



## Inspector's Report

**PL-500354-KK-25**

<b>Development</b>	To erect a 30m high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing
<b>Location</b>	Curraghmartin , Carrigeen , Co. Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	2560064
<b>Applicant(s)</b>	APW UK WIP Limited t/a Icon Tower
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	(a) First Party Vs Contribution Condition (b) Third Party Appeal
<b>Appellant(s)</b>	(a) APW UK WIP Limited t/a Icon Tower (b) Mark and Nicola Walsh
<b>Date of Site Inspection</b>	23/ March/ 2026
<b>Inspector</b>	Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The subject site is located alongside the N24 which is the Waterford to Clonmel national route. It is a 0.01Ha site located to the rear of Frank Haley Catering Services limited.
- 1.2. The Frank Haley Catering limited building is a long industrial style building setback from the N24 with a singular vehicular entrance. There is a wide concrete service road and parking area to the front of the building, with a large concrete service area to the rear of the building.
- 1.3. The subject site is a small area in the south-east corner of the site where it is proposed to position the compound. The site is level and currently overgrown with gorse bushes. There is a mature hedge row to the east of the site. Beyond the site to the south is an agricultural field.
- 1.4. On the opposite side of the N24 to the subject site, there is a small residential cul de sac, Aglish North.
- 1.5. Also in clear view from the site and the N24 are 220Kv lines and associated pylons to the west of the site.

## 2.0 Proposed Development

- 2.1. A 30metre high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing to provide for high-speed wireless data and broadband services.

## 3.0 Planning Authority Decision

### 3.1. Decision

Kilkenny Co. Co. granted planning permission for the proposed development subject to 7No. conditions.

The conditions are standard planning conditions. The applicant has taken a First Party appeal against Condition No. 2:

The Developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area that is provided or intended to be provided by or on behalf of the Local Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Acts 2000 as amended.

The amount of the financial contribution shall be paid upon commencement of development, with the amount of the contribution being the rate of contribution in existence on commencement of development. In accordance with the current scheme the amount of the contribution is calculated at €10,000.00 (Ten Thousand Euro) however this amount may be recalculated in accordance with any newly adopted Development Contribution Scheme that may supersede the current scheme prior to commencement of development. Any applicable amount is subject to revision with reference to the Wholesale Price Index and to penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme.

**Reason:** It is a requirement of the Planning and Development Acts 2000 as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

There are two Planning Reports on file. A summary of the key relevant assessment issues raised is as follows:

##### **Planning Report No. 1 Date 10/04/2025- F.I. Recommended**

- Alternative sites listed do not appear to be feasible
- It is not considered that the proposed structure would overbear, overshadow or visually denigrate the surrounding residential properties. The nearest residential properties are located c.250m due northwest at a cluster on the L7435 at Aglish North, and c.350m due south off the L7442.

- The site located in close proximity to and in the context of a 220KV power line (c.24m high pylons carrying 3 no. wires running immediately to the western side of Frank Halley) hence will not appear overly visually obtrusive in the existing rural environment and members of the public will become accustomed to its appearance overtime.
- In terms of Curraghmartin Farm Village, the telecommunications structure would be over 400m away, hence visual impacts would be somewhat distant and would not adversely affect the setting of the farm village.
- It has been confirmed with NRDO Tramore House that the application site will not affect the N24 upgrade at this location.
- In accordance with the policy as set out in section 10.4.1.4 of the Kilkenny City and County Development Plan 2021-2027, the applicant is requested to submit sufficient information to show:
  - Alternative sites considered and why the alternatives were unsuitable.
  - The applicant is requested to demonstrate a detailed rationale for the site selections, including consideration of all other alternative sites considered.)
  - Having regard to Kilkenny County Council's policy relating to co-location of telecommunications infrastructure, please clarify the rationale for not co-locating with the telecommunications infrastructure permission granted by An Bord Pleanala for development at Chapel Lane Mooncoin (Kilkenny County Council planning ref. P.20/409).
  - The Planning Authority has concerns about the height, location and visual prominence of the proposed lattice structure on an elevated site which is highly visible from both approaches along the N24 and from surrounding areas.
  - A full visual impact appraisal including photomontages of the revised proposal, with clear reference to/inclusion of the Eirgrid Pylons which cross immediately to the West of the site.

