



Development	The construction of a proposed perimeter fenced enclosure to facilitate 5no. satellite dish antennas, all associated ancillary site works
Location	Ballydwyer, Ballymacelligott, Tralee, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	25/68
Applicant	National Space Centre Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Patrick and Siobhan Morgan and Others
Observer(s)	None
Date of Site Inspection	24 th November 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

The subject site has a stated area of 0.3024 hectares and is located within the rural townland of Ballydwyer, Ballymacelligott, County Kerry, which is located approximately 7km east of the town of Tralee. The site is surrounded by mature woodland and is located between the local road L-2054 to the north and National Road N-21 to the south. Access to the site is via the L-2054. The topography of the site is relatively level. The site is located approximately 100 metres east of a cluster of one-off dwellings and public house/convenience shop.

2.0 Proposed Development

Permission is sought to construct a perimeter fenced enclosure that will accommodate 5 no. satellite dish antennas and a control panel with vehicle and pedestrian gates and associated site works. The maximum height of the antennas will be 3.6 metres from ground level. It is stated that the purpose of the development is to provide a satellite internet earth station/gateway to connect people to the internet. User terminals communicate with this gateway via satellite to transmit and receive data. The application has been accompanied by a number of documents including an assessment on electromagnetic radiation exposure, traffic and transport assessment and noise impact assessment.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to grant permission by Order dated the 29th day of September 2025, subject to 8 no. conditions.

3.2. Planning Authority Reports

Planning Report

The executive planner (EP) report on file assessed the proposed development in terms of the principle, visual amenity, traffic safety and residential amenity. The EP requested further information on a number of issues including a detailed description

of the intended purpose of the facility, evidence of the site selection process and suitability of same, evidence that it does not pose a health and safety risk and the submission of a traffic impact assessment and noise impact assessment for the construction and operational phases. After submission of the further information the EP recommended a grant of permission, subject to conditions, which was endorsed by the Senior Executive Planner.

Other Technical Reports

Environmental Assessment Unit (*reports dated 12/05/25 and 01/09/2025*) – This unit originally requested further information in terms of drainage and landscaping issues. After submission of the further information, it had no objection subject to conditions. The unit considered that there was no meaningful pathway to any European site and, accordingly, appropriate assessment was not required.

County Archaeologist (*memo dated 08/04/25*) – This report outlined no objection to the development.

Flooding Coastal and Marine Unit (*email dated 23/04/25*) – It noted no flood risk associated with the development.

Environment Section (*report dated 12/05/24*) – It outlined no objection subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – It requested the PA to have regard to national policy on national roads.

3.4. Third Party Observations

There were a number of third-party observations to the PA which raised concerns with the proposed development in terms of traffic safety, noise pollution, visual impact, devaluation of property, health and safety, insufficient site selection justification and impact on wildlife.

4.0 Relevant Planning History

None

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

Volume 1 – Written Statement

It is an objective of the Council to:

KCDP 5-2 (Future Growth and Development of Rural Areas) Protect and promote the sense of place and culture and the quality, character and distinctiveness of the rural landscape that make Kerry’s rural areas authentic and attractive places to live, work and visit.

KCDP 5-6 (Future Growth and Development of Rural Areas) Recognise and promote the value of agricultural land to ensure sustainable food supply and the landscape value of the rural area.

KCDP 9-54 (Agriculture) Protect good quality agricultural lands from large scale development which could be accommodated elsewhere and that would undermine the future agricultural productivity of the lands or irreversibly harm the commercial viability of existing or adjoining agricultural land.

KCDP 11-36 (Air and Noise Pollution) Ensure that any application with the potential to create noise nuisance is appropriately assessed and that suitable measures to mitigate any nuisance are proposed and implemented.

KCDP 11-77 (Landscape Sensitivity) Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people’s lives.

KCDP 11-78 (Landscape Sensitivity) Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

Section 14.9 Digital Connectivity

KCDP 14-71 (Digital Connectivity) Facilitate the sustainable delivery of high-speed, high-capacity digital and mobile infrastructure and support the continued investment and the delivery of ICT infrastructure, broadband networks and digital broadcasting in the County in line with the National Broadband Plan for Ireland.

KCDP 14-73 (Digital Connectivity) Support the sustainable provision of modern and innovative telecommunications infrastructure at appropriate locations.

