



An
Coimisiún
Pleanála

Inspector's Report

ACP-323745-25

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| Development | Erection of a 24 metre high telecommunications lattice tower with antennas, dishes and associated equipment and works |
| Location | Ballyfookeen, Bruree, Co. Limerick |
| Planning Authority | Limerick City and County Council |
| Planning Authority Reg. Ref. | 2560435 |
| Applicant(s) | Vantage Towers Limited |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Mairead Lyons on behalf of Rockhill Says No |
| Observer(s) | None |
| Date of Site Inspection | 16 th December 2025 |
| Inspector | Clare Clancy |

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballyfookeen approx. 3 km to the west of Bruree village, approx. 7 km north of Charleville, and approx. 28 km to the south of Limerick city. The site is accessed off the L-1539 by an existing agricultural entrance, and an existing agricultural track within the farm holding provides access to the subject site.
- 1.2. The site is set back by approx. 507 m north of the L-1539 road. The grounds levels within the site rise in a north easterly direction from the public road. The site is located in the corner of a field which forms part of the overall landholding used for pasture grazing. The eastern boundary of the site is defined by trees and hedgerow. The ground level of where it is proposed to locate the development is elevated relative to its surrounds.
- 1.3. The general area which is rural, is characterised by agricultural farm lands to the north, east and south of the L-1539, and one-off housing along the route of the L-1539. The dwelling and farmyard within the landholding are located to the west of the site. There is an existing dwelling located to the south of the existing agricultural entrance.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a 24 m high latic tower together with antennas, dishes and associated equipment attached including a concrete base, all enclosed by security fencing which will be of palisade design with a proposed max height of 2.4 m.
- 2.2. The appeal site has a stated area of 0.200 ha and the application site boundary (red line) encompasses the proposed new entrance, the existing agricultural access and the agricultural track. Adjoining lands are included within the blue line.
- 2.3. The public notices describe access to the site using an existing farm track that will be widened at its entrance with the public road. To clarify, it is noted from the plans and drawings that a new access is proposed off the L1539 and to close the existing agricultural access. No alterations are proposed to the existing internal agricultural track leading up to the site other than at the area adjoining the proposed new access.
- 2.4. Documents lodged with the application include:

- A letter of consent from the landowner on which the application is made.
- Photomontages of the proposed development.
- Sightlines and stopping distances layout drawing.

2.4.1. In response to a Further Information request, the followings documents were submitted:

- Topographic survey showing achievable sightlines, folio details.
- Photos of sightlines from at the entrance (prior to construction)
- Site layout plan showing entrance and landownership boundaries.
- Swept path analysis for construction traffic.
- Letter from landowner re maintenance of roadside boundaries.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following a request for further information (FI), by Order dated 02nd September 2025, Limerick City and County Council decided to grant permission subject to 7 no. conditions. The conditions are generally standard and include for surface water management and the sites reinstatement when the structure is no longer required. The following conditions are of note:

- Condition 2 – Requires the mast to be made available for other service providers.
- Condition 4 – Requires the permanent closure of the existing agricultural access.
- Condition 6 – Requires the achievement of sightlines and stopping sight distances of 90 m and the inclusion of site remedial works including the setting back of existing vegetation boundary at a minimum of 0.5 m behind the sightline envelope.
- Condition 7 – The reinstatement of the ground between the road edge and the realignment of the front boundary to address road safety issues occurring.

3.2. Planning Authority Reports

3.2.1. Planning Reports

First Report 03/07/2025

- Noted that the current application is identical to an application refused under P.A. Ref. 23/60822, ABP Ref. 319464-25 and having regard to that decision, the substantive reason to be addressed was access serving the proposed development.
- The revised proposal provides for the proposed entrance and access track within the overall application site boundary (red line).
- Noted the concerns raised by the Planning Inspector in the previous decision of the Commission with regard to the siting of the entrance outside of the red line and in land which the applicant did not have control of.
- Noted the report of the Roads Department which highlighted issues regarding achievable sightlines including the mature roadside boundary which would inhibit sightlines for approaching vehicles.
- Recommended FI to address sightlines and the submission of swept path analysis and any site remedial works required to achieve sightlines concerning third party boundaries.
- It was concluded that Appropriate Assessment and an EIA screening determination were not required.

Second Report 01/09/2025

- The revised proposals demonstrated achievable sightlines 90 m from the proposed entrance and 90 m stopping distances. Noted that some site remedial works would be required i.e. relocate the entrance marginally to the west.
- The Road Department were satisfied with the proposals.

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

3.2.2. Other Technical Reports

- Roads Department 01st September 2025 – No objection subject to conditions related to in particular:
 - Sightlines and stopping sight distances 90 m shall be achieved as shown on the site plan and stopping sight distance layout plan, to include setting back any mature vegetation boundary a minimum of 0.5 behind the sightline envelope.
 - To submit photos upon completion to clearly demonstrate that sightlines and stopping sight distances are achieved.
 - Any planting shall not interfere with sightlines.
 - Surface water management.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

35 no. third party observations were received. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

Appeal Site

- P.A. Ref. 23/60822, ABP Ref. 319464-25 – Permission refused for 24 m telecommunications structure and ancillary equipment and site works. The grounds for refusal related to public safety by reason of traffic hazard due to inadequate sightlines, and the entrance was outside of the red line boundary (10th March 2025).

Sites in the Vicinity

- P.A. Ref. 21/986 – Permission granted 2022 for a 30 m high lattice mast at Ballynoe, Bruree approx. 3 km to the east of the subject site (note take up).