**Planning Report No. 2 Date 12/11/2025- Permission Recommended**

- Co-location sites as below were considered however were all deemed unsuitable as outlined below under each site.
- The proposed structure would be available to all of the mobile operators and any other users such broadband providers, emergency services etc.
- Site at Chapel Lane, Mooncoin (Kilkenny County Council planning ref. P.20/409) is 5.2km away from the proposed siting. Stated that this is too far away to cover the proposed area.
- It isn't possible to give an exact figure of the number of masts in the county as no central register was held. Stated that based on the latest public information available, the number of ground-based structures are estimated at approx. 45-50. Stated that the number of telecoms base stations is publicly available via the comregs site website.
- Icon Tower are a passive infrastructure provider i.e. they develop, design and build the structure and ground based infrastructure such as ducting and fencing. Stated that they do not operate any telecommunications equipment such as antennas or dishes.
- The site between a large quarry, a large solar farm, high voltage pylons (ESB networks) and a transmission line and to the rear of an industrial/commercial building at a low elevation which further mitigates any impact and is relatively removed from housing. The visual impact will be low when viewed from the N24.
- The proposal will not have a significantly detrimental material negative visual impact on the local landscape
- Permission recommended.

### 3.2.2. Other Technical Reports

- None

### 3.3. Prescribed Bodies

#### 3.3.1 *Transport Infrastructure Ireland*

The site of the proposed development is located within an area considered for a future national road scheme. The proposed development could prejudice plans for the design of this scheme and hence the application is premature pending the determination of this route. A grant of permission, in this instance, is considered to be at variance with the provisions of the DoECLG *Spatial Planning and National Roads Guidelines for Planning Authorities* (January, 2012), (Section 2.9)

#### 3.3.2 *NRDO Tramore House:*

According to the Planning Report on file there was a Verbal Consultation with the office: The N24 is likely to be subject to upgrade at this location rather than re-routing. Furthermore the application site is to the periphery of the Green Corridor Option, hence will not affect the proposed upgrade at this location;

### 3.4. Third Party Observations

There were a plethora of third party objections received to Council during the statutory period. The following were the concerns expressed:

Detrimental visual impacts;

- Setting of Curraghmartin Farm Village would be detrimentally impacted
- Any existing and proposed planting will not screen proposed mast
- Health risks to both humans and livestock
- Safety risks in event of structure collapse
- Noise
- Environmental and bio-diversity
- Depreciation of property values
- Solar farm nearby
- Lack of preplanning community consultation
- Alternative site should be explored
- Infrastructure strain as a result of the proposal

- Potential traffic hazards during construction
- Sets precedent for future developmen;
- The landowner Leo Carton and the consent signature is from Frank Haley

## 4.0 Planning History

4.1. There is no relevant planning history associated with the subject site.

4.2. Relevant Planning Histories in the locality for similar telecommunications structures  
***Appeal Ref. No. APB-311598-23 (Kilkenny County Council Section 254 License Application Ref. No. S254.94).***

Installation of 18m high smart street pole solution and associated cabinet. The Local Authority issued an Order/ Decision to REFUSE the Section 254 License for 1 no. reason relating to Visual Impact. An Bord Pleanála issued a decision to GRANT the Section 254 License (for an 18 metre high smart streetpole solution and associated cabinet) on 1st February 2023 subject to 8 no. conditions. Applicant: Signal Infrastructure Limited.

Nearby site c. 1.2 km to the northwest (within an existing Eir exchange site)

• ***Appeal Ref. no. ABP-308930-20 (Planning reg. ref. no. 20409).*** Proposed 18 metre high free standing communications structure at Chapel Street, Mooncoin. The Local Authority issued a decision to REFUSE permission for 1 no. reason relating to Visual Impact. An Bord Pleanála issued a decision to GRANT permission on 10th May 2021 subject to 2 no. conditions. Applicant: Eircom Limited.

## 5.0 Policy Context

### 5.1. National Policy

#### 5.1.1 ***National Planning Framework – Project Ireland 2040***

Objective 24 – ‘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.

## 5.2. Development Plan

### 5.2.1 Kilkenny City and County Development Plan, 2021 to 2027

#### **Chapter 10 relates to Infrastructure and Environment.**

**Section 10.4** relates to Telecommunications and states: 'The Council recognises the importance of advanced communications infrastructure for an information-based society, and as a key support for business, education and research. The Council will support and facilitate the provision of advanced communication networks and services to the extent required to contribute to national, regional and local competitiveness and attract inward investment. The Council will also encourage the further co ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity in the county, as a means of improving economic competitiveness.'

