



An
Coimisiún
Pleanála

Inspector's Report

ACP-323090-25

Development	License for the construction of a 18m high telecommunication structure
Location	Caherdavin, Ennis Road, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	SM254TM/01/25
Applicant(s)	Shared Access Limited
Type of Application	Section 254 License
Planning Authority Decision	Limerick City and County Council
Type of Appeal	First Party
Appellant(s)	Shared Access Limited
Observer(s)	Towercom Limited
Date of Site Inspection	22 nd of November 2025
Inspector	Karen Hamilton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. National Policy	7
5.2. Regional Policy	9
5.3. Limerick Development Plan 2022-2028	9
5.4. Natural Heritage Designations	11
5.5. EIA Screening	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Planning Authority Response.....	15
6.3. Observations.....	15
6.4. Further Submissions	16
7.0 Assessment.....	16
7.1. Compliance with Section 254 Criteria	17
8.0 AA Screening.....	25
9.0 Water Framework Assessment.....	25

10.0	Recommendation	25
11.0	Reasons and Considerations.....	25
12.0	Conditions	26
13.0	Appendix 1: Form 1 - EIA Pre-Screening	28

1.0 Site Location and Description

- 1.1. The subject site is located to the west of Limerick City, on the southern side of Ennis Road, Caherdavin. The subject site is associated with a small portion of public open space along the side of the main road and extended between two public footpaths. There is a road junction to the west of the site, providing vehicular access from the main road to a residential area.
- 1.2. The open space area around the site provides a buffer area between two large buildings and the main road. There are similar types of public opens space to the north and west of the junction.

2.0 Proposed Development

- 2.1. The proposed development comprises of:
 - The construction of an 18m high telecommunications structure and associated cabinets.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Decision to Refuse permission for a S254 Licence for four reasons stated below:
 1. Given the location of the application site and the proposed siting of the telecommunications adjacent to existing water mains and within Flood Zone A and in the absence of any justification or documentation justifying the location of the proposal, the Planning Authority is not satisfied that the proposal has regard to Section 254(5) of the Planning and Development Act, 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, including S254(5) (a) and the proper planning and sustainable development of the area.
 2. Given the requirements of Objective IN 05 Telecommunication Support of the Limerick Development Plan (2022-2028), the Planning Authority is not satisfied that the proposal has had regard to Section 254 (5) of the Planning

and Development Act, 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, including S254 (5)(b) which requires compliance with the provisions of the development plan. The applicant has failed to demonstrate that there are no existing structures in the vicinity of the site capable of accommodating the proposed telecommunications infrastructure.

3. Given the location of the application site and the proposed siting of the telecommunications infrastructure and the number of existing appliances, apparatus and structures in the vicinity of the site, the proposal would have a negative visual impact on the site and surrounding area. The Planning Authority is not satisfied that the proposal has had regard to Section 254 (5) of the Planning and Development Act, 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, including S254 (5)(c).
4. Give the proposed sting of the telecommunications infrastructure in close proximity to a junction on a regional road, the Planning Authority is not satisfied that the proposal has had regard to Section 254(5) of the Planning and Development Act, 2000, as amended, where it outlines criteria to which the Planning Authority shall have regard, including S 254 (5) (d) the convenience and safety of road users. In particular, the location of the proposed structure adjacent to a busy traffic signal junction and existing signage which has the potential to endanger public safety and the convenience and safety of road users including pedestrians.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report reflects the decision to refuse permission. It refers to the relevant legislation to assess S254 Licence applications, the national guidelines for Telecommunication masts and the local policy in the development plan. The report is summarised below:

- The location of the site on a grass verge is at a distance that would not materially be harmful to the amenity of residents in the area.

- The site is located in Flood Zone A. No details in relation to the flood risk have been submitted which is required to include the proposal would not impede the flow or increase flood risk to other areas.
- Objective IN 05 of the development plan includes a number of criteria which must be met for telecommunication infrastructure. The applicant's justification and technical report to locate at this site is noted although it is considered there is a lack of information to indicate why the applicant can not co-locate or use existing structures.
- The location of the site along the road is noted. In consideration with the existing light poles, information signs and signal boxes the proposal would result in visual clutter and there would be a number of appliances in the location of the public road.
- The Roads Department have raised concern the location of the telecommunication infrastructure, beside a busy traffic signal junction with conflict with exiting signage. There are also concerns with the location of the proposed power route with existing water mains.