KCDP 14-79 (Digital Connectivity) Achieve a balance between facilitating the provision of telecommunication infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

KCDP 14-80 (Digital Connectivity) Ensure that the location and provision of telecommunication infrastructure should minimise and/or mitigate any adverse impacts on communities, public rights of way and the natural environment.

Volume 6, Appendix 1 – Development Management Standards & Guidelines

Section 1.14.1 Telecommunications

In evaluating applications for telecommunications installations, the Council will have regard to “Telecommunications Antennae & Support Structures Guidelines for Planning Authorities” (1996), and Department Circular PSSP 07/12. The following shall be taken into account when preparing a planning application:

- Co-location of such facilities on the same mast or cabinets by different operators is favoured to discourage a proliferation, where possible. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters.
- Every effort shall be made to locate telecommunication masts in non-scenic areas or in area where they are unlikely to intrude on the setting of, or views to/from national monuments, protected structures or sensitive streetscapes. The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities.
- In the event of the discontinuance of any mast installation the mast and its equipment shall be removed from the site and the land reinstated.

- All planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in the interest of health and safety.
- Every effort should be made to locate new telecommunication masts in existing compounds or adjacent to existing masts.
- When locating on greenfield sites the mast should be away from existing residential properties.
- The preferred location for masts and antennae is in industrial estates, attached to industrial buildings or other commercial buildings.

5.2. National Policy

- Harnessing Digital, The Digital Ireland Framework (2022)

Dimension 2: Digital Infrastructure - Universal, high quality digital connectivity is vital to achieving the Government's goals for balanced, sustainable regional development. This includes enabling greater remote working, contributing to the reinvigoration of towns and villages, helping to address the digital divide for rural areas, and reducing emissions.

- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

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.

- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030
- Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to

have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. **Regional Policy**

Regional Spatial and Economic Strategy for the Southern Region

Regional Policy Objective 137 (Mobile Infrastructure) - It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our region and strengthen cross regional integration of digital infrastructures and sharing of networks.

5.4. **National Guidance**

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), and associated Circular Letter PL07/12 (19th October 2012)
- Development Contributions, Guidelines for Planning Authorities (2013), and associated Circular Letter PL 03/2018

5.5. **Natural Heritage Designations**

The subject site is not located within any designated natural heritage site. The nearest sites are Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (SPA) (Site Code 004161), which is located approximately 3km northeast of the site, and Ballyseedy Wood Special Area of Conservation (SAC) (Site Code 002112), which is located approximately 4km west of the subject site.

5.6. **Environmental Impact Assessment (EIA)**

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 Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Commission to Appendix 1 in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged by Patrick Mangan, Siobhan Mangan, Tim Collins, Lorraine Collins, Annette Prendiville and Rita Prendiville to the Commission on 23rd October 2025. The grounds of appeal are summarised as follows:

- There was no community consultation undertaken by the applicant with the local residents and landowners with limited public awareness of the development.
- There is concern regarding long term exposure to electromagnetic fields and radiofrequency waves. The location of the site is within a residential area.
- There is no information provided regarding the size or width of the satellite dishes. The development will alter the visual appearance and character of the locality and will set a precedent for further industrial development within a residential area.
- The development will result in a devaluation of property and land and will impact on the use and enjoyment of agricultural land in the future.
- There is concern regarding noise from the fans and motors that will emanate from the development 24 hours a day. This will not be adequately mitigated by the measures being proposed in particular with the more volatile climate carrying noise through wind. The map submitted with the documentation outlining noise sensitive locations has omitted a residence to the north of the development.
- There is no reference to glint or glare and this will be an issue when satellite dish antennas meet with sun rays.
- There are concerns regarding the impact of light pollution and radiofrequency waves on local wildlife such as bats, foxes and hedgehogs.

- The site is off a narrow rural road which is used for local access to services as well as amenity route for walking, running and cycling. There are traffic safety concerns regarding heavy machinery accessing the site during construction and maintenance periods. There is also concern regarding the entrance location in proximity to an existing residential entrance.
- There are privacy concerns regarding the installation of 24-hour cameras impacting on residents and landowners.
- Insufficient justification has been provided to site the development in this location with similar developments situated in remote areas and not within residential areas. The internet coverage/connectivity in the area is excellent.
- The site of the development is 1.28 hectares however the landholding is 1.34 hectares and there is concern that there will be future expansion.
- The industrial development conflicts with objectives KCDP 2-5, KCDP 5-2, KCDP 5-6, KCDP 9-54, KCDP 11-31, KCDP 11-36 and KCDP 11-77 of the Kerry County Development Plan 2022-2028.