5.0 Policy Context

5.1. National and Regional Policy

Climate Action Plan (CAP) 2025

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

Harnessing Digital. The Digital Ireland Framework.

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

National Planning Framework 'Project Ireland 2040'

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

National Development Plan 2021-2030

- The government recognises that access to quality high speed broadband is essential for today's economy and society.
- The N/M20 Cork to Limerick Project is a key element in Project Ireland 2040, the Government's long-term overarching strategy to make Ireland a better country for all of its people. The Strategy comprises the National Planning Framework (NPF) to 2040 and the National Development Plan (NDP) 2021-2030 <https://corklimerick.ie>.

National Broadband Plan 2020

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

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

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

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

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

Circular Letter PL 03/2018

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

Circular Letter PL07/12

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

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Register or database of approved structures;
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds; and

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

5.4. Limerick Development Plan 2022-2028

5.4.1. Chapter 2 Core Strategy

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

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

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

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

- **Policy EH P8 Landscape Character Areas**

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

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

5.4.3. Chapter 7: Sustainable Mobility and Transport

- **Policy TR P11 Road Safety and Carrying Capacity of the Non-national Road Network**

It is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

- **Objective TR 029 N/M20 Cork to Limerick Project**

To support delivery of the N/M20 Cork to Limerick Project, which will connect Cork and Limerick, subject to all environmental and planning assessments.

- **Objective TR 037 Land Uses and Access Standards**

It is a policy of the Council to:

(a) Ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national; public road meets the appropriate design and safety standards.

5.4.4. Chapter 8: Infrastructure

- **Policy IN P1 Strategic Infrastructure**

It is a policy of the council to:

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

Section 8.4.2 Telecommunications Support Structures, Antennae and Domestic Satellite Dishes:

- The Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a modern society and economy. While the advantages of a high-quality ICT infrastructure is acknowledged, these must be balanced with the need to safeguard both the urban and rural landscape, which can be significantly impacted due to the physical nature of telecommunication structures. Visual impact should be kept to a minimum, with detailed consideration of design, siting and the scope for utilising landscaping measures effectively. In considering planning applications, regard shall be had to Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, Circular Letter PI07/12 and the Planning and Development Regulations 2001 (as amended). These guidelines and regulations encourage the sharing or clustering of sites, as reflected in this chapter.
- **Objective IN O5 Telecommunication Support**

It is an objective of the Council to:

- a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers.
- b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works.

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

e) Require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. There is a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.

f) Require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense when it is no longer required.

h) Ensure orderly telecommunications development in accordance with requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PL07/12 which takes precedence and any subsequent guidelines.

5.5. Natural Heritage Designations

The nearest European and natural heritage sites are the following:

- pNHA: 001434 - Heathfield Wood – approx. 12 km to the west.
- SAC: 002170 - Blackwater River (Cork/Waterford) SAC – approx. 12 km to the south.
- pNHA: 000439 - Tory Hill – approx. 12.24 km to the north.
- SAC: 000439 - Tory Hill SAC – approx. 12.24 km to the north.

6.0 EIA Screening

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

trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received from Mairead Lyons on behalf of 'Rockhill says No'. A submission is made by James O'Callaghan which is appended to the appeal. For completeness, I propose to consolidate the substantive issues raised in the grounds of both submissions under the following headings:

Access & Traffic Safety

- Sightlines and visibility splays are not demonstrated within lands under the control of the applicant.
- Remedial works to achieve full sight lines (trimming / removal of hedgerow / earth bank) is outside of the red line.
- Reliance on future M20 / L-1539 realignment is speculative. No approved design is in place to address current defects. The proposal endangers public safety by reason of traffic hazard, and is contrary to TR P11 and TR O37 of the Limerick Development Plan 2022-2028.
- The clear sightline triangle of 2.4 m set back from road edge is not accurately shown on the drawings, the dimension line is falsely represented not starting in the middle of the dashed purple line.

Health Impacts

- The proposed development is surrounded by existing residential properties and working farms. No assessment was undertaken of the appropriateness of the location having regard to potential health impacts in the context of telecommunication masts.
- No health related assessment was undertaken other than a generic ICNIRP statement which does not address cumulative exposures from potential multi-operator loading or nearest home scenarios.

- There is a planning requirement to ensure that electromagnetic radiation exposure standards are met and that the site location is appropriate from a health perspective.
- Article 191 of the Treaty on the functioning of the European Union requires that action be taken where risk cannot be ruled out.
- An independent assessment of project exposure levels for nearby residents should be requested by the Commission.

Development Plan Policy for Telecommunication Infrastructure

- The proposal does not comply with the development plan.
- The proposed mast is unnecessary in light of excellent coverage already available in the area. No technical justification is provided as to why additional infrastructure at this location is required.
- The business model appears to favour commercial considerations to proliferate masts rather than a genuine coverage need in the area.

Non-compliance with Policy – Alternatives, Co-location, ‘Last Resort’

- Documentary evidence is not provided to demonstrate compliance with IN O5 (c) of the development plan to prove that co-location is not feasible on nearby structures.
- No information is provided on alternative sites or justification as to why less sensitive locations are not feasible.
- Existing masts in the locality accommodate multiple operators. No evidence is provided to demonstrate that co-location is not an option.
- The alternatives section lacks engineering outputs.
- National and development planning policy require co-location and clustering.
- P.A. Ref. 21/986 was abandoned for non-planning reasons and does not cover the greenfield hilltop into a ‘last resort’.
- In rural landscapes, free-standing masts should be sited and clustered within existing utilities.