3.2.2. Other Technical Reports

- Roads Department: The Roads Section are not in favour of the proposed location as it is at a busy traffic signal junction, the proposed power route conflicts with the existing water mains and conflicts with the existing signage.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None noted on the planner's report.

4.0 Planning History

None of relevance.

5.0 Policy Context

5.1. National Policy

Telecommunications Antennae & Support Structures Guidelines for Planning Authorities, 1996

- The Guidelines have the status of ministerial guidelines as per section 28 PDA 2000 and, as such, the Board has a duty to “have regard” to them.
- The Guidelines reference the location of masts in upland/mountainous areas, within or in the immediate vicinity of smaller towns or villages and in the vicinity of larger towns and in city suburbs. In terms of visual impact, justification for locating free standing masts within the city suburbs, towns, and villages is required.
- Section 4.3 includes: *“In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land”*. Other possibilities should also be explored, including some commercial or retail areas (e.g. rooftop locations, locating “disguised” masts), existing ESB substations and preference is given to the use tall buildings or other existing structures over a new independent support structure. It also includes that only as a last resort and if the suggested alternatives (possibilities) are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. In that event, existing utility sites should be considered, and specific design solutions should be employed including that the support structure should be kept to a minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.
- Care should be given when dealing with sensitive landscapes and other designated areas. Proximity to listed buildings should be avoided.

Circular Letter PL 07/12, DoECLG 2012.

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

Climate Action Plan (CAP) 2025

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

Harnessing Digital. The Digital Ireland Framework.

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

National Planning Framework 'Project Ireland 2040'

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

National Development Plan 2021-2030

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

National Broadband Plan 2020

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

5.2. Regional Policy

Regional Spatial & Economic Strategy for the Southern Region 2040

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

5.3. Limerick Development Plan 2022-2028

Land use zoning

The site is located on a grass verge on lands zoned as existing residential, where it is an objective “*To provide for residential development, protect and improve existing residential amenity*”.

Section 12.4 Land Use Zoning Matrix indicates that Telecommunications Structures are Generally Not Permitted on lands zoned for existing residential.

A generally not permitted use is one that would be incompatible with the zoning policies or objectives for the area, would conflict with the permitted/existing uses and would be contrary to the proper planning and sustainable development of the area.

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.

c).....

Objective IN O4 Broadband

It is an objective of the Council to:

a) Support the delivery and implementation of the National Broadband Plan and any subsequent plans.

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

c).....

Objective IN O5 Telecommunication Support

It is an objective of the Council to:

a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers. Shared infrastructure should be made available to all broadband service providers on a non-exclusive basis to both suppliers and users of the new infrastructure.

b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works.

c) Require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures.

d) Facilitate the public and private sector in making available where feasible and suitable, strategically located structures or sites, including those in the

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

5.4. Natural Heritage Designations

None of relevance.

5.5. EIA Screening

- 5.5.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to the PA reason for refusal. The submission is summarised below:

Introduction

- The reasons for refusal are detailed.
- Appendix 1 includes the PA decision to refuse the licence.
- Context to the proposal has been included. It is considered that the inspector should take all issues into consideration and take a balanced approach to the proposal.
- An overview to the grounds of appeal is included and it is noted that the need for electronic communications equipment is not questioned by the PA.

The Appeal Site

- The appeal site is within a grass verge lining the southern side of the Ennis Road.
- The site is not within any areas of sensitive landscape or built heritage.

- The site is beside a B & B and a car dealership and in the vicinity of commercial and community uses.