6.2. Applicant Response

The applicant issued a response to the grounds of appeal on 21st November 2025 which is summarised as follows:

- The planning process itself is the public consultation, and all objections were received and considered by the PA.
- The further information response included a health and safety assessment confirming that the development complies with Irish and European law including ICNIRP and EU EMF guidelines.
- The planner's report identified no negative visual impact with the proposed development. All mature tree screening will be retained together with additional landscaping measures.
- The PA was satisfied that the development would not negatively impact on any neighbouring residential amenities. Forecasting future property value is subject to market conditions.

- A comprehensive noise impact assessment was submitted at further information stage which detailed that any sound from equipment will be low and within safe limits. Conditions have been attached to control noise, lighting and working hours.
- The PA considered that all biodiversity related concerns were adequately dealt with and the site was of no more than local importance for biodiversity. Condition number 8 will be fully complied with.
- A comprehensive traffic and transport assessment was submitted as part of the further information response.
- Camera use is limited to site security and does not extend beyond the compound, as conditioned by the PA.
- The further information response provided a detailed methodology regarding site selection which was accepted by the PA.
- Any future expansion would require a separate planning application.

6.3. **Planning Authority Response**

The PA did not issue a response to the grounds of appeal.

7.0 **Assessment**

7.1. 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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Justification for Location
- Visual Amenity
- Residential Amenity
- Biodiversity
- Traffic Safety

- Health and Safety

7.2. The Commission should note that the 5-no. proposed satellite antennae will be supported on a concrete plinth to a maximum height of 3.6 metres within the confines of an enclosure secured by 2.5-metre-high mesh perimeter fencing. The proposal represents a compound for satellite communications and there are no supporting masts or towers proposed as part of the development.

Justification for Location

7.3. Section 1.14.1 of the Kerry County Development Plan 2022-2028 (Volume 6, Appendix 1) requires the Commission to have regard to the 1996 Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (*herein referred to as “the 1996 Guidelines”*), and Department Circular PL 07/12 in evaluating such applications. I note that the applicant provided a site justification report as part of the application in response to a further information request from the PA. The appellants have raised concerns that the justification provided by the application is insufficient and that the development should be sited in an industrial estate and not in what is contended to be a residential area.

7.4. Firstly, the Commission should note that Section 4.3 of the 1996 Guidelines references a ‘last resort’ test for the siting of “free-standing masts” within smaller towns or villages. As the design of the structure does not represent a free-standing mast and to its location within a rural area outside any settlement as designated under the Kerry County Development Plan 2022-2028, I consider that this last resort test is not required. The 1996 Guidelines also advises operators to seek to locate in industrial estates/industrial zoned land in the vicinity of larger towns and again as a ‘last resort’ should free-standing masts be located in a residential area or beside schools. Notwithstanding the appellants’ reference to the area as residential, I consider the area to be rural in terms of the 1996 Guidelines. Therefore, I consider that the last resort test is not required.

7.5. Notwithstanding this, the Commission should note that I consider that the applicant undertook an adequate site selection analysis and ultimately decided on the subject site for a number of reasons including site availability, to the location being under a satellite path, to the level topography of the site, to unobstructed lines of sight, to the lower impact of signal interference in such a rural area and to the separation distance

from the coastline in terms of weather and salt corrosion impact. I do not consider that co-location is possible having regard to the characteristics and footprint of the development. I am satisfied that the applicant's assessment of alternative sites is reasonable and sufficiently comprehensive to justify the location of the proposed development.

- 7.6. Furthermore, the purpose of the development is to improve access to the internet via satellite which I consider to be in accordance with the National Digital Strategy (2022) as well as Section 10.1.8 of the Climate Action Plan 2025 and Regional Policy Objective 137 of the Regional Spatial and Economic Strategy for the Southern Region. Moreover, I consider that the development will comply with Section 14.9 (Digital Connectivity) and objectives KCDP 14-71 and KCDP 14-73 of the Kerry County Development Plan 2022-2028 (CDP) in this regard.