**Section 10.4.1.2** relates to National Broadband Plan and includes the following statement: '..Some of County Kilkenny's towns suffer from broadband deficiencies, which are detrimental to their economic growth. The Council will work towards remedying this, through facilitating the implementation of the National Broadband Plan. The Council will facilitate the delivery of the National Broadband Plan in accordance with National and Regional policy to:

- Promote the attractiveness of smaller settlements and rural areas generally for economic development, both indigenous and FDI;
- Facilitate more flexible working arrangements such as working from home;
- Reduce social isolation.'

**Section 10.4.1.4** relates to Telecommunications Antennae and states the following: 'The Council recognises the importance of a high-quality telecommunications service and will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and sustaining residential amenities and environmental quality.'

The following Objectives are provided in Section 10.4.1.4 (Telecommunications Antennae):

- Objective 101: To support and facilitate the delivery of high capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the County, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices e.g. remote working subject to other relevant policies and objectives of the Plan.
- Objective 102: To set up and maintain a register of approved telecommunications structures which will provide a useful input to the assessment of future telecommunications developments and would also be useful from the point of view of maximising the potential for future mast sharing and co-location.

5.2.2 The following Broadband Development Management Requirements are provided:

- All new developments and all refurbishments and urban renewal projects shall, at planning and design stage, show how they will provide for the installation sufficient of carrier neutral ducting for fibre-based data services and incorporate unobtrusive carrier neutral antennae where feasible to facilitate future co- location of services and accommodate multifunctional technologies in the rollout of high-speed broadband and the internet of everything;
- All new significant public infrastructure works such as roads, water and sewerage shall provide carrier neutral ducting where feasible.
- Ensure the provision for development in connection with telecommunications is made in ways which will maximise the use of existing masts and sites so as to limit the impact of development.

The following Telecommunications Antennae Development Management Requirements are provided:

When considering proposals for telecommunications masts, antennae and ancillary equipment, it is the policy of the Council to have regard to the following:

- a) the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of heritage value (See Chapter 9 Heritage);
- b) the potential for co-location of equipment on existing masts; and

c) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities and Circular Letter PL 07/12.

Proposals within the county for telecommunications antennae and support structures must show:

- a) the alternative sites considered and why the alternatives were unsuitable,
- b) the number of existing masts within the County,
- c) the long-term plans of the developer in the County and the potential for further masts,
- d) and the plans of other promoters and any prior consultations which the developer may have had with other mast owners.
- e) all technology shall comply with the strictest environmental quality requirements, including the latest International Commission on Non Ionizing Radiation Protection (ICNIRP) guidelines and mitigate adequately against the potential to impact negatively on human health and wellbeing.

### **5.3. Relevant National or Regional Policy / Ministerial Guidelines**

#### **5.3.1 *DoHELG Circular Letter PL 11/2020 (Telecommunications Services – Planning Exemptions and Section 254 Licences)***

This circular relates to planning exemptions applicable to telecommunications works undertaken by statutory undertakers authorised to provide telecommunications services.

The Circular advises that:

- Section 254 of the Act outlines the provisions in relation to the licencing of appliances and cables etc on public roads. Where development of a type specified in Section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a Section 254 licence.
- A Section 254 Licence is required for overground electronic communication infrastructure and its associated works, and that such works are exempt from planning permission.

- The exemptions for telecommunications infrastructure along public roads do not apply:
  - a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.
  - b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.
- Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:
  - a) the proper planning and sustainable development of the area,
  - b) any relevant provisions of the development plan, or a local area plan,
  - c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
  - d) the convenience and safety of road users including pedestrians.

### **5.3.2 DoECLG Circular Letter PL07/2012 (Telecommunications Antennae and Support Structures Guidelines)**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, 'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.

- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds. Include waivers on future development contribution schemes for the provision of broadband infrastructure.

### 5.3.3 **Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996**

The 'Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures' (1996) set out government policy for the assessment of proposed new telecommunications structures ('the 1996 Guidelines'). The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.

The Guidelines state that some masts will remain quite noticeable despite best precautions. It is further stated that 'local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.'

