



An
Coimisiún
Pleanála

Inspector's Report ACP-323494-25

Development

Retention of 21.5 metre high monopole telecommunications structure and to construction of a 3.5-metre extension to the existing 21.5 metre-high monopole telecommunications structure.

Location

ESB Telecoms Ltd. Compound, ESB Cratloe 38kV Substation, Ballymorris, Shannon, Co. Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2560366

Applicant(s)

ESB Telecoms Limited

Type of Application

Retention and permission

Planning Authority Decision

Grant retention and permission

Type of Appeal

Third Party

Appellant(s)

Adrian Moloney, Alan O'Connell, John Farrelly and Nicola Kenny

Observer(s)

None

Date of Site Inspection

12 November 2025

Inspector

Claire McVeigh

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1.0 Site Location and Description

- 1.1. The subject site is just south of the N18 and approximately 10km west of Limerick City Centre and approximately 3km east of Bunratty, Co. Clare. The subject site, stated area 0.002ha, is located in the compound of ESB Cratloe 38kv Substation in Ballymorris a cluster settlement about 1km to the south of the village of Cratloe.
- 1.2. The subject site is accessible from a slip road off the N18 onto the L-3118, which runs parallel with the N18, where the entrance to the subject site is set back from the roadway. The subject site is located between detached residential properties to the east, with 'Pemberley' immediately adjacent (one of the detached properties within a residential cluster of 5 no. houses) and to the west/southwest further residential properties along a local narrow road (Ballymorris Road). Immediately to the north of the ESB compound, to the opposite side of the road, is what appears to be a temporary construction compound.
- 1.3. The substation compound is enclosed by a palisade fence and is landscaped with mature trees along the southern, eastern and western boundaries and hedging along the roadside boundary. It contains lattice type pylons and equipment consistent with its use as a 38KN ESB substation. The existing monopole structure (stated height of 21.5m) has a number of antennae and dishes attached to the mast.

2.0 Proposed Development

- 2.1. Retention permission is sought for a 21.5 metre high monopole telecommunications structure and permission is sought for the construction of a 3.5metre extension to the existing 21.5 metre high monopole telecommunications structure (overall height to be 25 metre), carrying antennae and dishes along with finial and all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

On the 31 July 2025 retention permission and permission was granted subject to 3 no. conditions. Please see section 3.2.3 for conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The need for EIA is excluded at preliminary examination and screening determination is not required.
- No Appropriate Assessment issues arise.
- The development to be retained and as proposed is considered acceptable in principle at this site having regard to the existing and established use of the site and the nature of the subject works.
- Review undertaken of the past planning application history at the subject site (Please see as detailed in section 4.0 of my report). There is a valid permission for a monopole of 20 metres in height but that the monopole as constructed is 21.5m in height. No issues raised with the proposed retention of the increase in height, and it is considered that the proposed increased height be permitted.
- The site is not at an elevated location in the landscape and is not within a visually sensitive areas and not close to any designated scenic route.
- Highlights the long-established use of the site and past permissions at the site as issued by Clare County Council and An Bord Pleanala.
- Considers that having regard to the existing permitted development at this site and the nature of the development proposed to be retained and new proposed development that the development would not have an undue negative impact on the residential amenities of residents at this location.
- Notes the proposed monopole at this location would have an overall maximum height of 25m and considers having regard to the existing and long-established use of this site and the nature of the development as proposed it would not have a negative impact on visual amenities.
- In respect to consideration of alternatives the recommendation to upgrade the structure to avoid proliferation of more structures in the area as per the planning statement submitted by the agent for the applicant is accepted as satisfactory.

- Refers to the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL07/12 which provides additional updated material in relation to telecommunication antennae and support structures. Notes that as per the circular the planning authority cannot specify a required distance from dwelling houses for telecommunication structures and considers that the proposed development is in keeping with the relevant telecommunication guidelines.
- The subject site is not located in flood zone A or B, and no issues arise in respect of flooding.
- A development contribution is not required in this case.
- No archaeological or built heritage issues arise.

Concludes based on the established use on this site and having regard to the height extension as proposed considers that the development would be acceptable at this location and would not impact negatively on visual or residential amenities of the area.

3.2.2. Other Technical Reports

- None.

3.2.3. Conditions

- Condition no. 1: The proposed development shall be retained and carried out and completed in accordance with the drawings and particulars as received by the planning authority on 20 June 2025. Reason: In the interest of orderly development.
- Condition no. 2: All public service cables for the development, including electrical and telecommunication cables, shall be located underground throughout the site. Reason: In the interest of visual amenity.
- Condition no. 3: All surface water generated within the site boundaries shall be collected and disposed of to the surface water management system on site. Surface water shall not be discharged to the public sewer or onto the public road or adjoining properties. Reason: In the interest of traffic safety and to prevent pollution.

