Visual Impact | 23 |
| 8.3. Health and Safety | 26 |
| 8.4. Other Matters | 27 |
| 9.0 AA Screening..... | 29 |
| 10.0 WFD Assessment..... | 30 |
| 11.0 Recommendation | 31 |
| 12.0 Reasons and Considerations..... | 31 |
| 13.0 Conditions | 31 |
| Form 1 - EIA Pre-Screening | 35 |
| Form 2 – EIA Preliminary Examination..... | 38 |

1.0 Site Location and Description

- 1.1. The appeal site is located approx. 13 km to the east of Limerick City centre and approx. 7.2 km to the southeast of Annacotty. It is located in the rural area approx. 2.1 km to the northwest of Murroe village (as the crow flies) and the M7 motorway is located approx. 5.85 km to the northwest of the site (as the crow flies).
- 1.2. The appeal site is located in the corner of a field which forms part of an overall farm landholding. The northeastern boundary of the field is defined by mature broad leaf species trees and hedgerow. The ground level of where it is proposed to locate the subject development is elevated relative to surrounding environs. The general area to the north, northwest, west and southwest comprises of low lying farmland interspersed with one-off housing along the local roads. It was noted that the adjoining farmlands are in use for pasture grazing and fields boundaries generally comprise of mature broad leaf trees and hedgerow.
- 1.3. Access to the appeal site is through the existing farm landholding from a local minor road off the L5016 public road, which is located approx. 440 m to the north. The closest dwellings to the appeal site are approx. 441 m and 542 m to the north/northwest.

2.0 Proposed Development

- 2.1.1. Permission is sought for the erection of 30 metre high telecommunication lattice tower together with antennas, dishes and associated equipment attached, including a concrete base 6.5 m², all enclosed by security fencing which will be of palisade design with a proposed max height of 2.4 m. It is also proposed to extend the existing agricultural access track to the appeal site along the northeastern boundary of the site.
- 2.1.2. The appeal site has a stated area of 0.062 ha. The appeal site is located approx. 1 km to the south of the local public road L5016 along an existing access track which is outlined in yellow on the site location map DWG. Ref. Murroe -FP-03. The end section of the existing access track is shown within the landholding outlined in blue and the proposed extension to same is within the application site boundaries shown in red and has a proposed length of approx. 174 m.
- 2.1.3. Documents lodged with the application include:
 - Planning Statement.

- A letter of consent from the landowner on which the application is made.
- A letter from Three Ireland stating that they are interested in locating equipment onto the proposed structure.

2.1.4. In response to a Further Information (FI) request, the followings documents were submitted:

- Landscape and Visual Impact Assessment (LVIA) and appraisal of how the physical effects of the proposed development would impact directly on existing landscape features.
- Photomontages of the proposed development.
- Topo survey showing ground levels and sightlines relating to the L5016 public road and a stopping distance and auto track survey relating to the junction of the L5016.
- The additional information also outlines that the requirement for consent from third party landowners to address sightlines was not necessary on the basis that the existing public road junction L5016, is located at a significant distance to the north of the appeal site, and is not within the application site boundaries of the subject application or within the remit of the proposed development to undertake amendments to an existing public road junction.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 26th March 2025, Limerick City and County Council decided to grant permission subject to 5 no. conditions. The conditions are generally of a standard nature and include for surface water management and the sites reinstatement when the structure is no longer required. The following conditions are of note:

- Condition 2 – Requires that the permitted mast is made available to third party licensed mobile telecommunication operators for the provision of mobile telecommunications antennae.

- Condition 4 – This is a pre-development condition in regard to the submission of a Construction Management and Delivery Plan.
- Condition 5. – The site shall be reinstated to its predevelopment state, at the operators' expense when the structure is no longer required.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two planning reports form the basis of the assessment and recommendation.

First Planning Report (06th November 2024)

- Noted the relevant development plan policies and objectives and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities pertaining to telecommunication structures.
- Notes that objectives received from third parties, and the submission of the Roads Section which raised concerns that inadequate sightlines onto the L5016 public road.
- The submission received from the Irish Aviation Authority noted that there was no requirement for the proposed structure to contain obstacle lighting.

Further Information was recommended in regard to the following:

- 1) Submit a Landscape and Visual Impact Assessment (LVIA) to assess the impact of the proposed structure in relation to the local area.
- 2) To demonstrate that 90 m sightlines, stopping sight distances and forward visibility is achievable.
- 3) To show boundaries of any adjacent third party landowners required to be setback in order to achieve sightlines, and their written consent.
- 4) To address incorrect references to Kildare County Council in the cover letter/application details.