The proposal

- The proposal is a discreet, slim-line pole and is not a structure which can be shared with other operators and there is limited loading capacity.
- The mast can accommodate one canister antenna, one 0.3m communications dish and one no GPS antenna.
- At ground level there will be one equipment cabinet to house the radio equipment.
- The mast and cabinet will be on a concrete hardstanding.
- Photos of similar masts are included.
- The project will deliver 3G and 4G connectivity and the submitted technical justification report indicates a significant uplift in coverage within the surrounds. This will allow high data usage on this part of the road.
- The coverage maps illustrate the poor service in the area of the appeal site. Map 1 shows the site with poor 4G coverage and Map 2 shows the site with the proposed development and good 4G coverage.
- There are no alternative sites for the applicant to connect which can meet the needs of the customers.
- The area within the telecommunications mast is located must be carefully considered.
- The cell search is focused on the Ennis Road and is c. 600m and stretches 200m on either side of the road.
- There are notable areas within the search cell including residents, sports grounds, retail units etc.
- There were no alternative locations within the search cell area
- The site selection will provide coverage to residents and businesses.
- There are no existing Three networks in the defined area.

- There are two installations in the surrounding cell area, immediately to the west, Eir have a series of rooftop antennas fixed to the Greenhills Hotel and Conference Centre and Vodaphone operate a mast within the curtilage of Eireann Telephone Exchanges, south of Cherdavin Cross.
- The agents for the applicant did not get a positive response from Greenhills hotel and this site was discounted.
- The Eireann Telephone Exchange was discounted because it would not be possible for installation to reach the full cell area.
- There where no tall buildings in the vicinity as the operators generally require a flat roof to accommodate the infrastructure as they are heavy and ned maintained regularly. Buildings assessed in the vicinity are not structurally able to accommodate the infrastructure.
- Small scale equipment is not sufficient to accommodate the wider cell search area.
- Another 4 locations in the vicinity of the site have been accessed for potential for locating. These locations have been discounted due to visual impact, topography of site, impact on pedestrians and sightlines
- The appeal site is suitable as it provides coverage, it is located away from the residential areas and has been surveyed as suitable.

Planning Policy

- National Policy, NPF supports the delivery of digital infrastructure.
- The Guidelines acknowledge that the size of a cell area can vary depending on type and scope of equipment. The applicant is required to prove reasonable effect the PA on sharing and clustering
- The local policy IN P1 related to the telecommunications infrastructure

The applicant's case

Water Main location

- The appellant is a well-established telecommunications provider with significant experience. The applicants team undertake extensive surveys

before selecting site with Geotec Surveys Limited included as evidence. The GPR maps indicate that the site is not located in the proximity of any water main or other subterranean service features.

Flood Zones

- The site is within an existing building up area of Limerick and within any area which is at risk of flooding in the high-end scenario.
- Structures can be located in Flood Zone A where they are essential infrastructure and cannot be located elsewhere.
- There are houses and business located within this zone and the proposal will have a negligible effect and would not increase flood risk elsewhere in the surrounds.

Existing structures in the vicinity.

- The applicant has provided considerable justification that a new structure is required to provide a service within this cell area.

Visual Impact

- The proposal will be visible although as indicated in the documentation the impact is acceptable and will not cause undue harm in the existing urban environment
- The proposal, when viewed from the surrounding area will not have a serious negative impact.
- The proposal is generally in keeping with the existing street furniture.
- In considering longer distance views the visual impact will be localised and the features of the urban environment soften the impact,

Endanger public safety.

- The site is located beside a junction. There are pedestrian footways and defendable pedestrian spaces.
- The proposal will not remove or require the relocation of any signage or traffic lights. It will not limit or obscure the long-distance views.
- Pedestrian and vehicle movements will not be impeded.

Public benefits of proposal digital connectivity

- The provision of up-to-date communication networks contributes to the sustainability of an area.
- Economic Benefits: supports stable levels of economic growth
- Social Benefits: Aid social progress, allow people to access a range of services, support parents working from home and enhance personal safety and security.
- Environmental Benefits: Will reduce the need for travel as mobile connections allow the access of services, working etc from home.

Supporting documentation with the appeal

- Copy of the Planning Statement and justification for site location
- Visual Impact Assessment (Photomontages)
- Statement of compliance with the ICNIRP guidelines.
- Technical Justification Report

6.2. Planning Authority Response

Submission from the planning authority indicates no further comments to make.