Need For Proposal

- Coverage claims rely on generic ComReg mapping and lack parcel-specific drive testing, indoor measurements, capacity plots or a multi-operator joint statement of need.
- 3G switch-off does not automatically justify a new mast. Target upgrades or co-location would address performance without new impacts on the landscape.
- The claimed N20/M20 benefits are speculative until a road design is fixed.

Visual Impact & Landscape Character

- The site is within LCA-01 Agricultural Lowlands. The proposed development on this elevated land will have a significant visual impact locally and from significant distances and will industrialise a pastoral landscape.
- The hill is exposed and the proposed structure will read on/above the skyline from multiple approach roads (L-1539, R518, N20).
- The photomontages provided avoid key nearer receptors and downplay skyline break and omit worst case leaf-off views, viewer movement, height/bulk. Natural screening is intermittent and seasonal.
- The proposed mast will industrialise a pastoral landscape and create precedent for similar developments.

Residential Amenity

- There are dwellings within 410-900 m of the site. The structure will be visually obtrusive and overbearing in open views, injuring amenity. Night visibility is not assessed (marker lighting / glint).
- Noise, maintenance traffic and security lighting effects lack a management/mitigation plan.

Ecology & Hedgerow

- Works will require the removal of / setback of hedgerow. No ecological survey was carried out. No clarity on net hedgerow replacement.
- In-combination effects with ongoing agricultural intensification are not assessed.

Procedural & Documentation Deficits

- The red line boundary has changed between iterations and reliance on blue lines creates ambiguity over sightlines and maintenance access.
- No Construction Traffic Management Plan, CEMP or schedule to protect road users and receptors during works.
- Absence of independent compliance statement for visual design alternatives e.g. reduced height, slimmer monopole, colour/finish, micro-siting.
- The ground levels indicated on drawings are inaccurate and not within the red line boundary which should have been invalidated.

Undue Bias in Favour of Vantage Towers

- The council's decisions in regard to P.A. Ref.'s 23/60822 and 25/60435 demonstrates a departure from proper planning practice and bias in favour of the applicant.
- The above approvals are in direct conflict with An Coimisiún Pleanála's decision ABP-319464-24 which refused a materially similar proposal for this site. The decision of the council undermines the decision of the Commission in terms of consistency, fairness and integrity of local decision making.
- The council granted permission for a similar application in the same area P.A. Ref. 12/47.

7.2. Applicant Response

A response to the grounds of appeal was received by the applicant. It is accompanied by the following:

- A letter from the landowner committing to management of hedgerow and grass margins west of the proposed site access.
- A technical appraisal for site selection, discounted sites/structures, and coverage and service improvements arising from the proposed development.
- Two planning authority reports related to the proposed development.

The response to the grounds of appeal may be summarised as follows:

- An Coimisiún Pleanála refused permission under ABP-319464-24 the grounds for refusal which related to road traffic safety regarding the entrance onto the L-1539 in terms of sightlines and which was not within the red line boundary of application. The current application has addressed these matters.

Justification for Structure

- 3G services are being phased out and there is a demand for enhanced 4G and 5G services. The existing infrastructure does not have capacity to meet demand.
- ComReg maps indicate Bruree village has weak coverage. Outdoor coverage is fair with large blackspots of no coverage including the village, and no one operator provides the full range of high quality services.
- Line of sight is necessary to connect to the network. For line of sight the link dishes need to be located above the surroundings and the proposed structure is located on a hill to secure coverage and line of sight. Bruree village is located to the east of the site.
- The topography of the area surrounding the appeal site limits sites towards the hills. The ground levels rise from the appeal site to the west, southwest, south and southeast. Figure 10 depicts the topography from the appeal site in an eastern direction.
- It will significantly improve Vodafone coverage in the area including the road network and address coverage black spots.
- The M20 proposed road scheme has informed choice of potential sites.
- It is for immediate use by Vodafone but is designed to accommodate other users and due to weak coverage it is anticipated that the structure will be occupied by all service providers in the short term.
- The response includes a site technical justification in support of the above.

Discounted Structures

The response includes an analysis of existing telecoms sites and structures appended to the submission. The following is noted:

- Howardstown North – c. 3 km to the north. The mast is unsuitable due to being at a lower ground level than the village, and high ground between Crossleigh and Bruree at Knockenora.
- Bruree Food Innovation Centre – c. 3 km to the northeast. Contains a rooftop installation and only provides localised coverage which is insufficient to provide suitable coverage to the target area.
- Spar, Bruree Centre – c. 3 km to east. Since the application, Eir recently installed a rooftop structure that provides 3G, 5G service and limited 4G services and is limited to the equipment that can provide. This was installed under exempted planning rules.
- Coolrus – c. 4 km to north, northwest. Eir and Three Ireland transmit from a 20 m high monopole. It is too far away from Bruree to provide enhanced 4G and 5G indoor services.
- Eir Exchange Ballyagran – c. 5.6 km to southwest. Eir transmit from a wooden structure c. 12 m high. The structure is too far away to provide coverage for Bruree and environs.

Alternative Sites

- Ground levels north of Bruree are relatively low-lying over a wide area. Hills are more appropriate sites for such structures.
- The closest hill was granted permission for a 30 m structure P.A. Ref. 21/986. The development did not proceed.
- Other sites were considered but landowners were not interested.

Visual Impact

- By their nature, masts must be sited above the local target area and will always create some level of impact.
- Existing mature vegetation and field edge and roadside hedgerow will assist in reducing visual impact. The proposal would not be inconsistent with Section 4.3 of the Guidelines on Telecommunications Antennae and Support Structure 1996.