Visual Amenity

- 7.7. The appellants have raised concerns that the proposed development will alter the visual appearance and character of the area. Having inspected the site I observed the characteristics of the site and adjoining lands to comprise of a relatively level topography and the site benefited from a woodland plantation along the perimeter of the site including along the boundaries with the public roads. I also note that the siting of the facility's compound is within a clearance within the centre of the woodland and thus no vegetation will be required to be removed to accommodate its footprint. Furthermore, I note that the height of the development will not exceed 3.6 metres above ground level.
- 7.8. The Commission should note that Volume 4, Appendix 4 of the CDP designates a number of 'visually sensitive areas' and 'views and prospects' within the county. Having reviewed Map F I note that the subject site is not located within a visually sensitive area and there are no views and prospects in close proximity to the site that would be adversely impacted by the proposed development.
- 7.9. Therefore, having regard to the level topography of the site and adjoining lands, to the substantial woodland vegetation surrounding the development, and to the design and limited height of the development, I do not consider that the development would result in an adverse impact on the visual amenities of the area and thus will not significantly alter the visual appearance or character of the area. Accordingly, I consider the

proposed development is in accordance with objectives KCDP 11-77 and KCDP 11-78 of the CDP.

Residential Amenity

- 7.10. The appellants have raised concerns regarding the location of the development in what is contended to be a residential area and associated impacts on their residential amenity. The Commission should note that the proposed compound is located approximately 130 metres from the nearest dwelling to the west, approximately 250 metres from a dwelling to the north and approximately 320 metres from the nearest dwelling to the east. For the purpose of the 1996 Guidelines, I consider that the area is rural in nature with a number of dispersed one-off dwellings located within the vicinity, however I consider the greenfield siting in accordance with Section 1.14.1 of the CDP (Volume 6, Appendix 1).

Noise

- 7.11. The Commission should note that a noise impact assessment was carried out by the applicant and submitted to the PA as part of its further information response. It assessed the noise emissions from the construction and operational phases of the development at the nearest noise sensitive locations (NSLs). An environmental noise survey was also carried out to ascertain ambient noise levels at the site and this was conducted over a continuous 24-hour period.
- 7.12. The Commission should note that the noise emitting sources associated with the development during operation are fans associated with the proposed 5 no. satellite dishes, the motors which adjust the dishes on the vertical and horizontal axes, the fan for the support control panel and an emergency generator. A survey of an existing facility at Middleton, County Cork, was undertaken to ascertain the noise levels from the proposed development. I note that an existing dwelling approximately 130 metres to the west was used as the 'nearest NSL' as well as two other dwellings to the southwest and east. I note that the appellants question the omission of the dwelling to the north, however, I note that this is approximately 200 metres from the access location to the facility and therefore I consider the 'nearest NSL' to be adequate in this regard.
- 7.13. The assessment concludes that the noise impact from the construction phase will be short term, taking place during daytime hours only and will comply with the criteria set

out in British Standard BS 5228 (Code of Practice for noise and vibration control on construction and open sites). During operation the noise emissions will comply with the daytime and nighttime criteria set out in BS 8233 (Guidance on Sound Insulation and Noise Reduction for Buildings). Noise emissions will not contribute to the existing ambient noise and will not be audible at the nearest NSLs. Having regard to the conclusions of the noise impact assessment, I am satisfied that the proposed development will not be seriously injurious to the residential amenities of the area in terms of noise.

- 7.14. I note that the PA conditioned for investigations to take place regarding any potential noise and vibration complaints during the construction phase. However, if the Commission is minded to grant permission, I consider this condition to be unnecessary due to the scale and nature of the construction works. I recommend that a condition regulating the construction hours to be more appropriate.

Glint and Glare

- 7.15. The appellants contend that the proposed satellite dishes will cause glint and glare. However, as I have stated above the site benefits from woodland along all its boundaries and the PA also conditioned for further landscape enhancements. Having regard to this and to the limited height of the development, I am satisfied that glint and glare will not be a significant issue on the residential amenities of the area.