6.3. Observations

One observation was received from a telecommunications provider. The submission is summarised below:

- Towercom manage existing telecommunications infrastructure in Ireland. They also facilitate co-location of multi-operator installations.
- Towercom Limited constructed a 20m telecommunications support structure in November 2023 (Reg Ref 20616). This is c. 200m southeast of Ennis Road from the junction of Clonmacken Road and Ennis Road.
- This existing 20m structure has the potential for site sharing and co-location for. This structure can extend in height to accommodate additional

telecommunications equipment where required, subject to full application and grant of permission.

- In this context the Commission is requested to take into account the national guidelines for telecommunications infrastructure and the importance of provided clear evidence of need and discourage unnecessary proliferation of telecommunications infrastructure.
- The national guidelines encourage co-location, infrastructure sharing, avoidance of speculative development which may lead to unnecessary visual and environmental impacts.

6.4. Further Submissions

The applicant was invited to comment on the observation received. The applicant's submission is summarised below:

- The matters raised by Towercom Limited (observer) do not alter the technical, locational or planning justification for the appeal proposal.
- The suggestion that the Towercom mast could provide for a viable or preferable alternative to the appeal site is not supported by the technical justification by Towercom to substantiate this claim.
- As outlined in Section 4 of the Appeal Statement, the proposal is required to provide enhanced 3G and 4G coverage within the defined cell area at this area between the Greenhills Hotel and Caherdavin Cross. This corridor represents an established gap in Three Ireland's network.

7.0 Assessment

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

- Compliance with Section 254 Criteria

7.1. Compliance with Section 254 Criteria

7.2. Introduction

- 7.2.1. The subject site is located on a grass verge along the side of the Ennis Road, Caherdavin, Limerick city. The verge provides a buffer between the road and two large buildings, original dwellings which have been converted to a B & B and one for office use. There are two footpaths along either side of the grass verge, one forms part of the main Ennis Road and the second is a small local access footpath. The area is characterised as an urban environment and there is a range of residential estates and commercial business along the road.
- 7.2.2. The S.254 licence has been refused by the PA for four reasons including the sites location within an area designated for Flood Zone A, the failure of the applicant to demonstrate that there are not existing structures in the vicinity capable of accommodating the infrastructure, the negative visual impact (having regard to other structures in the vicinity) and the impact on pedestrians and its location beside a busy junction. The applicant has submitted, in the grounds of appeal, that there is sufficient justification for locating the infrastructure at this location and there will be no negative impact either visually or on the movement of pedestrians or vehicles.
- 7.2.3. In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to the items listed under subsection 254 (5);
- a) The proper planning and sustainable development of the area,
 - b) Any relevant provisions of the development plan, or local area plan,
 - c) The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road.
 - d) The convenience and safety of road users, including pedestrians.

I have addressed each of these requirements separately below.

7.3. The proper planning and sustainable development of the area,

- 7.3.1. The site is located on lands zoned on a grass verge on lands zoned as existing residential, where it is an objective "To provide for residential development, protect and improve existing residential amenity". Section 12.4 Land Use Zoning Matrix indicates that Telecommunications Structures are generally Not Permitted on lands

zoned for existing residential. The guidance in the development plan states that the use would not be permitted where it would be incompatible with the zoning policies or objectives for the area, would conflict with the permitted/existing uses and would be contrary to the proper planning and sustainable development of the area.

7.3.2. The subject site is on lands associated with a grass verge along the side of a public footpath and public road. Whilst not specifically stated in the planner's report, although from a site inspection it appears these lands to be a buffer area associated with the regional road and the adjoining dwellings, now used as a B & B and office. They are not associated with the adjoining residential use, nor could they likely be developed as residential. I note the PA did not raise any concerns with the location of the proposal within the residential zoning. The planners report goes onto note the considerable separation distance from the nearest residential dwelling and considers the proposal would not be materially harmful to the residents in the area.

7.3.3. The national, regional and local planning policies provide support for necessary infrastructure, including telecommunications networks. Policy IN P1 of the Limerick Development Plan 2022-2028 states that it is a policy of the Council to:

- 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.

7.3.4. The applicants appeal submission refers to the positive economic, social and environmental benefits for the wider society and environmental which is derived from a mobile connectivity. The range of residential and commercial premises in the area is noted. I note that high-quality communications infrastructure is supported in the Climate Action Plan (CAP) 2025 and 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.