- Photomontages provided were used and considered in the previous assessment by ACP. Overall the proposed structure will assimilate into its surrounds and the general landscape can easily absorb its impact.

Proposed Entrance

- Remedial works include widening of the farm track entrance onto the public road L-1539 which enhances sightlines and stopping sight distances from a 2.4 m setback from edge of public road. The potential loss of hedgerow to the west of access was acceptable by the Commission in the application refused.
- Improvement works will be carried out to the road alignment of the L-1539 as part of the M20 road project which will further enhance sightlines.
- Regarding the M20 route selection, the road survey is based on the existing road layout and there is no reliance on the proposed M20 works.
- Maintenance will occur 6-8 times a year in a small van with limited impact on the entrance to the public road.

Health Impacts

- The Commission for Communications Regulations (ComReg) is the licensing authority and is responsible for communication operators complying with licensing conditions relating to non-ionising radiation.
- The Telecommunication Guidelines note that health issues are not a planning consideration.

Other Considerations

- There are no NPWS or European designated areas within the area.
- The access track is existing.
- There are no recorded monuments within the immediate area of the site. Refers to Inspector's report ABP Ref. 319464-24 which concluded that no issue arose in regard to archaeological heritage.
- Refers to national, regional and local planning policy framework in support of telecommunication masts.

- Residential amenity – this was addressed in the Inspector’s report in regard to ABP Ref. 319464-24. This situation has not changed. In considering the eircode provided for the appellant’s address, the subject site is located approx. 935 m to the south. The rear of the house appears to be at a slight angle to the proposed structure so the structure would not be in a direct line of sight to the house. The view will be considered similar to photomontage 4 taken at a distance of 827 m c. 100 m closer.
- Construction management – works take c. 4-6 weeks.
- Permanent permissions were brought in under PL07/12 as they are regarded as critical infrastructure and utility.
- Undue bias in favour of Vantage Towers – the revised proposal was considered and assessed on its merits by the planning authority.
- The matters raised in the grounds of the appeal are based on the Inspector’s report related to the decision under ABP Ref. 319464-24. The planning assessment took these matters into account with emphasis placed on the refusal by the previous appeal.

7.3. Planning Authority Response

Response received from the PA noting that no further comments to make outside of the assessment of the planning application.

7.4. Observations

None.

8.0 Assessment

Introduction

- 8.1.1. This appeal relates to the same site and generally the same development that the Commission already made a decision to refuse permission on grounds related to road traffic safety, ABP Ref. 319464-24 refers. I note that the PA based its assessment of the application solely on access and traffic safety, as it was considered that other

planning considerations related to visual impact, impacts on archaeological heritage and the rational for the proposed development had already been addressed by the previous decision of the Commission. I note that the appellant submits that undue bias has been given by the council to the applicant in relation to the current planning application and other applications made and decided by the council and contrary to the Commission's decision which was based on substantive planning grounds related to inadequate access, impacts on landscape and visual intrusion. Notwithstanding the foregoing, this assessment considers the planning merits of the proposed development, and is in effect, not influenced by the previous determined permission related to the site. The planning merits of the proposed development are therefore considered in this appeal and on a site-specific basis, having regard to national and local planning policy and other relevant planning considerations. This assessment therefore represents my *de novo* consideration of all planning issues material to the proposed development including the issues raised by both the third party appellant and first party submissions made to the planning application and to the appeal.

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

- Lack of Justification / Need for Mast
- Access
- Visual Impact
- Impact on Residential Amenity
- Health and Safety
- Other Matters

8.2. Lack of Justification / Need for Mast

8.2.1. I note the concerns raised by the appellant in regard to the justification / need for the proposed telecommunications mast at the subject site. I further note the initial planning case made by the applicants' in regard to the need and justification for the proposed

mast at this location, and the applicant's response to the grounds of the appeal. In this regard, the appellant submits that alternative sites were not addressed or why less sensitive locations were not considered. It is also submitted that the applicant failed to demonstrate that co-location with other operators is not possible.

- 8.2.2. In regard to the consideration of alternative locations for the subject development and having regard to the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996, I note that the proposed location is outside of a defined settlement and is relatively at a remove from existing residential properties. Accordingly there is no requirement for the applicant to investigate alternative sites or to justify the location under the last resort criteria, subject to normal planning criteria.
- 8.2.3. Notwithstanding the above, I note the technical justification submitted in response to the grounds of the appeal. The site coverage maps i.e. the ComReg Maps in Section 8.0 show varying degrees of 4G and 5G cover offered by the three main service providers Vodafone, Three, Eir, and that none offer full coverage. I have reviewed the coverage maps as per <https://coveragemap.comreg.ie> and it is evident to me that the findings presented in the applicant's report would be consistent with the aforementioned maps. Of note is Bruree village located approx. 3 km to the east of the site and surrounding environs which are noted to have fair coverage and blackspots of no coverage on these maps.
- 8.2.4. With regard to the consideration of alternative sites, the applicant's response to the grounds of appeal has set out in Section 8.1 other structures that were discounted and a technical discussion as to why each location is not suitable is provided. This includes for 4 sites which I note are identified on the ComReg site viewer map. I note that the site selection was also informed by the terrain in the wider hinterland which requires an elevated location to provide a direct line of sight to connect the infrastructure to the network service providers. I noted at time of site inspection in driving to the site and the general area and walking up to the site itself, that the wider area is undulating in nature. In the distance I also observed other similar structures as indicated in Figure 11 of the applicant's response.
- 8.2.5. Having regard to the foregoing and to the information presented on the file I am satisfied that the applicant has demonstrated deficiencies in existing service provision

and has provided a justification for the need for the proposed telecommunications mast at this location, to serve the wider environs relative to the appeal site. As part of the stated purpose for the structure, the applicant notes that it will be available for other operators to share and I note from the plans and drawings submitted with the application that the structure which is of lattice design can accommodate other operators. This would be consistent with Objective IN O5 (a) of the development plan. I note that the PA included a condition requiring the developer to make the infrastructure available to other service providers/operators. I consider this condition to be necessary having regard to the site context and recommend that the Commission includes this condition in the event of a grant.

