



An
Coimisiún
Pleanála

Inspector's Report PL-501419-CE-26

Development	Construction of telecommunications infrastructure with new ground level equipment cabinets, fencing and all associated site works.
Location	Eir Exchange, Ballyminoge, Scarriff, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2660128
Applicant(s)	Towercom Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Towercom Limited
Observer(s)	Michael McNamara East Clare Community Residents Group Jan Stefanik

Date of Site Inspection

28th August 2026

Inspector

Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The site is approximately 150m east of the town centre of Scariff and is located within an existing telecommunications compound. There is a single storey 'exchange' building on the site, and the proposed development will be located to the rear of same. There is an existing wooden pole on the site, and it is proposed to replace this. The site is accessed via Connaught Road located immediately south of the appeal site. The Derg View housing estate is located immediately east of the site and further housing along Main Street/Connaught Road adjoins the northern boundary of the site. The application site is located in a Utilities Zone in the Scariff/Tuamgraney Settlement Boundary. The R352 (scenic route) is located further east of the appeal site where it borders Lough Derg along its route to Mountshannon. The northern, eastern and western boundaries of the subject site are defined by established mature hedgerow and tree cover. The site has a stated area of 0.01ha. The site has longstanding use as a telecommunications site for multiple operators.

2.0 Proposed Development

- 2.1. The proposed development will consist of the construction of telecommunications infrastructure comprised of an 18-metre monopole support structure (21.1m overall structure height to top of omni antennas) carrying antennas, dishes and associated telecommunications equipment, together with new ground level equipment cabinets, fencing and all associated site works.
- 2.2. The proposal includes the removal of an existing 10 metre wooden pole with emergency services equipment to be replaced onto the new support structure.
- 2.3. The applicant has outlined that the proposed structure would allow more advanced technologies to be deployed on the site which the existing wooden structure cannot offer.
- 2.4. The application is accompanied by;
- Surecom Site Justification Report
 - Photomontages Booklet
 - Structural Report on the existing pole

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused planning permission for the development by order dated (29/04/2026). The two reasons for refusal were as follows:

1. The application site occupies a visually prominent site in the local streetscape/landscape, directly adjoining a designated Scenic Route. Under the provisions of Objective CDP14.7 of the Clare County Development Plan 2023-2029, it is an objective inter alia to ensure that proposed developments are designed and located to minimise their impact and to ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved. It is considered that the proposed development, by virtue of its siting and scale, would dominate the eastern approach to Scariff, inherently alter the character of the town and the Scenic Route at this location and have a severe negative impact on the visual amenities of the area. The proposed development would therefore be contrary to Objective CDP14.7 of the Clare County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
2. It is an objective, under CDP11.55 of the Clare County Development Plan 2023-2029 to facilitate the provision of telecommunications services at appropriate locations within the county having regard to the Department of the Environment, Heritage and Local Government 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012)'.

The said guidelines for Planning Authorities state: *Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and*

should be monopole (or poles) rather than a latticed tripod or square structure.

Notwithstanding the location of the site within an established infrastructure compound, it is considered that the height and design of structure is excessive having regard to the location in close proximity to a number of residential properties. It is considered that the proposed development would be contrary to both CDP11.55 of the Clare County Development Plan 2023-2029 and Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996. The proposed development would therefore seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report dated (29/04/2026) set out that the site is located in a 'Utilities Zone' in the Scariff/Tuamgraney Settlement Boundary and that a proposal of this nature would generally be acceptable in principle. Having regard to the Commission's previous decision to refuse permission (because it was not satisfied that the applicant had provided sufficient technical justification to demonstrate alternative sites/locations are either unavailable or unsuitable), the applicant has listed a series of sites and has discounted them all, except for the application site, although it was acknowledged that some would be technically feasible, albeit on greenfield sites and with potential negative visual impacts. The Planner in their report notes the range of alternative locations at higher elevations on some of these sites detailed in the public submissions, which may overcome issues of technical feasibility and is not satisfied that the applicant has satisfactorily addressed this core issue.

Concerns are also raised in relation to the impact of the proposed development on the visual amenities of the area. The site adjoins the R352 which is a designated Scenic Route. This is a sensitive landscape and the R352 is a busy tourist route. The landscape to the east of the site is open in nature. The structure would be both noticeable and intrusive when viewed on approach to the town from the east

(Mountshannon road). While it is noted the site is already developed for the provision of utilities, the submitted information does not indicate that the proposed structure has been designed and adapted for the specific location or that the proposed height is the minimum required for effective operation. It is recommended that permission be refused.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

There were 11 third party submissions received in relation to the proposed development. A summary of the issues raised are listed below;

- Queries over the stated deficiencies of the network and need for the development.
- Incomplete assessment of alternatives and lack of supporting evidence provided.
- Impacts on visual amenity, including the adjacent designated scenic route.
- Impacts on residential amenity, and health and safety.
- Devaluation of property.

4.0 Planning History

PA Reg Ref 21/1320 - Eircom Ltd (t/a eir) was refused permission to replace a 12m wooden pole with a 21m high telecommunications monopole together with antennas, dishes and associated telecommunications equipment, enclosed by security fencing.

This decision was appealed, under reference number: **314689**, and granted permission which was quashed by order of the High Court and given a new reference number: **319875** and granted permission which was quashed again by

order of the High Court and given a new reference number: **322695** and ultimately refused permission.

The reasons for refusal were that the site was not considered a last resort towards the enhancement of coverage in the area, the height and design was considered excessive in the settlement in close proximity to a number of residential properties.