Second Planning Report (26th March 2025)

The second planning report considered the response to the FI request and the following is noted:

Item 1)

- A photomontage was submitted with all of the view points indicated on a map relative to the subject site. It was concluded that the structure would not be unduly prominent at the junction with the public road having regard to photomontage 3.
- The landscape character in which the subject site is located is designated as 'Agricultural Lowland Landscapes' which has a medium/low sensitivity landscape type.
- Photo location 1 was identified was to have a medium effect on visual amenity and all other photo locations were considered to be at a greater separation distance from the site and consequently a low effect on visual amenity.
- It was concluded that the assessment carried out was reflective of the submitted information.

Items 2 & 3)

- A topographical survey and autotrack analysis of the junction between the L5016 and L50161 was provided.
- 90 m sightlines were noted to be achievable subject to boundary works to adjacent third party lands. 90 m forward stopping distances were noted to be available at the junction.
- The revised proposals were considered to be acceptable in light of the report on FI received by the Roads Department of the Council.

Item 4)

- The revised details provided to correct references to Kildare County Council were considered acceptable.

The issues raised were considered to be addressed and the planning officer recommended a grant.

3.2.2. Other Technical Reports

- Road Department

First Report 23rd October 2024 – Recommended revised proposals including consent from adjoining third party landowners to address inadequate sightlines at the public road junction L5016 due to mature vegetation boundaries on both sides of the junction.

Second Report 10th March 2025 – No objections raised in regard to FI response submission and recommended the inclusion of conditions to manage vegetation growth within application site boundaries, and the management of surface water arising from the subject site onto the adjoining public road and a the submission of a Construction Management Plan.

3.3. Prescribed Bodies

- Irish Aviation Authority – No objection raised.

3.4. Third Party Observations

- 3.4.1. Three third party submissions were made to the planning application. The issues raised are largely covered by the grounds of appeal.

4.0 Planning History

None.

5.0 Policy Context

5.1. National and Regional Policy

Climate Action Plan (CAP) 2025

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.

- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

Harnessing Digital. The Digital Ireland Framework.

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

National Planning Framework 'Project Ireland 2040'

- First Revision (April 2025)
- National Policy Objective 31: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.
- National Policy Objective 62: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

National Development Plan 2021-2030

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

National Broadband Plan 2020

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

5.2. **Regional Spatial & Economic Strategy for the Southern Region 2040**

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

5.3. **Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996**

5.3.1. These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Circular Letter PL 03/2018

5.3.2. This Circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

Circular Letter PL07/12

5.3.3. Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2 to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Broadly these are:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Register or database of approved structures;

- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds; and

The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

5.4. **Limerick Development Plan 2022-2028**

5.4.1. Chapter 2 Core Strategy

- The appeal site is within ‘Level 7 Open Countryside’ as per Map 2.3 Core Strategy Map.

5.4.2. Chapter 6 Environment, Heritage, Landscape and Green Infrastructure

- **Objective EH O1 Designated Sites and Habitats Directive**

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

- **Policy EH P8 Landscape Character Areas**

It is a policy of the Council to promote the distinctiveness and where necessary safeguard the sensitivity of Limerick’s landscape types, through the landscape characterisation process in accordance with the Draft Guidelines for Landscape and Landscape Assessment (2000) as issued by the Department of Environment and Local Government, in accordance with the European Landscape Convention (Florence Convention) and with A National Landscape Strategy for Ireland – 2015-2025. The Council shall implement any relevant recommendations contained in the Department of Arts, Heritage and the Gaeltacht’s National Landscape Strategy for Ireland, 2015 – 2025.

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

5.4.3. Chapter 8: Infrastructure

- **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.

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.

- **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.

- b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works.
- c) Require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures.
- e) Require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. There is a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.
- f) Require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense when it is no longer required.
- h) Ensure orderly telecommunications development in accordance with requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PL07/12 which takes precedence and any subsequent guidelines.