7.3.5. Having regard to the overriding policies and principles of the development plan, which support the delivery and roll out of telecommunications infrastructure, the location of the site along a public footpath and beside a regional road, and the characteristics of the site, I do not consider the location of telecommunications infrastructure at this location would be incompatible with the zoning objectives or any

other objectives of the area. In this regard, I do not consider there is any conflict with the uses, and the proposal would be in keeping with the proper planning and sustainable development of the area.

7.4. Any relevant provisions of the development plan, or local area plan,

- 7.4.1. As stated above the main reasons for refusal by the PA relate to flooding, site selection, visual impact and proximity to the road. I will address the issues relating to the flooding in this section and the visual impact and proximity to the road in the sections below.

Flooding

- 7.4.2. The first reason for refusal is stated below:

1. Given the location of the application site and the proposed siting of the telecommunications adjacent to existing water mains and within Flood Zone A and in the absence of any justification or documentation justifying the location of the proposal, the Planning Authority is not satisfied that the proposal has regard to Section 254(5) of the Planning and Development Act, 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, including S254(5) (a) and the proper planning and sustainable development of the area.

- 7.4.3. The grounds of appeal acknowledge the location of the site within a Flood Zone, although also noted the location within the built-up area of Limerick City, at risk of flooding in the high-end scenario and the allowance for essential infrastructure to be location in Flood Zone A where it cannot be located elsewhere. The grounds of appeal further state the impact would be negligible and would not increase flood risk elsewhere in the surrounding area.

- 7.4.4. A Strategic Flood Risk Assessment (Volume 4) accompanied the Limerick City and County Development Plan 2022-2028. Section 7.3 of the SSFRA relates to the Caherdavin/ Moyross area. A significant portion of the lands, including existing built-up lands are within Flood Zone A. I note many of these lands are zoned for residential development. The SSFRA states that *'where there is existing residential zoning within Flood Zone A or B, new development should be limited to minor development only (Section 5.28 of the Planning Guidelines) with no new, major*

development permitted within this area. I note this section of the national guidelines refers to minor proposals in risk of areas of flood risk, which would not obstruct flow paths or introduce a significant number of people. It states that since such development of concern are related to existing buildings the sequential approach can not be used, therefore the Justification Test does not apply. I consider the location of telecommunication infrastructure is classified as a minor proposal, would not object a flow path or introduce significant numbers of people. Whilst it is not linked to an existing building, the location is chosen due to the need to provide a service in a specific area, therefore the sequential approach, in my opinion, would not be applicable for another area, and I do not consider the Justification test is necessary.

- 7.4.5. I consider the applicants' technical justification for locating at the subject site is sufficient as justification for the site selection. Having regard to this information, the information in the SSFRA for the development plan and Section 5.28 of The Planning System and Flood Risk Management, I consider the siting of proposal would not increase any flood risk and is acceptable at this location.

Last Resort Test

- 7.5. The second reason for refusal relates to the site selection of the proposed telecommunications infrastructure, as stated below.
2. Given the requirements of Objective IN 05 Telecommunication Support of the Limerick Development Plan (2022-2028), the Planning Authority is not satisfied that the proposal has had regard to Section 254 (5) of the Planning and Development Act, 2000, as amended, where it outlines the criteria to which the Planning Authority shall have regard, including S254 (5)(b) which requires compliance with the provisions of the development plan. The applicant has failed to demonstrate that there are no existing structures in the vicinity of the site capable of accommodating the proposed telecommunications infrastructure.
- 7.5.1. In relation to the site selection, I note Objective IN O5 Telecommunication Support of the development plan promotes shared telecommunications infrastructure, requires co-location of antennae support structures where feasible and facilitate both public and private sector is allowing strategically located structures or sites available to facilitate improved telecommunications coverage if the need is sufficiently

demonstrated. The Commission will note that the national telecommunications guidance also requires justification for site selection when proposed within urban centres. This is commonly referred to as the Last resort test. For telecommunications infrastructure proposed in city suburbs, the guidelines state that *‘operators should endeavour to locate in industrial estates or in industrially zoned land’*. It states that other possibilities should also be explored, including some commercial or retail areas (e.g. rooftop locations, locating “disguised” masts), existing ESB substations and preference is given to the use tall buildings or other existing structures over a new independent support structure. It also includes that only as a last resort and if the suggested alternatives (possibilities) are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools.