### 5.4. **Natural Heritage Designations**

The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites is as follows:

Lower River Suir SAC (Site Code 002137) located c. 1.2 km to the Southeast of appeal site

## 6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

- 7.1. There are two appeals, a third-party appeal against the overall decision to grant planning permission for the development, and a First Party appeal against a financial contribution condition applied to the planning permission granted.

### 7.2. Third Party Appeal

Mark and Nicola Walsh from Curraghmartin, Carrigeen, have taken this third-party appeal against the decision to grant planning permission for the proposed development. The following is a summary of their grounds of appeal:

- **Non-Compliance with Development Plan policies**

The Kilkenny City and County Development Plan 2021-2027 includes objectives to protect the rural landscape and to avoid visual intrusion. The proposal conflicts with Section 9.4.3 Telecommunications Infrastructure of the Plan.

- **Breach of National Guidelines**

The Telecommunications Antennae and Support Structures Guidelines (1996) and Circular PL07/12 emphasize co-location and the avoidance of the proliferation of masts. The application does not demonstrate that mast sharing or alternative sites were adequately considered.

- **Visual Landscape Impact**

The site lies within South Kilkenny Lowlands landscape character area. A 30m lattice structure will significantly alter the rural character.

- **Residential Amenity and Property Impact**

The mast's scale and prominence will adversely affect residential amenity and property values in the vicinity.

- **Insufficient Environmental Assessment**

There was no cumulative impact assessment of electromagnetic emissions provided. While the decision claims there is no prejudice to public health, this lacks supportive evidence.

- **Traffic and Construction Safety**

The decision does not adequately address traffic safety during the construction and maintenance periods.

- **Supporting Documentation**

- (i) Signed petition to overturn the decision to grant planning permission.
- (ii) Copy of original letter of objection

### 7.3. **Applicant Response in the case of a 3<sup>rd</sup> Party Appeal**

#### 7.3.1 **Site Ownership**

Mr. Frank Haley is the landowner, and his letter of consent was submitted with the planning application. Another named person in the covering letter was mentioned in error.

#### 7.3.2 **Technical Justification**

The Commission should have regard to the following documents submitted to the Council:

- Sections 2.2 and 3.0 of the Cover Letter submitted with the original application
- The RF Technical Justification Report dated 11/12/2024
- Section headed 'Conclusion' in the cover letter submitted

The reports outline the service deficiency, and the improvements that will be achieved with the proposed development.

#### 7.3.3 **Development Plan**

The proposed development complies with the Kilkenny City and County Development Plan 2021 as agreed by the Council. In addition the proposed development will

contribute to the achievement of the authority's objective to deliver high capacity information communications technology infrastructure, broadband connectivity and digital broadcasting as set out in objective 101 of the development plan, in addition to complying with sections 10.4.1.1 and 10.4.1.2 and 10.4.1.4.

The keys policies of the Plan are outlined on page 193, and the policy is divided into 3No. components.

- a) the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of heritage value (See Chapter 9 Heritage);
- b) the potential for co-location of equipment on existing masts; and
- c) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities and Circular Letter PL 07/12.

In terms of Visual Impact, it is acknowledged the site is within Carrigeen\_Farm village deemed to be of heritage value, section 9.3.4 Kilkenny Farm villages in the development plan. The planning authority had due regard to the issue, the structure will be over 400m from the farm and it was considered the visual impacts would be somewhat distant. There was a Visual Influence Report submitted as part of the RFI and the Commission should consider the conclusions of same. The site is situated into an industrial belt nestled between a large quarry, a large solar farm, high voltage pylons and a transmission line to the rear of an industrial buildings.

In terms of co-location this issue was addressed in the further information and should be considered by the Commission. Potentially suitable sites were too distant from the area to be covered, and to provide the required coverage or were of insufficient height to provide the coverage. The applicant Icon Tower has a facility sharing policy. It is anticipated a number of operators will share the proposed facility.

It should be noted as per the RFI if one provider develops a structure in an area the demand and the commercial basis for another structure is removed and duplication of the infrastructure does not occur.

The structure complies with Circular Letter PL 07/12, the height is 30m and is a lattice tower in a rural area. The site is not located in a sensitive landscape, and will

only be partially visible and it will not terminate views. Furthermore the structure is not close to dwellings, schools, churches, creche and community buildings.