3.3. Prescribed Bodies

- The Health and Safety Authority (HSA) – The application is outside the scope of the Chemical Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 and therefore the Authority has no observations to forward.
- Environmental Protection Agency – No report received.

3.4. Third Party Observations

Six third party observations were received from the following:

- Adrian Moloney
- Alan O'Connell
- Cathal Crowe TD
- Cllr. Pat O'Gorman
- John Farrelly
- Nicola Kenny

In summary the issues raised include:

- I. Application validation issues.
- II. Previous planning history of refusal of permission at the site and temporary permission. Unauthorised extension of the mast not satisfactorily addressed. A review of the appropriate location of the mast should be undertaken, given advances in technology and telecoms infrastructure.
- III. Visual impact and impact on residential amenities. Submitted photomontages do not represent reality, considers these to be misleading. Concerns about property devaluation effects and states that the residential property nearest the telecom mast has been on the market for sale for some time which is unusual in a location with such a high demand for housing and limited supply.

- IV. Comreg, telecommunications licences issues and lack of proper consideration of alternatives. Highlights that there is now a substantial coverage of the Cratloe area by Fibre Broadband making the applicant's position on internet connectivity in this location exaggerates and prejudicial.
- V. Traffic safety on the local road by increased service vehicle traffic in an area where pedestrian activity is common.
- VI. Health concerns particularly near residential communities. Given uncertainty surrounding the impact of prolonged exposure to electromagnetic fields (Emfs) a precautionary approach should be taken not to approve this development so close to residential areas.
- VII. Precedent for further expansion at this site, additional visual impact.
- VIII. Environmental impacts – Concerns that the applicant has indicated that EIA is not necessary, noting that they are not the competent authority. Potential impacts on the Lower River Shannon SAC, as increased electromagnetic radiation and structural presence could have unintended consequences on avian and other species.

4.0 Planning History

Planning register reference: 16/561 Planning permission granted for the continued use of the existing 20m high free standing monopole communication carrying antennae and communication dishes within an existing 2.4m high palisade compound previously granted temporary permission under Planning register reference 11/378 (ABP Ref PL03.239388).

Condition no. 3: The developer shall provide and made available, on reasonable terms, the proposed mast for the provision of mobile telecommunications antennae of third party licensed mobile telecommunications operators. **Reason: In the** interest of avoidance of a multiplicity of masts, in the interest of visual amenity and in the interests of the proper planning and sustainable development of the area.

Condition no. 4: The transmitter power output, antennae type, and mounting configuration shall be in accordance with the details submitted with the

planning application and shall not be significantly altered without prior grant of planning permission. Reason: To clarify the nature of the development to which this permission relates and to facilitate a full assessment of any future alteration to the network.

Planning register reference: 11/378 (ABP Ref: PL03.239388) Planning permission was granted for the retention of the mast for a further temporary period of five years. An Bord Pleanála grant of retention permission for a period of five years: to RETAIN the existing 20m high, free standing monopole communication structure, carrying antennae and communication dishes within an existing 2.4m high palisade compound previously granted temporary permission LPA Ref: P06/86 and ABP Ref: PL.03.217972 valid until 05/10/11; and permission to attach 3 antennae and 2 dishes to allow for future third party co-location at ESB existing Cratloe 38kV substation.

Planning register reference: 06/86 (ABP Ref: PL03.217972) Planning permission granted by Board for retention of mast for further temporary period following first party appeal against refusal by P.A. (P06-86). The P.A. documents indicate that planning permission had been granted in the interim for 8 houses surrounding the ESB compound and it had been considered that the proposal materially contravened the development plan as the mast was within 50m of a house. Permission was granted for a period of 5 years until 14th October 2011.

Planning register reference: 00/355 (ABP Ref: PL03.119501) Planning permission granted for temporary period by the Board, (PA had granted permission, Ref P00-355), for the erection of a 20m high monopole structure with associated dishes and antennae. Permission was granted for a period of 5 years until 12th January 2006.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

The subject site is within an area designated as Rural Areas under Strong Urban Influence. The area is in an area designated as “Working Landscape” under Map C Landscape Designations.

Ballymorris is identified as one of the ‘Clusters’ within Table 3.1 Settlement Hierarchy in County Clare.

Clusters: These are the smallest type of settlement in the hierarchy, and their character reflects traditional building patterns with a loose collection of rural dwellings, clustered around one or more focal points...

Development Plan Objective: Clusters CDP 4.9 It is an objective of Clare County Council: To ensure that clusters throughout the county maintain their existing character providing only for very small-scale growth of dwellings and/or small enterprises where they can be suitably integrated with respect to the setting and context

I highlight to the Commission that the subject site sits outside both the Solar Safeguarding Zone (SSZ) identified for Shannon Airport and that of Coonagh Solar Safeguarding at Limerick and the University Hospital Limerick SSZ.