5.5. Natural Heritage Designations

- SAC: 002165 - Lower River Shannon SAC – approx. 2.3 m to the west.
- pNHA: 001849 - Ballyvorheen Bog – approx. 3.8 km to the southeast.
- SPA: 004165 - Slievefelim to Silvermines Mountains SPA – approx. 3.5 km to the east.
- SAC: 001432 - Glenstal Wood SAC – approx. 3.5 km to the east.
- pNHA: 001432 - Glenstal Wood – approx. 3.5 km to the east.
- SPA: 004165 - Slievefelim to Silvermines Mountains SPA -approx. 2.5 km to the northeast.
- pNHA: 001850 - Dromsallagh Bog – approx. 3.4 km to the southeast.
- NHA: 002186 - Grageen Fen And Bog NHA – approx. 7.3 km to the east.

- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 14 km to the west.

6.0 EIA Screening

- 6.1.1. The proposed development i.e. the proposed extension to the existing access track within the farm holding to the appeal site, has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 appended to this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. One third party appeal submission was received from Maria O’Connell. The substantive issues raised in the grounds of the appeal relating to the subject development can be summarised as follows:

Visual Impact

- The FI response states that the proposed mast would be partially / substantially hidden by trees. It will significantly alter the landscape and would be incongruent on the landscape and proposed mast will not fit into the landscape.

Photomontage 1

- There are approx. 60 dwellings within 0.5 mile radius of the proposed development which would have visibility of a 30 m mast. Supporting images provided and aerial photos / maps provided show a dwelling referenced for future restoration, a roadway to the dwelling, and the proximity of the proposed mast to the dwelling.

Photomontage 2

- Clarification required in relation to the response provided regarding Photomontage 1. It is questioned if the other locations were identified or considered to provide adequate telecommunications and to lessen impact on residential properties, and if the house referenced to in the response is that of the landowner.

Photomontage 3

- In relation to the response provided, is the inference that if a house does not directly face the mast that there will be no visual impacts? It is submitted that even if a house does not directly face a mast, it can still be visible from various angles and rooms affecting the overall aesthetic appeal of the property and potential affecting market value.

Photomontage 4

- A 30 m high mast will not be directly absorbed into the area and will destroy the current setting. The concerns raised address the proposed mast and not the associated compound on the ground. The overall effect on visual amenity will not be low.

Availability of Existing Broadband Services

- Murroe is already well serviced by fibre broadband with further fibre rollout.
- There are existing masts located in Murroe parish which would give rise to a proliferation of telecommunications structures. It is unclear if alternative locations were considered which would provide adequate telecommunications.

Impacts of Mast

- The proposed mast will impact on wildlife, in particular migrating birds at construction stage and operational stage.
- The construction process would involve the use of heavy machinery and chemicals which will impact on groundwater and soil contamination.
- The installation and maintenance of the mast could generate significant noise which will impact on residential amenities and wildlife in the area. Lighting may be required for safety operational purposes.

- The presence of masts can affect property value due to visual impact and perceived health risks, potentially lowering the market value of nearby properties.

Other Matters

- There was no public consultation with the local community prior to the application being submitted.
- Condition 5 of Final Grant – what is the timeline for the proposed mast requirement.

7.2. Applicant Response

- 7.2.1. The applicant has submitted a response to the grounds of the appeal which can be summarised as follows:

Visual Impact

- A map is provided of Google Earth satellite map illustrating substantial tree cover over a 1.5 km radius of the appeal site.
- Photomontages – These were generated as verified views using computer aided technology.

Photomontage 1

Unable to find a dwelling that faced or backed directly onto the structure. Very little information was provided by the appellant in reference to a derelict house for future restoration. No planning application was identified for large scale works to the derelict house referred to, that would alter its direction of view directly towards the proposed structure, and it is also unlikely that development exemption works would result in the views being changed.

Photomontage 2

There are 2 existing dwellings behind where the photograph for the photomontage was taken and the report comments are in regard to these 2 existing dwellings.

Photomontage 3

The inference is that if houses are not directly facing or backing onto the proposed structure any visual impact is lessened.

Photomontage 4

The perception of visual impact varies among people, location to location, the nature of the road network, flora and manmade objections in the area. Visual impact was considered having regard to Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996 and having regard to Section 4.3. In particular, while the Guidelines were written over 26 years ago, technology has evolved and the need for coverage to meet demand requires sites to be closer to the source demand, including outside of towns and villages. The site is located in a rural location with many trees and a relatively low population density and a rationale was provided for the site selection.

The proposed development does not conflict with any identified designations and the development plan categorises the landscape designation for the location of the appeal site as low to medium. Therefore the impact of the proposed development on the landscape can be facilitated and would be low to medium.