#### 7.3.4 ***Issues Raised in the Appeal***

- The appellants reference to 9.4.3 must be made in error.
- Compliance with the development plan and national guidelines has been addressed.
- Visual impact has also been addressed.
- The proposed development is located 250m northwest of the cluster at Aglish North and 350m south of the L7442. With these distances and intervening landforms, the structure is a sufficient distance to minimise any potential impacts on these properties.
- Planning authorities do not have the competency to deal with Health issues associated with telecommunication structures.

#### 7.3.5 ***Other Issues***

- In terms of the TII submission, the position of TII is premature. The referenced section 2.9 of the Guidelines states a development or local area plan should identify any land required for future national road projects. The Kilkenny development plan does not identify lands required for the N2 project. There is no design stage or preferred corridor in the plan. In addition, the site will only be accessed 6 times per annum, and in terms of the existing junction, this will have a negligible impact on the N24.
- It is requested a permanent grant of permission is given should a positive decision be forthcoming.
- The applicant has requested the financial contribution be waived for broadband infrastructure in line with national policy, Circular PI03/2018.

### **7.4 First Party Appeal Against Development Contribution Condition**

- 7.4.1 Condition No. 2 of the planning authority's decision to grant planning permission for the proposed development states a Development Contribution of €10,000 is payable in accordance with the terms of the Development Contribution Scheme.

- 7.4.2 The proposed development is broadband infrastructure to provide high speed wireless broadband and data services for the local community, and DoEHLG Circular Letter PL07/12 states development contributions must be waived for broadband infrastructure provision.
- 7.4.3 Under the exemptions part of the adopted Development Contributions scheme 2016-2017 it states ‘ *Masts and antennae and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme or a subsequent endorsed initiative as defined by the Department of Communication, Energy and Natural Resources. Any new buildings associated with masts and antennae will be charged at the commercial rate.*’ .
- 7.4.4 In this instance the Council has not applied the scheme correctly by imposing a development contribution payable of €10,000.
- 7.4.5 Precedence for removing these wrongly applied development contributions exists under reference ABP 315347 and 312334

## 7.5 Planning Authority Response

There would appear to be no response received from the planning authority.

## 8.0 Assessment

8.1 The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Development Plan Policy
- Cumulative Impact and Alternatives
- Design, Siting and Visual Impact
- Other Matters arising

### 8.2 Development Plan Policy

8.2.1 The relevant development plan is Kilkenny City and County Development Plan, 2021-2027, whereby Chapter 10 relates to Infrastructure and Environment. I note **Section 10.4** relates to Telecommunications and states: ‘*The Council recognises the*

*importance of advanced communications infrastructure for an information-based society, and as a key support for business, education and research. The Council will support and facilitate the provision of advanced communication networks and services to the extent required to contribute to national, regional and local competitiveness and attract inward investment. The Council will also encourage the further coordinated and focused development and extension of telecommunications infrastructure including broadband connectivity in the county, as a means of improving economic competitiveness.'*

8.2.2 In addition, **Section 10.4.1.4** relates to Telecommunications Antennae and states the following: '*The Council recognises the importance of a high-quality telecommunications service and will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and sustaining residential amenities and environmental quality.'*

8.2.3 The proposed development is a 30m lattice structure with associated equipment and compound. According to the planning application, the proposal will enable Three Ireland and other operators to improve services within the general area. According to the submitted documents the proposal will greatly improve coverage, overall broadband speeds and signal quality in the area. Therefore, in essence, the proposed development complies with the underlying objectives regarding telecommunications structures as expressed in the current development plan.

### **8.3 Cumulative Impact and Alternatives**

8.3.1 As part of the further information requested during the assessment of the planning application, the applicant was requested to submit the alternative sites considered and why the alternatives were unsuitable. I refer to the further information received from the applicant on the 5<sup>th</sup> of October 2025. It identified 4No. existing sites hosting telecommunications structures within 8km of the site, 3No. of which are under 4km from the site, with a large industrial site (Dawn Meats), only 1.3km southeast of the site. There is also a permitted structure in Mooncoin village, granted under appeal reference ABP-308930 within 6km of the site, I accept it has not been constructed to date, however the permission remains outstanding.