CHAPTER 11 PHYSICAL INFRASTRUCTURE, ENVIRONMENT AND ENERGY

Development Plan Objective: Digital Strategy CDP 11.53 It is an objective of Clare County Council: To support and facilitate the implementation of the Clare Digital Strategy 2023 and support the role and initiatives of the Mobile and Broadband Taskforce in addressing digital and mobile coverage blackspots and rural communications connectivity

Development Plan Objective: Broadband Connectivity CDP 11.54 It is an objective of Clare County Council: a) To support and facilitate the delivery of the National Broadband Plan and high-capacity ICT infrastructure to all locations across the county; b) To support and facilitate the implementation of the Clare Digital Strategy 2023 and its successor(s); and, c) To support and facilitate the sustainable delivery of digital infrastructure ducting and dark fibre infrastructure and the strengthening of Metropolitan Area Networks and to ensure compliance with the environmental requirements of objectives CDP 3.3.

11.8.9 Telecommunications Infrastructure

- The Council will have regard to planning guidelines in the then DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, in assessing proposals for telecommunications infrastructure and support structures. The Planning Authority will work with the telecommunications providers to facilitate the development of infrastructure that respects the recognised value of the natural and built heritage and will seek to encourage the co-location of

masts and antennae on existing structures within the county.

Development Plan Objective:

Telecommunications Infrastructure

CDP 11.55

- It is an objective of Clare County Council: To consider the provision of high-speed, high-capacity digital and mobile infrastructure within the County having regard to the DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012) with regard to the appropriate environmental assessments and compliance with objective CDP 3.3 of this plan.

Development Plan Objective: Appropriate Assessment, Strategic

Environmental Assessment and Strategic Flood Risk Assessment CDP 3.3

It is an objective of the Clare County Council: a) To require compliance with the objectives and requirements of the Habitats Directive, specifically Article 6(3) and where necessary 6(4), Birds, Water Framework, and all other relevant EU Directives and all relevant transposing national legislation; b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required together with the preparation of both statutory and non-Statutory Ecological Impact Assessments (EclA); c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network; d) To require all proposals to ensure there is 'no net loss' of biodiversity within developments; e) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected; f) To require the preparation and assessment of all plans and projects to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan; and g) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the plan).

Criteria for Definition of the Western Corridor Working Landscape

- All lands within 10km on either side of the N18/M18 – except as excluded by Heritage Landscapes.

Development Plan Objective: Western Corridor Working Landscape CDP14.3 It is an objective of Clare County Council:

- a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;
- c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:
 - i. That the site has been selected to avoid visual prominence
 - ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads
 - iii. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

CHAPTER 19 LAND USE ZONING

19.4. Nature of Zonings

Utilities/Infrastructure

- Safeguard It is intended that land zoned 'utilities' and 'infrastructure safeguard' will be reserved for the existing and future provision of key infrastructural services and the upgrading of existing services and infrastructure relating to road, rail, air, electricity, telecommunications, gas, water and wastewater treatment services.

Volume 3b Shannon Municipal District Settlement Plans Including Limerick Shannon Metropolitan Area.

Map 88 Shannon Municipal District – Clusters

Map 94 Ballymorris Cluster

5.2. National Policy and Ministerial Guidelines

5.2.1. 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.

5.2.2. 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.

5.2.3. 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.

5.2.4. National Development Plan 2021-2030

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

5.2.5. 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.

5.2.6. Regional, Spatial and Economic Strategy

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.

5.2.7. Telecommunications Antennae & Support Structures Guidelines for Planning Authorities, 1996

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.

5.2.8. Circular Letter PL 03/2018

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.

5.2.9. Circular Letter PL07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise elements of the 1996 Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). Broadly these elements 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.

5.3. Natural Heritage Designations

The subject site is located approximately 1.3km north of the Special Area of Conservation: Lower River Shannon SAC (Site Code: 002165), the proposed Natural heritage Area: Fergus Estuary and Inner Shannon, North Shore (Site Code: 002048) and the Special Protection Areas: River Shannon and River Fergus Estuaries SPA (Site Code: 004077).

Approximately 1.3km to the northeast of the subject site is proposed Natural Heritage Areas: Garrannon Wood.

6.0 Environmental Impact Assessment (EIA) Screening

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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The appellants Adrain Moloney, Alan O'Connell, John Farrely and Nicola Kenny have made a combined third-party appeal.