Loss of Privacy

- 7.16. The appellants' concerns regarding the installation of 24 hour cameras are noted, however, I note that the applicant has clarified that all cameras will not extend beyond the compound which I consider satisfactory.

Devaluation of Property

- 7.17. 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 in this report, 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.

Biodiversity

- 7.18. The appellants contend that the proposed development will impact on local wildlife in terms of light pollution and radiofrequency waves. The Commission should note that the development does not propose to remove any woodland surrounding the site as illustrated on the proposed site layout plan submitted by the applicant as part of its further information response. I note the internal report from the PA's biodiversity officer which outlined no objection to the development subject to conditions including the incorporation of biodiversity enhancement measures within the site.
- 7.19. I am satisfied that due to the operational nature of the development in terms of no significant footfall/vehicular movements to and from the site, and to the scale of the proposed development, that no significant impact will occur on local biodiversity. Having regard to this and to my assessment within paragraphs 7.10 to 7.16 above, I consider that the proposed development complies with objectives KCDP 14-79 and KCDP 14-80 (Digital Connectivity) of the CDP.

Traffic Safety

- 7.20. The Commission should note that the appellants have raised traffic safety concerns with regards to heavy machinery using the road network during construction and maintenance periods as well as the location of the proposed access to the facility.
- 7.21. The applicant submitted a traffic and transportation assessment as part of its further information response to the PA. I note that traffic assessments were carried out at both the N-21/L2021 and L-2054/L2021 junctions (*The Commission should note that the local road map¹ classifies the L-2021 road as L-2055*). The assessment included an analysis of the existing traffic conditions including traffic surveys incorporating a 12 hour count on 28th May 2025, future traffic generation estimates from the proposed development and the impact of the generated traffic on the surrounding road network.
- 7.22. I note that traffic generation from the proposed development is expected to comprise of 1 maintenance engineer visit per month, 1-2 facility maintenance visits per month and 1 site visit per month for collection data or antenna work. During construction, it is expected that trip generation will comprise of 5 trips in the morning peak and 5 trips in

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<https://roadmanagement.maps.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=815bdcf61c3d4e91929179438cf05b9a> (Accessed 29th January 2026)

the afternoon peak. The assessment concluded that the traffic generation would have a negligible impact on the capacity of the local road network with both junctions operating efficiently throughout all future year scenarios and no interventions required.

- 7.23. I am satisfied that the construction and maintenance of the facility will not generate a significant amount of traffic to the local road network and will not result in an adverse impact in terms of traffic safety. Additionally, with regards to the access location, having inspected the site I noted no issues regarding sightlines from the entrance and therefore I have no significant traffic safety concerns in this regard.

Health and Safety

- 7.24. The appellants have raised concerns regarding long term exposure to electromagnetic fields and radiofrequency waves including the impact on wildlife. Section 1.14.1 of the CDP (Volume 6, Appendix 1) makes it a mandatory requirement for all planning applications to be accompanied by a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2. The Commission should note that the applicant complied with same through the submission of a report entitled 'assessment of KA band transmitter' at further information stage. I note that this report has concluded that the exposure levels from the transmitter will comply with the public health regulations for non-ionising radiation protection.
- 7.25. Notwithstanding this, the Commission should note that Section 2.6 of Circular Letter PL07/12, issued by the then Department of Environment, Community and Local Government (DoECLG), reiterates the advice contained in the 1996 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 telecommunication structures and do not have competence for health and safety matters in respect of telecommunications structures. These matters are regulated by other codes and such matters should not be additionally regulated by the planning process.

Other Issues

- 7.26. The Commission should note that the PA attached a financial contribution condition as part of its notification to grant permission. The contribution amounts to €50,000 (5 no. satellite dishes) in accordance with the Kerry County Council Development

Contribution Scheme 2017 (DCS) which specifies a contribution of €10,000 per telecommunications unit. I note that there was no first party appeal submitted to the Commission challenging this condition.

7.27. Notwithstanding this, the Commission should note that Circular Letter PL 03/2018 (3rd July 2018) revised the terms of the Development Contribution Guidelines by including a specific planning policy requirement (SPPR) to be mandatorily applied by the planning authorities. I note that the adopted DCS predates this Circular Letter (CL) and has not been revised in response. The CL specifies a waiver for broadband infrastructure including antennae, dishes and other apparatus and equipment being installed for communication purposes and where the operator can demonstrate that its infrastructure provides service to customers who would not otherwise be able to avail of adequate broadband services. The waiver applies to infrastructure being deployed as part of a government endorsed telecommunications strategy, plan or initiate.