- 8.3.2 In my opinion, there is an undue proliferation of telecommunications structures within this small rural envelop, between Grannagh and Mooncoin. Although the applicant has stated the proposed structure will be available for co-location, the concept of enhancing or improving existing sites within a 5km radius of the location has not been comprehensively addressed by the applicant. In most instances the applicant refers to inadequate height to provide the required coverage as a reason not to consider co-location or alternative sites, and yet the possibility of providing additional height at an existing location was not fully considered, as opposed to a completely new site and 30m high lattice structure, which is a significant structure in telecommunication infrastructure terms.
- 8.3.3 According, to the applicant, the main driver for the new site at Carrigeen is to improve service to residential properties in the wider area and to help coverage to any local business nearby and to the N24 road. This site will provide voice and high-speed data services to the surrounding residential areas and amenities in the Carrigeen area. The specific location chosen to provide enough overlap of the coverage footprint to adequately serve the area. The applicant further claims following comprehensive search of the target area, no existing base station options were identified that could be shared or upgraded to provide the necessary coverage required. The only way to cover this area with suitable radio coverage into this location is by building a new site and a tall lattice structure.
- 8.3.4 Having considered the publication **Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996**, I am not convinced a new freestanding lattice structure is warranted within such close proximity to existing and permitted telecommunications structures. Given the number of units in the immediate locality, the sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location, perhaps in terms of increasing their heights. The Commission recently refused a licence in the general locality under reference ACP-32210-25, for a 15m monopole along the N24 at Fibuckstown, west of the appeal site. It was refused because in the absence of a clearly demonstrated assessment of alternative sites, including existing utility sites in the vicinity the Commission was not satisfied that sufficient analysis of alternative sites or technical justification has been provided, to support the proposed development at the specified location. In my opinion, there would appear to be an ad

hoc approach by the service providers in the general locality. Furthermore, with the original the applicant appeared to be unaware of relevant planning histories associated with telecommunications structures in the area, until the Council issued a letter of further information citing same. In my opinion, a consistent planning approach should be taken, with a strict adherence to the Government's guidelines on Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) should be imposed, otherwise an undesirable precedent for permitting free-standing masts would be created within areas where there are a multitude of existing and permitted utility sites.

#### **8.4 Design, Siting and Visual Impact**

8.4.1 I refer to the *Visual Influence Report and Associated Photomontages* submitted by the applicant on 5<sup>th</sup> of October 2025 in response to the Council's further information request. A drone was used to establish the Zone of Visual Influence, in addition to reviewing the visual impact from the local roads. The Report concluded the subject site is generally not visible along the local road network except in close proximity to the site. It will be viewed at restricted points along the N24, however the impact is considered to be low to moderate, because the views are broken due to bends in the road, hedging, trees and housing. The general topography is low lying and level. The site is not elevated. The location is considered to be an industrial belt in a rural area by the applicant, given the industrial like building on the larger site, the pylons/ transmission lines to the west of the site, the large quarry to the north, and the adjoining solar farm.

8.4.2 I consider the report submitted by the applicant to be an accurate representation of the visual characteristics of the subject site and surrounding area. The report is correct in stating the landscape is flat and the immediate area has a number of industrial uses. Figure 5 indicating a photomontage of the proposed mast as identified from Area 2 is the most important view. It illustrates the view from the residential properties of North Aglish who will have to view the proposed development permanently with no break in view. These dwellings also have a national road, a quarry, an industrial building and pylons to view. The mast at 30metres results in a considerable visual impact at this location, and the carrying capacity of the existing location and the rural landscape to accommodate further

industrial structures without negatively impacting on the visual amenities of the area, is in my opinion, very low. I accept the landscape at this location holds a low amenity value and is not a designated scenic route. I accept there are large pylons and transmission lines traversing the lands to the west and north of the subject location. In this context the lattice structure would not appear out of place alongside the pylons. However, it is my opinion, this section of the N24 and the rural landscape does not have the ability to absorb further industrial like structures without further degrading the visual amenities of the area. The cumulative visual impact of a 30metres high lattice structure, which is a significant height in terms of telecommunications structures, will be significant when viewed from the immediate surrounding area. The building on the site does act as a visual buffer when viewing the structures from the N24 on approach from the east and west along the road, however, the roof ridge height is circa 10metres and the structure with attached antennae and dishes will be a further 20metres higher above the ridge height, with limited vegetation along the roadside boundaries to screen or reduce the views into the site. The structure will be highly noticeable and visible from the immediate area, and cumulatively with the multiplicity of other significant objects within this industrial belt, and structure will impact negatively and militate against the preservation of the remaining rural environment.