Availability of Existing Broadband Services

- The availability of fibre broadband – This is a service providing faster speed and more reliable service to homes / businesses within a particular area. Fiber broadband and mobile services are different which work independently and together.
- The purpose of the mast is to provide a wider range of service to both fixed locations and for mobile coverage. Masts are used by a wide range of services that require information to be transferred often over long distances.
- There are 3 mobile network telecommunications providers in Ireland (Three Ireland, Vodafone, Eir) which carries several Mobile Network Virtual Operators and there are numerous others.
- The communications market is evolving and growing at a rapid pace and this includes for in-vehicle communications, home heating and security among

other service requirements. Therefore the demand for these services will impact the economic growth of an area.

- It is proposed to make the mast available for other operators to share.

Impacts of Mast

- Impacts on Wildlife
 - The construction comprises a small area with a concrete base 6.5 m² in area. Any disturbance arising would be minimal.
 - Non European designated sites cannot be addressed as the area is too wide and beyond the scope of the planning investigation or the remit of this response.
- Construction Impacts
 - Details of the construction process are provided outlining that the base for the mast will be constructed to an anticipated depth of 1.0 m, ducting will be installed and the mast will be constructed once the base is completed and antenna and dishes mounted.
 - The proposed access track will comprise of a minimum thickness of 250 mm deep class 804 stone compacted in 100 mm layers and a woven geotextile membrane that allows water to percolate through the land. Due to infrequent use of the track, it will grass over quickly.
 - Construction activities will be managed in accordance with a Construction Management Plan which will be agreed with the council prior to commencement of development. This will include for the management of surface water, refilling, oiling, greasing so that runoff does not enter any watercourses. It will also address noise levels, and dust emissions.

Other Matters

- There is no obligation for public consultation.
- Depreciation of Property
 - Given the requirement to provide coverage to towns, villages and residential areas, it would be impossible to provide telecommunications services

without locating infrastructure in proximity to existing residential development.

- Precent decisions by the Board have indicated that there is no evidence that such a development can have an impact on the value of property. The proposed development is located in a rural area at a remove from residential dwellings in the area.
- Condition 5 Lifespan of the Mast
 - The structural life span of the steel construction is c. 20-30 years depending on many factors including weather and pollution.
 - The communications lifespan will depend on technology and demand.
 - Based on the past, some masts including replacement masts have been in place for over 50 years. Assuming technology and demand continues, it is anticipated that it is likely to remain in place for a long time.

7.3. Planning Authority Response

None.

7.4. Observations

7.4.1. One observation was received from Pauline Devaney. The issues raised can be summarised as follows:

- The photomontages submitted are hard to understand and it is unclear if they have been independently verified.
- No multi-dimensional drawings were provided to show the visual impact from the top of the mast to the houses in the area and on access road option B off the R506.
- There is no reference to the fact that NBI are at the final stages of connecting local residents to fibre optic broadband.
- No direct benefits to local residents were put forward.

- No public consultation was carried out regarding the proposed development and its impact on the local community.
- Health implications arising from the proposed development were not addressed.
- The impact of the proposed development on property values was not considered.

7.5. Further Responses

None.

8.0 Assessment

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

- Justification for Location
- Visual Impact
- Health and Safety
- Other Matters

8.1. Justification for Location

- 8.1.1. The proposed development seeks the construction of a 30 high lattice tower including antennae, dishes and associated telecommunications equipment all enclosed by security fencing on an agricultural field approx. 2.0 km northwest of Murroe village.
- 8.1.2. The appeal site is within 'Level 7 Open Countryside' as per Map 2.3 Core Strategy Map which is in the rural area.

- 8.1.3. The grounds of appeal states that the Murroe area is already serviced by fibre broadband with further fibre rollout and the requirement for a telecommunications mast is not required.
- 8.1.4. It is stated that the infrastructure within this area is inadequate to fulfil current and forecast demand for new technologies and communication services. A technical justification for the proposed structure is provided within the application documentation. This outlines that 3G services is in the process of being phased out by other telecommunication providers which will impact on many locations without current good 4G and 5G services. This will result in an increased demand for enhanced 4G and 5G services and 2G services, as older equipment will default back to 2G services. In this regard it is stated that Three Ireland will provide 2G services as well as enhanced 4G and 5G services from the subject site.
- 8.1.5. ComReg Coverage maps are provided which show that service coverage for each service to the target area is inadequate and particularly so for indoor requirements. In this regard the area referred to is located between Annacotty to the northwest of the appeal site, and the Murroe area to the east of the appeal site. 4G coverage is in highest demand and is weak in that area, and 5G coverage is scattered with any areas of coverage being spill over from other sites resulting in weak signal and poor capacity. It is submitted that the proposed site of development and the new telecommunications mast will enhance this area particularly for 2G coverage and will meet customer demand.
- 8.1.6. Having regard to the information presented on the file I am satisfied that the applicant has demonstrated deficiencies in existing service provision and has provided a justification for the need for the proposed telecommunications mast at this location to serve the wider environs relative to the appeal site. This includes the area between the M7 to the west (Annacotty) and Murroe to the east of the appeal site.
- 8.1.7. In regard to the consideration of alternative locations for the subject development and having regard to the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996, I note that the proposed location is outside of a defined settlement and is relatively remote / at a remove from existing residential properties and schools. Accordingly there is no requirement for the applicant to