7.5.2. I note the applicant’s justification and grounds of appeal, refer to the technical requirements for locating at the site. The justification is linked to the need to provide adequate 4G coverage by the operator in an area which is currently poor. Coverage maps have been submitted with the application. I note the publicly accessible coverage maps¹ illustrate the Three 4G in the areas to range from Fringe (poor coverage) to Very Good. The maps illustrate that the operator Three has the poorest coverage in the vicinity, in comparison to other operators. The applicant states in their submission that alternative sites have been investigated and not other alternatives in the cell area are acceptable. The applicant investigates another potential site at the Greenhills hotel although did not get a positive response and the Eirean Telephone Exchange (not sufficient coverage). They also submit that other buildings assessed in the vicinity are not structurally able to accommodate the infrastructure.

7.5.3. An operator of a telecommunication mast in the vicinity made a submission to the appeal stating that Towercom Limited constructed a 20m telecommunications support structure in November 2023 (Reg Ref 20616), c. 200m southeast of Ennis Road from the junction of Clonmacken Road and Ennis Road. This structure has the potential for site sharing a co-location. The applicant responded to the observation noting the information although considered it did not alter the technical justification with the application, the need for this location and the absence of any technical

¹ [Service Coverage - Commission for Communications Regulation](#)

justification by Towercom to substantiate their claim that this existing infrastructure could be utilised to provide coverage by the applicant.

7.5.4. Having regard to the information submitted in the applicant's technical justification, I consider it reasonable that this site, or a similar one in the vicinity is required to provide 4G cover for the operators. The applicant's site selection, which includes the investigation of surrounding sites, alternative locations is considered reasonable. I note the observer's assertion that existing infrastructure could be utilised, although I also note the applicant's submission which states that this has not been back up by technical information. Therefore, I consider the applicants technical justification remains relevant in this appeal.

7.5.5. I note Objective IN O5 of the development plan requires that operators submit documentary evidence as to the non-feasibility of other antenna support structures and sites. Having regard to the information above, and my assessment of the applicants site selection, I consider the applicant complies with the requirements of this objective.

7.5.6. The visual impact of the proposal has been addressed below, as per the PA third reason for refusal. This requires assessment and justification for the last resort test. The Commission will note my assessment below which concludes no significant negative visual impact. Therefore, I consider the proposal can meet with the criteria for meeting the last resort test.

7.6. The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road.

7.6.1. The PA third reason for refusal relates to the visual impact of the infrastructure having regard to the number of existing appliances, apparatus and structures in the vicinity of the site, as detailed below.

- 3 Given the location of the application site and the proposed siting of the telecommunications infrastructure and the number of existing appliances, apparatus and structures in the vicinity of the site, the proposal would have a negative visual impact on the site and surrounding area. The Planning Authority is not satisfied that the proposal has had regard to Section 254 (5) of the Planning and Development Act, 2000, as amended, where it outlines

the criteria to which the Planning Authority shall have regard, including S254 (5)(c).

- 7.6.2. The applicants appeal submission refers to the design of the infrastructure, which is a slim pole and associated cabinets, the photomontage illustrations and the context of the site and they consider that whilst visible the visual impact is localised, acceptable for an urban environment, and will not have a significant negative impact.
- 7.6.3. I note the location of the site along the edge of the Ennis Road at a traffic junction with Elm Drive. There are a number of traffic lights and streetlights associated with the junction, and flag poles and signs associated with the adjoining car showroom business. The applicant photomontage illustrations, submitted with the appeal, clearly illustrate this existing apparatus, although, in my opinion, the addition of the telecommunication infrastructure at this location does not exacerbate the existing urban appliances. Whilst the photomontage drawings indicate that the infrastructure will be visible and higher than the surrounding apparatus, the monopole design prevents a significant visual impact and, in my opinion, represents infrastructure which would be expected along a public road in an urban context.
- 7.6.4. Having regard to the urban context and the applicant's photomontage illustrations, I do not consider the proposal would have a negative visual impact on the site and surrounding area.