#### **8.5 Other Issues**

- There was a submission from Transportation Infrastructure Ireland whereby the organisation stated the proposed development could prejudice plans for the design of a future national road realignment scheme and hence the application is premature pending the determination of this route. There are no plans for such a route referenced on the current development plan. Therefore, I am satisfied the proposed development would not prejudice same. However, as a precaution, should the Commission be favourably disposed towards the proposal would recommend attaching a planning condition granting permission for the structure for 5 years only, in the event the future scheme forms part of the next county development plan.
- It is generally accepted, planning authorities do not have the competency to deal with Health issues associated with telecommunication structures.

## 8.6 First Party Appeal Against Development Contribution Condition

8.6.1 Kilkenny County Council imposed a development contribution of €10000 in Condition No. 2 of its decision. This condition contravene Ministerial Guidance as provided in Circular letter PI07/12 and the Kilkenny County Council Development Contribution Scheme. On page 6 of the adopted scheme the following exemption is stated *Masts and antennae and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme or a subsequent endorsed initiative as defined by the Department of Communication, Energy and Natural Resources. Any new buildings associated with masts and antennae will be charged at the commercial rate.*

8.6.2 The proposed development includes for the enhancement and provision of wireless broadband in the locality. The Council disregarded it's own exemption in the Development Contribution Scheme. Therefore, Condition Number 2 of the grant of permission should therefore be omitted from any decision to grant permission.

## 9.0 AA Screening

9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Lower River Suir SAC (Site Code 002137) located c. 1.2 km to the southeast of the proposed development site. The proposed development comprises the installation of a 30m high lattice structure associated with telecommunications antenna and dishes within a purpose built compound..

9.2 No nature conservation concerns pertaining to European Site(s) were raised in the planning appeal.

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

- The small-scale nature of the development.

- The location of the development a considerable distance from European Sites, and the absence of ecological pathways to any European Site.

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 Water Framework Directive**

10.1 The subject appeal site is located at N24, Curraghmartin, Carrgeen Co. Kilkenny, approximately 1200 metres to the north of the River Suir The site is also overlying Clonmel Groundwater Body (IE\_SE\_G\_040). 9.1.2. The proposed development comprises:

- Proposed 30m lattice structure with Antenna and Ground Equipment.
- a palisade compound area

10.2 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed residential 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.

10.3 The reason for this conclusion is as follows:

- The relatively small-scale nature of the proposed development.
- The location of the subject appeal site, distance to the nearest water body and lack of direct hydrological connections.

10.3 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.

## **11.0 Recommendation**

11.1 I recommend the proposed development be refused.

## **12.0 Reasons**

1. Having regard to the government's guidelines on Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) which state that, inter alia, sites already developed for utilities should be considered, insufficient technical justification and evidence has been provided in respect of alternative sites, to support the location of the proposed development. It is the stated policy of the Kilkenny County Development Plan, 2021 to 2027 to have regard to the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities when considering proposals for telecommunications masts, antennae and ancillary equipment, and in the absence of a clearly demonstrated assessment of alternative sites, including existing utility sites in the vicinity, it is considered that the proposed development would be contrary to government guidelines, to the policy of Kilkenny County Development Plan, 2021 to 2027 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the context of the receiving rural environment, and the existing pylons and transmission lines, quarry, and solar farm located in close proximity to the subject site, the N24 carriageway and the industrial style building on the subject site, it is considered the rural landscape does not have the ability to absorb further industrial like structures without further degrading the visual amenities of the area. The cumulative visual impact of the proposed 30metres high lattice structure will be significant when viewed from the immediate surrounding area. It is considered the structure will be highly noticeable and visible from the immediate area, cumulatively with the multiplicity of other significant objects within the general area, the proposed structure will impact negatively on the visual amenities of the area and militate

against the preservation of the residual rural environment and be contrary to the proper planning and sustainable development of the area.

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

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**Caryn Coogan**

**Planning Inspector**

**31<sup>st</sup> of March 2026**

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP-PL-500354-KK-25
<b>Proposed Development Summary</b>	A 30metre high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing to provide for high-speed wireless data and broadband services
<b>Development Address</b>	Curraghmartin, Carrigeen, Co. Kilkenny
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	<b>State the Class here</b>

**EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**

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?**

No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  
**No Screening required.**

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_