investigate alternative sites or to justify the location under the last resort criteria subject to normal planning criteria.

- 8.1.8. Having regard to the foregoing, I am satisfied that a rationale has been provided in regard to the proposed development which complies with Objective IN O5 Telecommunication Support of the Limerick Development Plan 2022-2028.

8.2. Visual Impact

- 8.2.1. The appeal site is located within the rural area. The landscape is designated as 'LCA 01 Agricultural Lowlands' in chapter 6 of the development plan, which includes specific objective (c) 'discourage the development of locally prominent sites'. I note that there are no specific designated scenic routes or views and prospects identified in the development plan (Maps 6.1 and 6.2) for the general area.
- 8.2.2. As already mentioned above, the general area in which the appeal site is located (between Annacotty to the west and Murroe village to the east) is characterised by agricultural lands and urban generated one-off dwellings. I noted at time of site inspection that generally, the area is low lying and the approach roads between Annacotty / M7 and Murroe village are defined by mature trees and hedgerow.
- 8.2.3. The appeal site is located at a locally elevated location relative to its surroundings. The existing ground level at the location of the appeal site is indicated as 69.10 m. I note that the ground level at the access point to the site from the L5016 is 39.028 m (Photomontage Location 3). There are mature trees and hedgerows along the road leading to the entrance to the farmland and along the field boundaries leading to the appeal site.
- 8.2.4. There are no dwellings in the immediate vicinity of the appeal site and it is surrounded by agricultural lands. It is noted that the appeal site forms part of an overall landholding. The proposed development would be located approx. 440 m from the end of the public road which appears to terminate at the entrance to the farm holding (Site Location Map: Site Notice Location 2). I note that the nearest dwellings on this road would range in distances of c. 441 m and 542 m, both to the north/northwest (as the crow flies). I note that the location of these 2 dwellings are identifiable in Photomontage 2. There are a number of dwellings located off the R506 road to the south, ranging in distances from c. 500 m +. There is an existing dwelling located c. 315 m to the

southeast and a farmyard with an existing building and outbuildings to the west of this dwelling, which is c. 180 m to the south of the appeal site. It is noted that these dwellings have specifically been referenced in the grounds of the appeal in regard to Photomontage 1.

8.2.5. The plans and drawings show that the lattice tower will have an overall max height of 30 m. I note that the height of the mast is required to enable 360° coverage over a wider area and therefore is required to be located on elevated ground. The design is also informed by the anticipated increase in demand due to weak coverage in the range of services, which will facilitate other operators. Therefore a monopole structure was not considered to be appropriate. There are no proposals to remove any of the existing trees or hedgerow along the site boundaries and there are no mitigation proposals provided. The associated infrastructure equipment will be located at ground level with the site compound enclosed by a 2.4 m high palisade security fence. This aspect of the proposed development will not be visible in the wider landscape.

8.2.6. I note that the PA raised the matter of impact on surrounding visual amenities and a Landscape and Visual Impact Assessment (LVIA) and photomontages were submitted in response to the FI request. I note that the LVIA sets out the strategy in terms of how the appraisal was carried out, concluding that the landscape character sensitivity of the proposed site and surrounding environs was low to medium, the impact of the proposed development on the landscape resource during construction stage would be low, and at operational stage would very low. In this regard the overall impact would be minor on the landscape. 4 no. locations are identified with 'before and after' montages generated for short-range and long-range views. The submitted montages show that the proposed development would be highly visible at location no. 4 which is noted to be the most elevated area of all 4 locations as it is located on a hill. The other montages are taken from the west where the land is more low lying and the landscape more enclosed due to mature trees and hedgerow.