7.28. I note that the applicant stated in its further information response to the PA that the purpose of satellite internet is to bridge the gap for people who still lack access to dependable internet. I also consider the purpose of the development to be aligned with the goals of the National Digital Strategy 2022 to ensure high speed internet connectivity. Therefore, it is my view that the waiver outlined in PL 03/2018 applies to this development and, accordingly, I recommend that a financial contribution condition should not be attached in the event of a grant of permission.

8.0 Appropriate Assessment (AA) Screening

8.1. I have considered the project in light of the requirements Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 3km southwest of Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (SPA) (Site Code 004161), and approximately 4km east of Ballyseedy Wood Special Area of Conservation (SAC) (Site Code 002112). No nature conservation concerns in relation to European sites were raised in the planning application and appeal.

8.2. 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 and scale of the development.
- The separation distance and intervening lands from the nearest European sites and lack of hydrological connection.
- The level topography of the site and adjoining lands, separation distance and intervening lands between the site and SPA 004161 in terms of potential ex-situ effects.
- Taking into account the screening determination of the PA's ecologist.

8.3. 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.

9.0 Water Framework Directive (WFD) Screening

9.1. The site is underlain by the Castlemaine groundwater waterbody (Site Code IE_SW_G_026) which is classed as good status, and not at risk, for the 2019-2024 monitoring period². There is an existing drainage ditch on the eastern boundary of the site. No water deterioration concerns were raised in the planning application or appeal.

9.2. I have assessed the project 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 and 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.

² https://www.catchments.ie/data/#/waterbody/IE_SW_G_026?k=ut97j5 (Accessed 29th January 2026)

9.3. 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.

10.0 Recommendation

It is my recommendation to the Commission that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines 1996, as revised by Circular Letter PL 07/12, and Section 14.9 (Volume 1) of the Kerry County Development Plan 2022-2028, to the design, scale and limited height of the proposed development and to the documentation submitted by the applicant, it is considered that the proposed development would contribute to the roll out of broadband services in accordance with national, regional and local objectives including KCDP 14-71 and KCDP 14-73 of the Kerry County Development Plan 2022-2028, would not be seriously injurious to the visual or residential amenities of the area and would be acceptable in terms of traffic safety. Accordingly, the proposed development would comply with further objectives KCDP 14-79 and KCDP 14-80 (Volume 1) and Section 1.14.1 (Volume 6, Appendix 1) of the Kerry County Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1 st 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
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	<p>with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>Landscaping and biodiversity enhancement measures of the site shall be carried out in accordance with the detailed requirements of the planning authority, which shall be agreed with the planning authority prior to commencement of the development.</p> <p>Reason: In the interest of biodiversity and visual amenity.</p>
3	<p>Prior to commencement of development, the developer shall submit lighting details to the planning authority for written approval. Any lighting shall be directed and cowled such as to reduce, as far as possible, light scatter over public roads and adjoining lands.</p> <p>Reason: In the interest of traffic safety and public amenity.</p>
4	<p>Drainage arrangements 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>
5	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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>
6	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste</p>

	<p>management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection.</p>
7	<p>Prior to the commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
8	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structures or its appendages or within the curtilage of the site.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
9	<p>In the event of the telecommunications structures and ancillary structures, and access road provided to serve the telecommunications structures and ancillary structures, hereby permitted ceasing to operate for a period of 6 months, the structures and access road shall be removed and the site shall be reinstated within 3 months of their removal. Details regarding the removal of the structures and access road and the reinstatement of the site shall be submitted to, and agreed in writing, within 7 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.</p>

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

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.

Gary Farrelly
Planning Inspector
29th January 2026

Appendix 1

Form 1 – EIA Pre-Screening

Case Reference	PL-500144-KY
Proposed Development Summary	The construction of a proposed perimeter fenced enclosure to facilitate 5no. satellite dish antennas, all associated ancillary site works
Development Address	Ballydwyer, Ballymacelligott, Tralee, Co Kerry
	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.	
<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 development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	

Inspector: _____

Date: 29th January 2026