7.7. The convenience and safety of road users, including pedestrians.

- 7.7.1. The PA fourth reason for refusal relates to the location of the telecommunications infrastructure in close proximity to a junction on a regional road. The PA are not satisfied the proposal can meet the requirements of this section of the Act because of the location of the proposed structure adjacent to a busy traffic signal junction and existing signage. They consider it has the potential to endanger public safety and the convenience and safety of road users including pedestrians.
- 7.7.2. The report of the Roads Department notes that they are not in favour of the proposed location beside a busy traffic signal junction, concerned about the location beside a proposed power route and an existing water main and consider it conflicts with existing signage.

- 7.7.3. This reason for refusal relates to the location of the telecommunications infrastructure in close proximity to a junction on a regional road. The PA are not satisfied the proposal can meet the requirements of this section of the Act because of the location of the proposed structure adjacent to a busy traffic signal junction and existing signage. They consider it has the potential to endanger public safety and the convenience and safety of road users including pedestrians.
- 7.7.4. In relation to the water mains, the applicant submits that they have undertaken extensive surveys by professionals, using plans produced by Geotec Surveys Limited and they are satisfied that there are no ground constraints at this location whether water, electricity or gas mains. I consider this reasonable, and it would be my opinion that the applicant would undertake a satisfactory amount of due diligence when preparing to locate at a specific site.
- 7.7.5. The applicant's response notes the location of pedestrian footways, pedestrian movement around the site and the wider junction with the Ennis Road. It is stated that the proposed development will not remove or require the relocation of any existing signage or traffic features. The site has been selected so as not to obscure any signage or traffic lights or obscure long-distance views. The proposal will not limit lines of sight or visibility splays for vehicles travelling along the roads. In addition, pedestrians and/or cyclists will not be impeded.
- 7.7.6. From site inspection, and the documents submitted, I noted the location of the site within an area of public open space and adjacent to a public footpath which provides access along the front of several buildings. There is an additional public footpath along the Ennis Road, to the front, north of the site. The location of the telecommunications infrastructure does not impede either of these footpaths and would not impact the convenience or safety of pedestrians.
- 7.7.7. The Roads Department refers to the location of the site, beside a busy traffic signal junction. They do not raise any specific concerns in relation to the impact on sightlines, or movement of vehicles in the area. I note the location of the site, set back from the junction and whilst the appellant has not provided any details on sightlines etc, I am satisfied that the location is well set back at a sufficient distance so as not to impede the vision of any cars at the junction onto the Ennis Road. In addition to this, I note the location of other public infrastructure cabinets and street

poles, of a similar scale, along the side of the open space and these do not impede the movement of vehicles

- 7.7.8. Therefore, having regard to the location of the site, at a distance from the road junction and to the side of a public footpath, I do not consider the proposed development would have a negative impact on the convenience and safety of road users, including pedestrians.

8.0 AA Screening

- 8.1.1. Having regard to the modest nature and scale of the proposed development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Water Framework Assessment

- 9.1.1. Having regard to the modest nature and scale of the proposed development, it is concluded on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

- 10.1.1. I recommend that permission is granted for the proposed licence in accordance with the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to:

- a) The provisions of section 254 of the Planning and Development Act, 2000, as amended,

- b) the applicant's justification for telecommunications infrastructure on this site and the strategic and locational advantage for delivering digital connectivity for Limerick City;
- c) the national guidelines on Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996),
- d) the policies and objectives of the Limerick Development Plan 2022-2028 specifically Objective IN 05 Telecommunication Support and the overall design of the infrastructure and its minimal impact as demonstrated in the submitted photomontages; and

it is considered that the proposed development would not have a significant negative visual impact on the urban setting of Limerick, lead to a flood risk in the area, cause any traffic hazard or negative impact on the movement of pedestrians and would be in keeping with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenity of the area.</p>

3.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
4.	<p>In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 3 months, the structures shall be removed, and the site shall be reinstated within 3 months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within 3 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.</p> <p>Reason: In the interest of the visual amenities of the area</p>

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

Karen Hamilton
Assistant Director of Planning

14th of January 2026

13.0 Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP 323090-25
Proposed Development Summary	S 254 License for an 18m high telecommunications structure
Development Address	Caherdavin, Ennis Road, Co. Limerick.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - 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 type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input checked="" 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?	
<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>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____