The appeal submission focuses on concerns in respect to the decision making of the planning authority and the key issues raised are summarised below:

- Proximity of the development to residential homes not directly addressed in the planning authority report with respect to the interpretation of the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (herein referred to as *Telecommunications Guidelines*) and Circular letter PL07/12, relating to section 2.3 in respect to the development plan and separation distances, in that the planning authority did not consider fully the proximity to residential homes as a material consideration in the assessment of the individual planning application. The Telecommunications Guidelines explicitly require planning authorities to evaluate the siting and location of telecommunications structures to minimise impacts on residential areas.
- Property devaluation and impact on residential amenities/ visual amenities in planner's report does not have sufficient analysis, supporting evidence or reasoned justification.
- Questioning the planning authority's interpretation, analysis and application of the sections of the Clare Development Plan 2023-2029 in respect to the proposed development. Certain sections of the plan are included within the report, however, it does not justify the application of same to the subject proposals. The appellant states that the proposal are at odds with CDP 14.3 Clare's Living Landscapes (b) '*To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact*'.
- Alternatives have not been fully evaluated to minimise the impact on the local community.
- Submitted photomontage considered to be misleading, and this issue not addressed in the planning report.
- Planning breaches in respect to the structure not sufficiently addressed in the assessment.
- Suggested inaccuracies in the planning report. Figure 1

- Citing an out-of-scope expert reports provides a misleading viewpoint of compliance. Technical reports section states 'no reports received to date' although the applicant did submit technical documents.
- Impact of development on local road safety not assessed. No Roads Design Office input is on record for this application.
- Questions whether sufficient time was spent on application to allow for adequate time for poor consideration, analysis and investigation with planner's report being completed 6-7 days after the final submission was received. Concerns that points raised by the residents were neither acknowledged or addressed.

A CD was received with the appeal stated to contain copies of the appeal documents. The CD was checked by the processing team and found to be blank.

7.2. **Applicant Response**

The applicant seeks to address the matters raised in the appeal by addressing each of the grounds raised, in summary:

- Due regard was made to the proximity of residential dwellings in making the application. Highlights that several of the dwellings in the vicinity have been constructed after the date the monopole was erected.
- The planning application addressed the policies and objectives of the development plan, and the planning authority found the proposed to be in accordance with same.
- Alternatives were considered, and these were found to be unsuitable. The continued operation of the existing site and future development meets the operation requirements of ESBT and would represent the most efficient use of resources by utilising the existing structure.
- In respect to impact on residential and visual amenities no nearby dwellings front or face directly onto the compound or structure.

The bungalow that sits to the southwest of the site faces the electricity substation. The nearest part of the bungalow is some 60 metres away with the

primary elevation facing east. Between the bungalow and the telecoms structure the boundary of the wider substation lands is marked by a line of tall mature trees and bushes that service to screen and soften any views.

The detached dwelling to the southwest [sic] of the monopole is some 25 metres distance and the main aspect to the north does not look directly into the monopole, and there are no principal windows at upper level in the west facing gable elevation. At ground floor in the single storey element of the dwelling there are windows however the proximity of the mature boundary trees would effectively screen any views of the monopole and extension.

The front elevations of the dwellings further south and southwest are north facing but more distant from the site. The monopole and extension would be visible, would not be in direct sightlines and be of such a scale and distance so as not to dominate views nor cause undue harm to the residential and visual amenities.

- The series of photomontages from several locations were carefully selected to best assess the degree of likely impact the proposed would have on residential properties and surrounding landscape and roads.
- No substantive evidence of devaluation having occurs in the past.
- ESBT acknowledge the planning breaches in respect to the increased height and state that the retention element of the proposed seeks to rectify the planning status of the monopole and equipment shown to protrude the height of the structure that have been in place prior to 2014.
- In respect to comments on Figure 1 in the PAR consider the inclusion of such an image would most likely be to provide a context for introducing the application and the proximity of the private houses adjacent to the site. When preparing the planning application the location of these dwellings and other features such as nearby roads and land uses were taken account of.
- The inclusion of the submission received from HSA is acknowledged and the appellants comments are noted. In terms of health matters the ESBT regularly undertake radio emissions/frequency tests at all its

telecommunications sites using certified contractors. Results indicate that ESBT sites operate well within the safety standards set out by ComReg.

- In terms of impact on road safety the proposal involves using the existing access to the substation where there is already an existing entrance to the substation located on the L3118 road. The existing entrance already benefits from a wide vehicular splay and additional traffic generated by the proposal would be minimal. During construction appropriate safety measures are deployed to minimise any potential risk to road users and during operational stage visits carried out generally for maintenance are not frequent and typically involve cars or small vans. A construction and management plan could be requested by condition to be agreed in writing with the planning authority prior to the commencement of works.
- In respect to technical reports submitted the dates are provided for each and it is stated that ESBT sites are regularly tested as part of the company's maintenance programme and any site is available to be checked by ComReg at any time.
- Appellant's comments are noted in respect to the planners report timing and overall deficiency. Considers that just because a decision was arrived at prior to the decision due date does not mean that sufficient time was not give for proper consideration, analysis and investigation.