8.2.7. I note that long-range views of the proposed mast will be visible at the location identified on photomontage 4. This is the furthest location relative to the appeal site to the northeast at a distance of approx. 1.38 km, and the proposed structure would be visible in the surrounding landscape to the east. Although not included in a photomontage, I consider that the structure would also be intermittently visible along the R506 regional road to the south and also it is likely that the mast would also be

visible from the west within the wider landscape. However, the views would be intermittent.

- 8.2.8. I observed at time of site inspection that there were no other telecommunications structures evident in the general area, although I observed a single wind turbine approx. 5 km to the northwest of the appeal site which appeared to be located at the Johnson and Johnson National Technological Park adjacent to the UL campus. It is noted from 'ComReg Site Viewer' that there are 4 no. masts located in the village of Murroe, 3 no. in Annacotty Business park and 2 no. at Drominboy which is approx. 4.4 km to the northwest of the appeal site.
- 8.2.9. I note that the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities (1996) outlines that some structures will remain quite noticeable despite best precautions to mitigate against visual impact, however I do not consider that the proposed mast as viewed from the northwest would have an adverse visual impact, due to its distance from the public roads and from any nearby dwellings. Given the low lying nature of the topography of the surrounding area, the presence of well defined boundaries with mature trees and hedgerow, the sites' distance from the public roads and any nearby dwelling and the enclosed nature of the site, I am satisfied that the proposed structure will not have an adverse impact on the visual amenities of the receiving environment or on views from existing dwellings. I therefore conclude that the proposed structure would not have an unacceptable impact on surrounding visual amenities and would in be in accordance with the specific objectives for the siting of such developments in this designated landscape type.
- 8.2.10. It is proposed to extend the existing agricultural gravel access track to the location of the proposed mast which will run along the north eastern boundary of the field. It is stated that once the infrastructure is in place, the requirement to use the proposed track would be minimal and will consequently quickly overgrow with grass. In this context, the proposal will not require significant construction and maintenance and having regard to the nature of the proposed track extension, I consider it to be acceptable.
- 8.2.11. Having regard to development plan policy LCA 01 Agricultural Lowlands objective (c) and to objective IN O5 Telecommunications Support (e), I note that the purpose of the proposed development is to provide coverage to the area identified as having weak

coverage, at a location that is elevated. However, given that the proposed mast will be visible in the landscape including from some long-ranging views, I am satisfied from my site inspection and given the separation distances between the appeal site and the nearest dwellings and adjoining roads, I do not consider that it will give rise to an adverse impact on the visual amenities of the surrounding area. Furthermore, I do not consider that a landscaping plan is warranted in this case, given the enclosed nature of the site by field boundaries which are well defined by mature trees and hedgerow thereby screening the lower section of the proposed mast and the infrastructure equipment at ground level. I would note also that a landscaping condition was not included by the PA in this regard. I further note that there are no proposals to remove any of the existing mature trees to facilitate the proposed development. I would consider it appropriate to include a condition to safeguard existing mature trees and hedgerows ensuring the retention of same and I recommend the inclusion of such a condition, should the Board decide to grant permission.

8.3. Health and Safety

- 8.3.1. The observation to the appeal has raised that health implications arising from the proposed development has not been addressed.
- 8.3.2. I note that Section 4.6 of the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities (1996) requires that as part of the planning application, the operators should be required to furnish a statement of compliance that the installation mast complies with the International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines (1998), or the equivalent European Pre-standard 50166-2.
- 8.3.3. I note the provisions of Section 8.2.4 of the development plan which relates to Telecommunications Support Structures, Antennae and Domestic Satellite Dishes and Objective IN O5 (h) which requires that proposals for telecommunications development are to be in accordance with the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PL07/12 which takes precedence and any subsequent guidelines. Having regard to the foregoing and to the development plan policy, I note that there is no direct requirement to provide such a statement of compliance under

the development plan. Therefore, in relation to health considerations, Circular Letter 07/12, issued by the then DoECLG, reiterates the advice contained in the Telecommunication Guidelines, specifically that planning authorities should not determine planning applications on health grounds, that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These matters are regulated by other codes and such matters should not be additionally regulated by the planning process.

8.4. Other Matters

Impact on Property Values

8.4.1. The grounds of appeal and the observation to the appeal refers broadly to the devaluation of property.

8.4.2. I note the concerns raised in respect of devaluation of neighbouring property. The valuation of residential properties due to the proposed development is subjective and would be a matter for expert valuers to adjudicate upon. Having regard to my assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Inadequacy of Information

8.4.3. The observation to the appeal has highlighted that multi-dimensional drawings were not provided to show the visual impact from the top of the mast to the houses in the area.