8.3. Access

Proposed Access

- 8.3.1. I note that the appellant has raised concern that the details depicted on the drawings, in particular DWG Ref. 24-018-005B-revB with regard to achievement of sightlines is incorrect in terms of the setback distance from the road edge. The appellant has submitted their own appraisal of the achievement of sightlines with specific reference to the east from the proposed entrance. It is contended based on their examination on the ground that the sightline to the east is not achievable due to hedgerow/vegetation impeding visibility which contradicts the details on DWG Ref. 24-018-005B-revB that 90 m sightlines are achievable without remedial works. The landowner in response to the grounds of appeal, has outlined that the roadside boundary to the west of the proposed entrance are lands that are in his control which he will maintain. The sightline to the east is not addressed in the submission. The landowner contends that the proposed new entrance in lieu of the existing entrance would improve road safety at this location.
- 8.3.2. The Commission refused permission for the previous application on grounds of road traffic safety due to restricted sightlines in both directions. Also, the subject entrance was not included in the application site boundary (red line) and of note, the lands to the east were not within the control of the applicant where site remedial works were necessary to achieve sightlines from the existing agricultural entrance. I note that this application includes for the proposed new access and the existing agricultural track

being included within the application site boundary, and clarification on lands within the control of the applicant as per the blue line.

- 8.3.3. The current proposal has sought to address the matter of road traffic safety by proposing to close the existing agricultural entrance and open a new access immediately to the west. This requires the removal of a section of the roadside boundary approx. 20 m west of the existing access. The proposed new access will be splayed and recessed by approx. 7.75 m from the road edge and will be 13.5 m wide. No details are provided of the splayed entrance in terms of height of entrance piers etc. I would note for the Commission that the proposed access differs to that previously proposed and assessed under ABP Ref. 319464-24 in that it is located further to the west of the existing agricultural entrance.
- 8.3.4. Following a request for FI, revised details were submitted. A topographical layout showing sightlines and stopping distances are shown from a 2.4 m setback of the roadside edge was submitted (DWG Ref. 24-018-005GB_rev B). I note that this shows unrestricted sightlines of 90 m in both directions and stopping sight distances, without the requirement for site remedial works to achieve same. The detail on the drawing indicated that the trees outlined in green do not affect the sightline to the east of the proposed access. A swept path analysis was also undertaken. This shows that the existing road alignment, the edge of the carriageway and the proposed entrance which facilitate the turning movements of large vehicles, in this case a mobile crane (11.976 m long x 2.69 m wide) in terms of entering and emerging from the site.
- 8.3.5. Having carried out a site inspection, I observed from the proposed entrance that there is a marginal incline in the alignment of the road as it travels east and the horizontal alignment is very slightly curved. The vertical alignment of the road falls gradually as it travels in a westerly direction. There is an existing dwelling located immediately to the south of the proposed access and there are other agricultural entrances in the vicinity. The level of traffic was observed to be low. I observed sightlines of 90 m in both directions and at the location identified in the photos appended to the appeal.
- 8.3.6. Based on the information on the file and having regard to my site inspection and on balance, I consider that the replacement of the existing agricultural entrance would be an improvement to access to the subject lands and an improvement to road traffic safety at this location. I am generally satisfied that adequate sight distances can be

achieved in both an easterly and westerly direction upon exiting, and stopping sight distances meet the required standards. I note that the PA raised no objection to the details received in regard to the FI response, in particular, noting that the Roads Department had reviewed the revised submission and did not object to the details submitted. In this regard, I consider that the proposed development is consistent with objective TR O37 of the development and aligns with policy TR P11 which seeks to safeguard the carrying capacity and safety of the non-national road network within the county. Should the Commission be minded to grant permission, I would recommend a condition requiring the closure of the existing access similar to condition 4 of the PA's grant, and a pre-development condition to address the details of the proposed access in terms of the splayed entrance.

- 8.3.7. I note that the PA included condition 6 requiring that sightlines and stopping sight distances of 90 m shall be achieved. Having regard to the information on the file, in particular DWG Ref. 24-018-005_Rev_B (Sightlines & Stopping Distances) and to my assessment as set out above, I do not consider that this condition is warranted, as I am satisfied that the range of distance as described in this condition can be achieved from the proposed new entrance. I therefore do not recommend that this condition is included, should the Commission decide to grant permission. I refer the Commission to condition 7 also which relates to the reinstatement of the area of ground between the road edge and the realigned front boundary of the site the rational for which is to prevent any road safety issues occurring. I consider that a pre-development condition would be appropriate to address these requirements and recommend the inclusion of same in the event of a grant.
- 8.3.8. Finally, the grounds of appeal notes that remedial works to achieve full sightlines is outside of the red line boundary. I note that no remedial works have been identified on DWG Ref. 24-018-005_Rev_B (Sightlines & Stopping Distances) outside of the application site boundary (red line) or the landholding (blue line) to address sightlines, and I am therefore satisfied that it has been sufficiently demonstrated that no site remedial works are required outside of the aforementioned boundaries to achieve the required standards. Regarding surface water impacts as raised in the grounds of appeal arising from the appeal site onto the public road, I recommend that the Commission include a condition to address same in the event of a grant.