7.3. Planning Authority Response

- Request that An Coimisiún Pleanála uphold the decision of the planning authority in this case, which is considered to be in keeping with County Development Plan Policy and National Planning Guidance for telecommunications structures.

7.4. Observations

- 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 report/s 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:

- Principle of development
- Justification for location (last resort/alternative sites)
- Impact on Residential Amenity
- Impact on Visual Amenity
- Health and Safety
- Traffic and pedestrian safety matters
- Devaluation of property
- Other

8.1. *Principle of development*

- 8.1.1. The subject site is not zoned but sits within the defined Ballymorris cluster boundary. Planning permission was granted under planning register reference 16/561 for the continuance of use of an existing 20m high monopole communication structure following a series of temporary permissions granted since 2001, please refer to section 4.0 for detail. The telecommunications structure has been in place for over 24 years and facilitates the use by other operators, contributes towards the provision of an adequate telecommunication service in the South Clare area in accordance with national and local policy (please refer to section 5.0 of my report). The principle of a telecommunications infrastructure has long been established at the site. Therefore, it is not planned to revisit this issue as part of the subject application, I shall address the issue in relation to the retention of the additional 1.5m and the proposed further extension in height of 3.5m in the following sections.

8.1.2. I highlight to the Commission that when the mast was first erected the 5 no. dwellings to the east (the closest being approximately 25m from the subject site) had not been constructed as per applicant's response to appeal and as recorded in previous appeals relating to the development.

8.2. *Justification for location (including considers in respect to alternative sites and "last resort")*

8.2.1. The appellant raises concerns that alternatives have not been sufficiently explored and that matters raised in respect to looking to other solutions away from residential areas have not been considered in terms of meeting the standard of "last resort".

8.2.2. Firstly, in respect to the 'last resort' test the subject site has already been deemed acceptable for use as telecommunications, with associated structure and equipment, and as such I am focussing my assessment on the justification of last resort in terms of the additional height to the structure sought to be retained and permitted. The last resort test applies to towns and villages within a settlement hierarchy as per the Telecommunications Antennae & Support Structures Guidelines for Planning Authorities, 1996 (herein called Telecommunications Guidelines). The subject site, however, is in a defined cluster settlement and, as such, it could be argued that the 'last resort' test could therefore be applicable. The telecommunications guidelines states that if such a location, within or in the immediate surrounds of smaller towns or villages (section 4.3), should become necessary then sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. In this respect, given the subject site is already developed for utilities I am of the opinion that the subject application meets the 'last resort' test, the design of the works to be retained and as proposed are considered in section 8.4.

8.2.3. Secondly in respect to consideration of alternatives I note the appellant includes reference to the matters raised by local residents to support their grounds of appeal, as attached in Appendices A-D of the appeal submission. I have reviewed same and note that an existing mast located near Cratloe Railway Station is referenced by Alan O'Connell as a possible alternative location has not been explored in the analysis of existing sites contained in the RF Technical Justification Report prepared by Three Ireland (Justification Report). On review of the Justification Report and submitted

Planning Statement I agree that this site at Cratloe Railway Station is not included within the nine sites listed in section 5.2 as illustrated in Figure 7 of the Planning Statement. No details have been provided in respect to that structure and its capacity in respect to co-location of antennae and dishes from the appellants. From my review of Clare County Council's ePlan there is no record of planning permission in respect to same. This structure may be provided under the exempted development provisions contained in Schedule 2 of the Planning and Development Regulations, 2001 (as amended). In the absence of further evidence, it is difficult to determine the feasibility of utilising same as a reasonable alternative to the existing structure at Cratloe ESB 38KV substation.

- 8.2.4. In terms of assessing the proposal, and following the scheme of the Telecommunications Guidelines, the first step is to consider if any alternative locations, outside the settlement, are available. The applicant's documentation includes details of coverage requirements for the area and indicates that existing alternative sites within a search area in the environs are not suitable as per the submitted Justification Report. As already set out the appellants query the adequacy of the assessment of alternative sites, including the absence of consideration of a higher ground on a hill close to Portdrine Business Park in Cratloe and a mast already located near Cratloe Railway Station. The analysis of existing sites as contained within the Justification Report indicates that eight other alternative sites are unable to cover the specific area. I am of the opinion that given the existing site which comprises a telecommunications structure that is already used by several operators, including Three and EIR, within an area already developed for utilities and that the proposed upgrade would prevent the proliferation of more structures in the area that it would be unreasonable to refuse permission for retention and extension of the pole on the grounds that sufficient justification or exploration of all other alternatives has not been put forward.