8.4.4. I note that it is not a specific requirement under Article 23(1) of Part 4 of the Planning and Development Regulations 2001 (as amended) to provide such drawings. Notwithstanding, I am satisfied that the information submitted with the planning application is sufficient, and combined with my site inspection, allows for a full assessment of the appeal to be carried out.

Impact on Wildlife

8.4.5. The grounds of appeal raised concern regarding impact on wildlife. In particular on migrating birds. I note that the appeal site forms part of an agricultural field and is not

located within a protected habitat. Having regard to the characteristics of the appeal site and to the limited footprint of the proposed development (appeal site area of 0.062 ha, concrete base 6.5 m²) and to the existing character of development within the immediate vicinity which comprises extensive area of agricultural land that is in active use for farming, I am satisfied that the proposed development is not likely to have significant impact on habitats or wildlife in the area.

8.4.6. In terms of impact on migrating birds, I note that there are no conservation sites in the immediate area of the appeal site, with the nearest European designated sites located approx. 2.3 km to the west and 3.5 km to the east.

8.4.7. I noted at time of site inspection that there were no existing overhead wires traversing the site or similar structures in the immediate vicinity of the site. I would further note that the proposed development is not an unusual type of structure in the landscape, and there would be no particular barrier effect caused by such structures. On this basis I have no information before me to indicate that the proposed structure would be a significant obstacle to birds flying in the general area, and in that regard I consider that any impacts arising are not so great as to warrant a refusal of permission in this case.

Time Limiting Conditions

8.4.8. The appellant refers to condition 5 of the final grant in regard to the timeline of the proposed structure and what that is.

8.4.9. I would note for the Board that Circular Letter PL 07/12, dated 19th October 2012, sets out revisions to Sections 2.2. to 2.7 of the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996. In relation to Section 2.2 of the Circular Letter PL 07/12, it outlines that the experience is that masts and antennae tend to remain in place for many years, while repeat planning applications have been required to renew relevant temporary permissions (5 years). Having regard to Circular Letter PL 07/12, there is no longer a requirement to attach time limiting conditions to telecommunication masts, except in exceptional circumstances. I consider that no such exceptional circumstances arises in this case and therefore, a specific time condition is not necessary.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The appeal site is located in the rural area on unzoned agricultural lands at Knocknagorteeny, Murroe, Co. Limerick. The closest European sites relative to the appeal site lie approximately as follows:
- SAC: 002165 - Lower River Shannon SAC – approx. 2.3 m to the west.
 - SPA: 004165 - Slievefelim to Silvermines Mountains SPA – approx. 3.5 km to the east.
 - SAC: 001432 - Glenstal Wood SAC – approx. 3.5 km to the east.
 - SPA: 004165 - Slievefelim to Silvermines Mountains SPA – approx. 2.5 km to the northeast.
- 9.1.3. The proposed development comprises the construction of a 30 m high telecommunications lattice tower with antennas, dishes and associated telecommunication equipment at ground level, enclosed by 2.4 m high security fencing, and to extend the existing access track from the existing access lane to the appeal site (as detailed in Section 2.0 of this report).
- 9.1.4. The planning authority considered that the proposed development should not exercise a significant effect on the conservation status of any SAC or SPA, and Appropriate Assessment is not necessary.
- 9.1.5. The proposed development is situated on agricultural farm land. No watercourses are noted to be shown located at or in the vicinity of the appeal site.
- 9.1.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature, scale and location of the development.
 - The distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site.

9.1.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 WFD Assessment

10.1.1. The proposed development is situated on agricultural farm land. No watercourses are noted to be shown located at or in the vicinity of the appeal site however, I note that the nearest water courses would be approx. 670 m to the west of the site and 713 m to the east, namely Killeengarriff_010 IE_SH_25K020150 (EPA name www.catchments.ie).

10.1.2. The proposed development comprises the construction of a 30 m telecommunications mast, associate mounted antennas and dishes, and ancillary ground infrastructure and extension to existing gravel track (Section 2.0 above).

10.1.3. No water deterioration concerns were raised in the planning appeal.

10.1.4. 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. 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 this conclusion is as follows:

- The nature of the development and the nature of the temporary works for its construction
- Location-distance from nearest Water bodies and lack of hydrological connections

10.1.5. 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

I recommend that permission is granted.