N/M20 Cork to Limerick Project

- 8.3.9. The proposed new access via the route of the proposed N/M20 was raised as a new issue in the previous decision of the Commission related to the site and the appellant has raised it in the grounds of appeal. Although the proposed N/M20 route was not finalised, it was noted that the existing agricultural access adjoined the development boundary of the proposed N/M20 route. In this regard, it was considered necessary to clarify and show any proposed amendments to the existing access in the context of the emerging M20 design.
- 8.3.10. I have reviewed the proposed access in the context of the 'Indicative Development Boundary' of the Proposed N/M20 June 2025 <https://corklimerick.ie/june-2025-update/> which has been updated since the last decision of the Commission, and I note that the proposed entrance would be located c. 25 m to the east of the red line 'indicative development boundary'. Having regard to the information on the file in particular DWG Ref. 24-018-005_Rev_B in response to the FI request, I am satisfied that the proposed access is not dependent upon any realignment works related to the L-1539 to achieve sightlines, or that the proposed access impinges on the identified development boundary of the proposed N/M20 route.

8.4. Visual Impact

- 8.4.1. The appellant has raised the issue of visual impact noting that the area in which the structure will be located is exposed and will be above the skyline in many locations including the approach roads. Concerns are also raised with regard to the omission of key receptors although it is not stated what these are, or the omission of worst-case leaf-off views, viewer movement.
- 8.4.2. The appeal site is located on an elevated site and there are trees and hedgerow along the field boundaries leading to the site and around the northern boundaries enclosing the site. The general area in which the site is located is characterised by agricultural lands, one-off dwellings and farms. The wider topography is undulating and the lands to the north of L-1539 sit at a higher elevation.
- 8.4.3. The appeal site is located within the rural area. The landscape is designated as 'LCA 01 Agricultural Lowlands' in chapter 6 of the development plan, which includes specific objective (c) 'discourage the development of locally prominent sites'. I note that there

are no specific designated scenic routes or views and prospects identified in the development plan (Maps 6.1 and 6.2 Volume 1) for the general area.

- 8.4.4. The plans and drawing indicate that the proposed mast will be 24 m high and of lattice construction, and the associated infrastructure equipment will be located at ground level with the site compound enclosed by a 2.4 m high palisade security fence. While the proposed mast will be visible, this aspect of the proposed development will be partially screened and consequently will not be prominent in the wider landscape. Given the existing agricultural access track leading up to the site which is already in situ, there is no requirement or proposals to construct an access road for maintenance.
- 8.4.5. Photomontages are presented in the application details. I note that the appellant has raised concerns in regard to the photomontages in terms of the omission of certain key receptors and other details referenced. I would note that photomontages are indicative images intended for information only. However, having reviewed all of the information on file including the drawings and having carried out a site visit, I am satisfied that sufficient details have been provided and combined with my site visit to allow a full appraisal of the proposed development.
- 8.4.6. On approach to the subject site from the east and along the L-1539, generally there are no clear views and any views are intermittent. From the west, views would be more evident due to the topography being more elevated, however views would also be intermittent. Long-range views of the structure from the north/northeast are possible from the R518 and the N20 given that the topography of the land is generally more low-lying in this region, relative to the appeal site, but again, would be intermittent due to roadside and field boundaries defined by trees and hedgerow. There are circumstances where I observed that the structure appears on the skyline in locations, particularly when viewed on the western approach along the L-1539. However, given the sites' distance from the public roads, although the structure will be visible in such circumstances, the views would be intermittent and incidental. Having regard to the foregoing, I am satisfied that the proposed structure will not have an adverse impact on the visual amenities of the receiving environment and would in be in accordance with the specific objectives for the siting of such developments in this designated landscape type.

- 8.4.7. Although there are no proposals indicated on the plans or drawings to remove any of the existing trees to facilitate the proposed development, should the Commission decide to grant permission, I would consider it appropriate to include a condition to safeguard existing mature trees and hedgerows ensuring the retention of same and recommend the inclusion of such a condition.

8.5. Impact on Residential Amenity

- 8.5.1. The grounds of appeal state that the proposed structure will be visually obtrusive and overbearing on dwellings located within 410-900 m of the subject site. Concerns are also expressed in terms of construction noise, maintenance traffic and security lighting.
- 8.5.2. I note that there are no dwellings in the immediate vicinity of the appeal site as it is surrounded by agricultural lands and it will be setback at a substantial distance from the nearest public road. The nearest dwelling is located c. 427 m to the northeast of the site, and other dwellings would be those along the L-1539 located to the south of the site and within a range of c. 458 m – 495 m distance of the proposed structure. The appellant's dwelling is noted to be located approx. 977 m to the north of the site.
- 8.5.3. I note that the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities (1996) outlines that some structures will remain quite noticeable despite best precautions to mitigate against visual impact, however I do not consider that the proposed mast as viewed from the nearest dwellings would have an adverse visual impact or would appear overbearing to the nearest dwellings, due to its distance. I am satisfied that these separation distances are significant and adequate for the purpose of preserving existing residential amenities in terms of overbearance or visual dominance. While I acknowledge that the proposed mast will be visible in the landscape, I consider from my site inspection that the proposed structure would not have an unacceptable impact on the visual amenities of existing dwellings.
- 8.5.4. In relation to construction and operational stages, the response to the grounds of appeal has indicated that construction would take c. 6 weeks. At operational stage, maintenance is stated to be minimal and is operated remotely along with a number of site visits occurring between 4 – 8 times per annum. Having reviewed the plans and drawings, I note that no flood lighting is proposed within the site compound or on the

mast itself, however typically, a low intensity fixed red obstacle light is required at the top of the structure. Having regard to the foregoing, while there will be construction impacts that will discommode some third parties, particularly those located in close proximity to the site entrance, as construction impacts will be temporary and confined to a short duration, I consider that the proposed development will not result in any adverse impacts on adjoining residential amenities. I note that the PA included a pre-development condition requiring a Construction Management and Delivery Plan and I consider that such a condition is necessary and recommend the inclusion of same, should the Commission decide to grant permission in this appeal.