8.3. *Impact on Residential Amenity*

- 8.3.1. In respect to concerns raised in the appeal of the failure of the planning authority to assess the impact on residential amenity I highlight to the Commission that in my assessment of same it is the impact of the extension to the existing as permitted telecommunications structure and not the as permitted structure in respect to its location that I am focussing on. In this respect the proposed development seeks to

retain an extension of 1.5m to the existing monopole and further increase the height by 3.5m to result in a telecommunications structure of 25m in height. Therefore, the proposed total increase in height of 5m, from that permitted, represents a 25% increase.

- 8.3.2. The telecommunications structure is positioned between residential properties, the closest being 'Pemberley' at approximately 25m from the subject site. As such, the presence of the structure appears very dominant given this close proximity. From my site visit I also note that the structure is also dominant in views from the rear of the residential cluster within which Pemberley is one of the 5 no. detached dwelling. As already noted above planning permission was sought and granted for this cluster of 5 no. residential properties post the construction of the telecommunications mast. On balance, I am of the view that the increase in height of the structure by a total of 5 metres would not result in an adverse impact in respect to established residential amenity due to the nature of the slimline monopole structure in terms of significant increase in overshadowing. Issues with respect to impact to overbearance and visual amenity are addressed in section 8.4.

8.4. *Impact on Visual Amenity*

- 8.4.1. I note the appellants concerns in respect that the increased height of the mast would have a profound negative effect on the visual landscape of their community. The subject site is within a landscape designated defined as 'working landscape' which represents intensively settled and developed areas within settled landscapes or areas with a unique natural resource. As such these working landscapes represent areas of more concentrated development. The immediate area of the subject site is characterised by the residential cluster settlement, the utilitarian ESB compound with similar poles and pylons and the N18 road infrastructure.
- 8.4.2. The appellant has raised issue that the photographic presentation is misleading with respect to the chosen viewpoints and accuracy of the applicant's visual submissions. I note for the Commission that no alternative photomontages have been submitted by the appellant, however I do acknowledge Appendix B of the appeal which contains images as taken from Google Street view to demonstrate images to reflect views from the immediate adjoining residential area. From my own site visit I

focussed on assessing the potential visual impact from these immediately adjoining residential areas as being the most sensitive receptors to change.

8.4.3. I would highlight to the Commission that the submitted photomontage package of 12 no. views does label the proposed 3.5m high monopole extension in proposed views, however, the additional 1.5m sought for retention is not labelled on same. In addition, I agree with the appellant that the submitted drawings indicate that the equipment and antennae attached to the monopole exceed the stated 21.5m sought for retention. For clarity the drawings of the development in its totality indicate a maximum height of the pole and attached operator equipment at 25m with a ESB telecoms lighting final extended above the 25m A.G.L.

8.4.4. For clarity, in my assessment I am taking into account both the overbearance and visual impact of the 3.5m extension and the 1.5m of pole and associated structures (22.28m A.G.L. as indicated on the submitted drawings) proposed to be retained separately and in combination. The subject site benefits from existing mature trees which so provide a softening effect to the visual impact of the existing structure to be retained in longer views. In shorter views the structure is more dominant as existing and clearly extends above the treeline.

8.4.5. Whilst the proposed further extension of the telecommunications structure would result in an additional visual impact projecting further above the existing treeline, I am of the opinion that on balance, such a percentage change would not degrade the visual amenities of the area to a significant degree. In conclusion on this point, I consider that the development proposed to be retained, and the further extension of the telecommunications structure as proposed would not seriously injure the visual amenities of the area or result in adverse impacts in terms of overbearance.

8.5. *Health and safety*

8.5.1. The applicant has submitted a *Comreg Site Survey Report* (dated 28/06/2014) and *ESBT maintenance reports* (dated 07/02/2020), *RF Emissions Test* (dated 11/08/2021), *RF Emissions Test* (dated 11/07/2024) as per Attachment 2 of the Planning Statement. The appellant has raised concerns with respect to the report's credibility and relevance to the technical material provided and regulatory compliance. I note for the Commission that no independent RF reports have been

submitted by the appellant to provide a counter argument to that submitted by the applicant.

8.5.2. In summary the key concerns raised by the appellant are set out in the table (8.5) below and my consideration /comment to same for ease of address:

| Concern/issue | Consideration/comment |
|---|--|
| (a) A RF Emissions Test Report that referred to an entirely different site. | I concur with the appellant that the site address of one of the submitted RF Emission Test is 'Cahircalla More, Ennis' which does not relate to the subject application site. Notwithstanding I note that the Site Name on the test is Cratloe 38kV. It is unclear if the site address is a typographical error in this case. Given that the site name is correct I consider it a valid record. |
| (b) RF compliance certificates that were undated. | From the information on file and the response received from the applicants to the appeal all the RF compliance certificates are dated. I consider that no issue arises. |
| (c) No evidence that calibrated measurement devices were used. | The Comreg compliance report does include details of the measurement equipment used and calibration of devices. I agree with the appellant that the RF Emission Tests as part of ESBT Maintenance Report do not include details of the calibration of measurement devices used. In response the applicant states that <i>"Contractors working on ESBT sites are registered, undergo appropriate training, are competent and are audited to</i> |