12.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines 1996 as revised by Circular Letter PL 07/12, to the provisions of Section 8.4.2 of the Limerick County Development Plan 2022 – 2028 and to Policy IN P1 which seek to promote the development of telecommunication infrastructure and to the COMREG coverage maps which confirm that the surrounding area currently does not benefit from good ICT coverage, it is considered that, subject to conditions, the proposed development would contribute to the roll out of broadband services in accordance with national, regional, and local objectives. Having regard to the scale and design of the development and its distance from existing residential properties, the detailed visual impact assessment including photomontages of the proposed development, it is considered that the visual impacts of this proposal would unduly impact on the amenities of the area. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

13.0 Conditions

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| 1. | The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16 th September 2024 and as amended by Further Information received on the 05 th March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in |
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| | <p>accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any</p> |
| 3. | <p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public safety.</p> |
| 4. | <p>Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 5. | <p>All trees and hedgerows within and on the boundaries of the site shall be retained and maintained.</p> <p>Reason: In the interest of visual amenity, residential amenity and biodiversity.</p> |

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| 6. | <p>Construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off site disposal of construction demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 7. | <p>Within 3 months of the completion of the construction, the access road shall be cleared and covered with the natural surface in the vicinity of the road (soil, grass etc). Details of compliance with this condition shall be submitted for the written approval of the planning authority.</p> <p>Reason: In the interest of the visual amenities of the area</p> |
| 8. | <p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 9. | <p>In the event of the telecommunications structure and ancillary structures and any access road provided to serve the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of six months, the structures and any access road shall be removed and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and any access road and the reinstatement of the site shall be submitted to, and agreed in writing, within seven months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 10. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> |

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| | <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Clare Clancy
Planning Inspector

15th July 2025

Form 1 - EIA Pre-Screening

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| Case Reference | ABP Ref. 322312-25 |
| Proposed Development Summary | <p>The erection of a 30 metre high telecommunications lattice tower with antennas, dishes and associated equipment attached, and with equipment cabinets at ground level all enclosed by security fencing and to include an extension to an existing access track.</p> <p>The aspect of the proposed development for which this pre-screening is being carried out relates to the proposal to extend the existing agricultural access track within the farm holding, to the appeal site</p> |
| Development Address | Knocknagorteeny (Townland), Murroe, County Limerick |
| | In all cases check box /or leave blank |
| <p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |

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?

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| <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 development under Article 8 of the Roads Regulations, 1994. No Screening required. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) | Class 10 of Part 2 (dd) All private roads which would exceed 2000 metres in length. |

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)?

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| Yes <input type="checkbox"/> | |
| No <input checked="" type="checkbox"/> | |

Inspector: _____ **Date:** _____

Form 2 – EIA Preliminary Examination

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| Case Reference | ABP Ref. 322312-25 |
| Proposed Development Summary | <p>The erection of a 30 metre high telecommunications lattice tower with antennas, dishes and associated equipment attached, and with equipment cabinets at ground level all enclosed by security fencing.</p> <p>The aspect of the proposed development for which this preliminary examination is being carried out relates to the proposal to extend the existing agricultural access track within the farm holding, to the appeal site.</p> |
| Development Address | Knocknagorteeny (Townland), Murroe, County Limerick |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| <p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>The proposed track will have an approx. length of 197 m and will be approx. 2.5 m in width. It will comprise of hardcore over a permeable membrane which will grass over in time due to the minimum use of the access track, post construction stage. Other than access for maintenance, public access is not likely as the subject site is located within a private farm holding.</p> <p>It is considered that there are no environmental implications with regard to the size, design, cumulation with existing/proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.</p> |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,</p> | <p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is located in a rural area and the appeal site forms part of the existing agricultural landholding which is actively being farmed for pasture grazing.</p> <p>There are no recorded monuments in close proximity of the site, however the nearest recorded monument is noted to be located approx. 268 m to the west of the proposed access track.</p> |

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| densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | <p>There are no European designated sites or natural heritage sites in closed proximity to the proposed development.</p> <p>The scale of the access track is not considered exceptional in the context of surrounding development.</p> |
| <p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>Having regard to the limited nature of the proposed development to be carried out for the extension of the existing agricultural access track, there is not likely to be significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation.</p> |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. | EIA – Not required. |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | |
| There is a real likelihood of significant effects on the environment. | |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)