8.6. Health and Safety

- 8.6.1. The grounds of appeal has raised that health implications arising from the proposed development was not undertaken other than a generic ICNIRP statement submitted which does not address cumulative exposures from potential multi-operator loading or nearest home scenarios
- 8.6.2. I note that Section 4.6 of the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities (1996) requires that as part of the planning application, the operators should be required to furnish a statement of compliance that the installation must comply with the International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines (1998), or the equivalent European Pre-standard 50166-2.
- 8.6.3. I note the provisions of Section 8.2.4 of the development plan which relates to Telecommunications Support Structures, Antennae and Domestic Satellite Dishes and Objective IN O5 (h) which requires that proposals for telecommunications development are to be in accordance with the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PL07/12, which takes precedence, and any subsequent guidelines. Having regard to the foregoing and to the development plan policy, I note that there is no direct requirement to provide such a statement of compliance under the development plan. Therefore, in relation to health considerations, Circular Letter 07/12, issued by the then DoECLG, reiterates the advice contained in the Telecommunication Guidelines, specifically that planning

authorities should not determine planning applications on health grounds, that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. While I acknowledge the matters raised by the appellant, such matters are regulated by other codes and should not be additionally regulated by the planning process.

8.7. Other Matters

Impact on Ecology & Hedgerows

- 8.7.1. Concerns have been raised in the grounds of the appeal with regard to the removal of part of the existing hedgerow to accommodate the new access.
- 8.7.2. I note that the appeal site does not form part of a Natural Heritage Area (NHA) and does not have formal protection under legislation. However I acknowledge that hedgerow boundaries do have a local natural heritage value in terms of supporting plant and animal life that lies within them.
- 8.7.3. I note the provisions of objective EH O10 Trees and Hedgerows (b) which requires a comprehensive survey to be carried out in circumstances where there is extensive removal of mature trees or hedgerows. In this case, the removal of the existing roadside boundary is limited to a small footprint to facilitate the new entrance to the site. Therefore having regard to the nature and scale of this element of the proposed development, I do not consider that such a survey or indeed an ecological survey is necessary, and I conclude that the proposed development is not likely to have a significant impact on the receiving environment.

Inaccurate Information

- 8.7.4. I note the matters raised by the appellant in relation to the accuracy of information presented on the plans and drawings submitted with the application and the omission of details. In this regard it is submitted that the ground levels labelled on drawings are not referenced correctly as per the legislation, and that levels referenced are not within the red line site boundary. It is also raised that a cross / longitudinal section through the site should have been sought by the council. It is submitted that the application should have been invalidated by the PA as a result.

8.7.5. The application is supported by the full set of drawings that are required by Article 22 of the Planning and Development Regulations 2001, as amended and the planning application was accepted as a valid application by the PA. I am therefore satisfied that the drawings submitted are clear and to an appropriate scale to allow a complete planning assessment, and coupled with my site inspection enable a full appraisal of the development as proposed.

9.0 AA Screening

9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.1.2. The appeal site is located in the rural area on unzoned agricultural lands at Ballyfookeen, Bruree, Co. Limerick. It is not located within or adjacent to any European sites. The closest European sites relative to the appeal site lie approximately as follows:

- SAC: 002170 - Blackwater River (Cork/Waterford) SAC – approx. 12 km to the south.
- SAC: 000439 - Tory Hill SAC – approx. 12.24 km to the north.

9.1.3. The proposed development comprises the construction of a 24 m high telecommunications lattice tower with antennas, dishes and associated telecommunication equipment at ground level, enclosed by 2.4 m high security fencing as set out in Section 2.0 above.

9.1.4. The planning authority considered that the proposed development should not exercise a significant effect on the conservation status of any SAC or SPA, and Appropriate Assessment is not necessary.

9.1.5. The proposed development is situated on agricultural farm land. No watercourses are noted to be shown located at or in the vicinity of the appeal site.

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

- The nature, scale and location of the development.

- The distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site.

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

10.0 WFD Assessment

10.1.1. The appeal site is located in the rural area at Ballyfookeen, approx. 3 km west of Bruree village, co. Limerick. The proposed development is situated on agricultural farm land and comprises the construction of a 24 m telecommunications mast (see Section 2.0 above).

10.1.2. No watercourses are noted to be shown located at or in the vicinity of the appeal site however, I note that the nearest water courses would be the MAIGUE_040 (River Waterbody Code: IE_SH_24M010400) which is located approx. 753 to the north and approx. 836 m to the southeast of the appeal site and the Charleville Stream (River Waterbody Code: IE_SH_24C020800) which is located approx. 1 km to the southwest of the site.

10.1.3. The appeal site is also located within Bruree (EU_CD Code: IE_SH_G_046) which is the Ground Waterbody underlying the site. The status of the waterbody is recorded as 'Good'.