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| | <p><i>ensure all equipment is regularly maintained</i>". On this basis I accept the results of the three RF Emission Tests and note the statement of compliance from ComReg in respect to the International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines (1998) guideline limit.</p> |
| <p>(d) One of the reports was over 15 years old and therefore unlikely to reflect current conditions.</p> | <p>The applicant in response stated that <i>"All ESBT sites are regularly tested as part of the company's maintenance programme, and any site is available to be checked by ComReg at any time, ComReg being the regulatory body."</i> As such I understand that, in the absence of any evidence to the contrary, that this is the most relevant site survey report undertaken independently by ComReg (dated 26/06/2014) for the subject site and, therefore, forms part of the evidence base of compliance of the telecommunications structure.</p> |
| <p>(e) Test measurements were taken only at the mast's base.</p> | <p>I note that the measurement location as selected by ComReg in their site survey was outside the entrance gate to the substation as being the point of maximum non-ionising radiation near site.</p> |
| <p>(f) Questions the applicant's compliance with S.I. No. 600/2001 Planning and Development Regulations, 2001</p> | <p>I understand that the appellant may be referring to the conditions and limitations relevant to exempt development provisions for</p> |

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|--|--|
| (regarding exposure to electromagnetic fields). | telecommunications under The Planning and Development Regulations, 2001. These specifically relate to the exempt development provisions of Class 31 and, therefore, do not relate to the subject application. |
| (g) What is the most recent ComReg testing or survey data. | Please see my response to (d) above. |
| (h) General compliance with ComReg and related national regulations. | I consider that the applicant has submitted sufficient documentation to verify compliance with the ICNIRP Limits for general public exposure to non-ionising radiation which is a condition of general authorisation for an electronic communications network/service as well as of various Wireless Telegraphy licenses issued by the Commission for Communication Regulation (ComReg). |

Table 8.5: Concerns raised in respect to the applicant's technical reports submitted.

8.5.3. As noted above (Table 8.5 (g)) I have reviewed the submitted documentation and consider that the applicant has submitted sufficient documentation to verify compliance with the ICNIRP Limits for general public exposure to non-ionising radiation which is a condition of general authorisation for an electronic communications network/service as well as of various Wireless Telegraphy licenses issued by the Commission for Communication Regulation (ComReg).

8.5.4. 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.

8.6. *Traffic and pedestrian safety matters*

- 8.6.1. The appellant has raised concerns that the proposed extension would require heavy construction machinery and large delivery vehicles, ongoing servicing and maintenance of the mast would also result in increased vehicular movement and parking within vicinity of the mast and that the siting of the mast and its access route may obstruct or delay emergency vehicles. I note for the Commission that the Roads Design Office did not report on the subject application.
- 8.6.2. All aspects of traffic and pedestrian safety matters were considered by the planning authority under planning register reference 16/561 in that application for the continuance of use of the telecommunications structure. I note that the Roads Design Office did provide an internal report (dated 9 August 2026) for same with recommendations including an increased visibility splay to be provided by clearing back the overgrown boundary in line with the adjoining abutting eastern property front boundary wall, regulation of the entrance, parking restrictions and surface water controls preventing water to flow or accumulate onto the public road. I note that the decision to grant continuance of the use of the structure did not include conditions in respect to same as it was considered having regard to the planning history of the site and nature of the application as applied for the road issues had been previously addressed.
- 8.6.3. I would concur with the planning authority's opinion in respect to planning register reference 16/561 that the access and egress into the site have already been assessed and approved and no works are proposed in respect to the entrance within the subject application. Furthermore, I am of the view that in respect to the subject appeal that any additional construction and/or maintenance of the monopole/mast given the scale of extension proposed would not generate a significant amount of traffic. I do not consider that a refusal of retention permission and permission is warranted on these grounds. In the event that the Commission is minded to grant retention and permission the requirement to submit and agree in writing a Construction Management Plan could be addressed by way of condition.

8.7. *Devaluation of property*

- 8.7.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above in respect to residential amenity and visual amenity, 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.