No water deterioration concerns were raised in the planning appeal.

10.1.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

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

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

11.0 Recommendation

I recommend that permission is granted.

12.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines 1996 as revised by Circular Letter PL 07/12, to the provisions of Section 8.4.2 of the Limerick Development Plan 2022 – 2028 and to Policy IN P1 which seek to promote the development of telecommunication infrastructure, and the COMREG coverage maps which confirm that the surrounding area currently does not benefit from good ICT coverage, to the scale and design of the development and its distance from existing residential properties, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the roll out of broadband services in accordance with national, regional, and local objectives, would not seriously injure the visual amenities of the area or unduly impact on residential amenities and would be consistent with objective IN O5 of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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| 1. | <p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 12th day of May 2025 and as amended by Further Information received on the 07th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The existing agricultural entrance to the site shall be permanently closed.</p> <p>Reason: In the interest of road traffic safety and orderly development.</p> |
| 3. | <p>(a) The new entrance to the site shall be as identified on Drawing Number 24-018-005B 'Sightlines & Stopping Distances' received as further information on 07th day of August 2025.</p> <p>(b) Details in relation to the splayed entrance, the setback distance, the height of wing walls and material finishes, and the reinstatement of the area of ground between the road edge and the realigned front boundary, shall be agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of road traffic safety and visual amenities.</p> |
| 4. | <p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p> |

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| 5. | <p>The developer shall provide and make available, on reasonable terms, the proposed mast for the provision of mobile telecommunications antennae of third party licensed mobile telecommunication operators.</p> <p>Reason: In the interest of the avoidance of a multiplicity of masts, orderly development and visual amenities.</p> |
| 6. | <p>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any</p> |
| 7. | <p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public safety.</p> |
| 8. | <p>Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 9. | <p>All trees and hedgerows within and on the boundaries of the site shall be retained and maintained.</p> <p>Reason: In the interest of visual amenity, residential amenity and biodiversity.</p> |

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| 10. | <p>Construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off site disposal of construction demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 11. | <p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 12. | <p>In the event of the telecommunications structure and ancillary structures and any access road provided to serve the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of six months, the structures and any access road shall be removed and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and any access road and the reinstatement of the site shall be submitted to, and agreed in writing, within seven months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 13. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |

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

Clare Clancy
Planning Inspector

06th January 2026

Form 1 - EIA Pre-Screening

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| Case Reference | ACP-323745-23 |
| Proposed Development Summary | Erection of a 24 metre high telecommunications lattice tower with antennas, dishes and associated equipment and works |
| Development Address | Ballyfookeen , Bruree , 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 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. | |
| <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 | |

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| <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 checked="" 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>Class 10 of Part 2 (dd) All private roads which would exceed 2000 metres in length.</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"/> | |

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

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| Case Reference | ACP-323745-23 |
| Proposed Development Summary | Erection of a 24 metre high telecommunications lattice tower with antennas, dishes and associated equipment at ground level all enclosed by security fencing. |
| Development Address | Ballyfookeen , Bruree , Co. Limerick |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | Briefly comment on the key characteristics of the development, having regard to the criteria listed. Access to the site is off the adjoining public road L1539 via a new entrance. It is proposed to close the existing agricultural entrance. There is an existing agricultural track from the public road to the appeal site which is approx. 686 m in length. There are no proposals to extend or widen this existing track. It is considered that there are no environmental implications with regard to the size, design, cumulation with existing/proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health. |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | Briefly comment on the location of the development, having regard to the criteria listed The site is located in a rural area and the appeal site forms part of the existing agricultural landholding which is actively being farmed for pasture grazing. There are no recorded monuments at or in close proximity of the site, however the nearest recorded monuments are noted to be the following: <ul style="list-style-type: none"> • LI038-144 Ringfort – rath approx. 330 m to the southeast, • LI038-139 Ringfort – rath approx. 460 m to the northwest, • LI038-142 – Ringfort – rath approx. 460 m to north, • LI038-143 Enclosure – approx. 440 m to south, |

| | |
|--|--|
| | <ul style="list-style-type: none"> LI038-145 – Enclosure approx. 500 m to southeast. <p>There are no European designated sites or natural heritage sites in closed proximity to the proposed development.</p> <p>The scale of the access track is not considered exceptional in the context of surrounding development.</p> |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the nature and scale of the proposed development, there is not likely to be significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation. |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. | EIA – Not required |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | |
| There is a real likelihood of significant effects on the environment. | |

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

WFD – Stage 1 Screening

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING | | | |
|--|----------------------|--|------------------------------------|
| Step 1: Nature of the Project, the Site and Locality | | | |
| An Coimisiún Pleanála ref. no. | ACP-323745-25 | Townland, address | Ballyfookeen, Bruree, Co. Limerick |
| Description of project | | Erection of a 24 metre high telecommunications lattice tower with antennas, dishes and associated equipment at ground level all enclosed by security fencing. | |
| Brief site description, relevant to WFD Screening, | | The site is located in a rural area and the appeal site forms part of the existing agricultural landholding which is actively being farmed. There are no apparent watercourses located on or immediately adjacent to the site. | |
| Proposed surface water details | | Proposed surface water discharge/treatment arrangements are not clearly specified but are not anticipated to be of great significance. | |
| Proposed water supply source & available capacity | | Not applicable – see q. 20 of application form. | |
| Proposed wastewater treatment system & available capacity, other issues | | Not applicable – see q. 20 of application form. | |
| Others? | | Not applicable | |