8.8. *Others*

- 8.8.1. The appellant raises a number of grounds in respect to the planner's report (referred to as the PAR) including their limited selection of referenced policy and objectives of the Clare County Development Plan 2023-2029; not taking into account in the subject application the previous planning authority concerns in respect to impact on residential amenities; issues with Figure 1 of the PAR obscuring the nearest residences in the aerial image and inaccurate placement of the blue arrow indicator for the mast location; that the statement from the HSA was included as it creates a misleading impression that the proposal has met all relevant health and safety considerations; no report received from the Roads Design Office, do not believe that adequate time was given for proper consideration of the submissions, and that section in the PAR titled submissions from prescribed bodies (sic) (*should read Technical Reports*) it states that no reports were received when technical reports were included with the application.
- 8.8.2. My assessment represents a consideration of the appeal on a 'de novo' basis and in this regard, I am of the view that it would be inappropriate for me to comment qualitatively on the planning report of the planning authority or procedurally on same. In respect to the inclusion of the statement from the HSA I consider that the planning authority has correctly included same on the file for transparency and that the submission makes clear that the type of development subject of the application is not of relevance to their statutory function. On a point of clarity, the appellant does raise concerns that technical reports, as submitted by the applicant as part of the 'Planning Statement' are not referenced under the heading '*Submissions from Prescribed Bodies*' (page 14 of the appeal submission) it appears that this title may have been used in error by the appellant as the relevant heading is 'Technical Reports' in the PAR. The section Technical Report generally includes all other

internal reports of the local authority for example a report from the Roads Design Office. In the subject application no internal reports were received, so the PAR is accurate in this regard. In terms of the PAR format, I would not agree with the appellant that it would be appropriate to include those technical reports, such as the RF Technical Justification Report prepared by *Three Ireland* and the Comreg Site Survey Report and ESBT maintenance report given they form part of the evidence base provided by the applicant on which to base a decision and, therefore, should be referenced within the assessment. Please refer to section 8.2 and 8.5 for my consideration in respect to same.

8.9. *Conclusion*

- 8.9.1. It is considered that proportionately the additional height of 1.5meters to be retained and a further additional height of 3.5m, as proposed, in respect to the existing permitted telecommunications structure which has been in place for 24 years, facilitates use by several operators and contributes towards the provision of an adequate telecommunications service in South Clare is in accordance with national and local policy (please refer to section 5.0). I am of the opinion that no significant visual or residential amenity impacts arise, notwithstanding, the proximity of the structure to a number of residential dwellings and a refusal is not warranted on traffic safety issues or potential devaluation of properties.

9.0 **AA Screening**

I have considered the proposed retention of 21.5-metre-high monopole telecommunications structure and proposed construction of a 3.5m extension to the existing monopole in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located to the south of the village of Cratloe and approximately 1.3km north of the Special Area of Conservation: Lower River Shannon SAC (Site Code: 002165) and the Special Protection Areas: River Shannon and River Fergus Estuaries SPA (Site Code: 004077).

The proposed development comprises retention and extension to a monopole telecommunications structure. Please see section 2.0 of my report.

No nature conservation concerns were raised in the planning appeal.

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:

- Nature of the works
- Location-distance from the nearest European site

I conclude on the basis of objective information, that the development to be retained and as proposed 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 Water Framework Directive (WFD)

- 10.1. The river body Owenogarney_060 (water body code: IE_SH_27O011200) is approximately 160metres south/southeast of the subject site and is assessed as good status and identified as being under WFD review. The groundwater body is Tulla-Newmarket on Fergus (IE_SH_G_229) and its status is good and identified as not being at WFD risk.
- 10.2. The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the telecommunications structure to be retained and extended 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:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest water bodies

10.4. I conclude that on the basis of objective information, that the proposed development would 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 retention permission and permission be granted for the following reasons and considerations:

12.0 Reasons and Considerations

Having regard the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12; Development Plan Objective CDP 11.54 of the Clare County Development Plan 2023-2029 which supports and facilitates the delivery of high-capacity ICT infrastructure; the existing telecoms infrastructure on the site and the established use of the site for telecommunications purposes; the justification for the development having regard to the ComReg coverage maps which confirm that the surrounding area currently does not benefit from good ICT coverage; and the scale and design of the proposed development, it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and the current Clare County Development Plan 2023-2029. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which retention and permission is granted.

2. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

3. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of nine [9] months, the structures shall be removed, and the site shall be reinstated within three [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 [1] one month of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.

Reason: In the interest of the visual amenities of the area.

4. 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.

Reason: In the interest of the visual amenities of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Claire McVeigh

Planning Inspector

27 November 2025

Form 1 - EIA Pre-Screening

| | |
|---|---|
| Case Reference | 323494-25 |
| Proposed Development Summary | Retention of 21.5 metre high monopole telecommunications structure and to construction of a 3.5-metre extension to the existing 21.5 metre-high monopole telecommunications structure |
| Development Address | ESB Telecoms Ltd. Compound, ESB Cratloe 38kV Substation, Ballymorris, Shannon, Co. Clare. |
| | 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 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? | |
| <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><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> | |

| | |
|---|---|
| 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)? | |
| Yes <input type="checkbox"/> | |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ **Date:** _____