It was noted that the Commission was not satisfied that the applicant had provided sufficient technical justification to demonstrate alternative sites/locations to the north of Scarriff on more elevated positions are either unavailable or unsuitable to improve indicated areas of weaker coverage.

Telecoms structures permitted in the Tuamgraney/Scarriff vicinity:

PA ref. 12/567 Permission was granted to Vodafone Ireland Ltd to retain an existing 27-metre-high telecommunications support structure at Drewsbrough Road, Scarriff. Site approximately 980 metres southwest of subject site

PA ref. 08/286 Permission was granted to O2 Communications Ltd to retain an existing 21 metrehigh monopole and associated infrastructure at Mountain Park, Tuamgraney. Site approximately 2.5km south of subject site

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

The settlement of Scarriff/Tuamgraney is designated as a 'Service Town' due to its role as an important service centre within the municipal district of Killaloe and its role as a driver of growth for the surrounding hinterland.

The subject site is zoned 'utilities – UT2' within the Scarriff settlement boundary (Volume 3c Killaloe Municipal District Settlement Plans). It is intended that lands zoned 'utilities' and 'infrastructure safeguard' will be reserved for the existing and future provision of key infrastructural services and the upgrading of existing services and infrastructure relating to road, rail, air, electricity, telecommunications, gas, water and wastewater treatment services.

Appendix 5 (Vol 1) list the designated Scenic Routes with Number 28 relating to the R463 from Tuamgraney to Mountshannon. I note the R352 runs between

Tuamgraney and Mountshannon and consider reference to R463 in the Plan to be an error.

The following objectives are considered relevant;

Objective CDP 11.55 Telecommunications Infrastructure - To consider the provision of high-speed, high-capacity digital and mobile infrastructure within the County having regard to the DEHLG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012) with regard to the appropriate environmental assessments and compliance with objective CDP 3.3 of this plan. (CDP 3.3 relates to appropriate assessment, strategic environmental assessment and strategic flood risk assessment)

Objective CDP14.2 Settled Landscapes - To permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- (i) Conformity with all other relevant provisions of the Plan and the availability and protection of resources.
- (ii) Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts.
- (iii) Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate: -

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

Objective CDP 14.7 Scenic Routes

- a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community.
- b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and
- c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co location will reduce the visual impact on the landscape (Section 4.5).

5.3. Circular Letter: PL07/12

The Circular Letter updated and revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances,
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses,

- Omit conditions on planning permission requiring security in the form of a bond/cash deposit,
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds,
- Future development contribution schemes to include waivers for broadband infrastructure provision.

5.4 Natural Heritage Designations

The subject site is not located within any designated site. The appeal site is located approximately 1.3 kilometres north-west of the Lough Derg (Shannon) Special Protection Area (SPA) (Site Code 004058). The Slieve Aughty Mountains SPA (Site Code 004168). is located approximately 2.3km south of the subject site The site is located approximately 900 metres north-west of the Lough Derg (Shannon) pNHA.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is a first party appeal against Clare County Councils decision to refuse permission. The grounds of appeal can be summarised as follows;

Visual Impact

- The design and layout of the proposed telecommunications development has been reconsidered to offer potential mitigation measures to reduce the visual impact. Revised drawings and photomontages have been submitted. The revisions to the proposed development comprise the following;

- The proposed monopole has been moved more centrally within the exchange, equidistant from the neighbouring boundaries and in line with the existing wooden pole location.
- The number of proposed omni antennas (for emergency services) at the top of the monopole has been reduced from 3 omni antennas to 1 omni.
- Wooden fencing is proposed to surround the telecommunications compound rather than palisade fencing.

ACP Previous Refusal

- Following the previous refusal on site, the applicant has submitted a technical justification report which includes existing and alternative sites considered in the area. Nine other sites were considered and discounted.
- While it is acknowledged that some of the sites would be technically feasible, in some cases there may be potential negative visual impacts at elevated or exposed locations, or with extensive access routes and with others the landowners were not interested or unresponsive.
- The local topography, within the town and the outskirts is generally hilly, with a few optimum locations allowing good Line of Sight (LOS) to the town within a reasonable functional distance for full 4G/5G, high bandwidth, indoor coverage provision.

Proximity to Residential Properties

- The site is an existing telecommunications site and is zoned for 'Utilities – UT2' and intended to be '*reserved for the existing and future provision of key infrastructural services and the upgrading of existing services and infrastructure relating to road, rail, air, electricity, telecommunications, gas, water and wastewater treatment services.*'
- There is no requirement for separation distances within the guidelines and Section 3.2 of Circular Letter PL07/12 sets out that planning authorities should not impose separation distances as they can impact on the roll out of telecommunications network.

Need for the development

- The existing telecommunications sites in Scariff are only providing 'Good' 4G and 5G outdoor mobile coverage to the northern part of Scariff town. The proposed development will improve coverage on the northern site of the town and to the main exit/entry roads.
- Tetra Ireland supports the proposal for increased height advising that the provisions of the new 18m monopole will improve their coverage footprint in Scariff.
- Other operators have also provided their support with letters from Tetra, Eir Mobile, and Vodafone.
- For modern 4G and 5G networks, capacity, bandwidth and the delivery of high-speed data need to be considered beyond and above basic voice and data coverage requirements.

Suitability of the subject site

- The suitability of the site is evidenced in the land use zoning for the site.
- In the assessment of the previous appeal, the ACP inspector found that the development would not seriously injure the visual or residential amenities of the area, including any views from along the designated scenic route along the R352 and would not be detrimental to the character of the town, including the designated Architectural Conservation Area.
- The site, which is brownfield site benefits from existing vehicle access and power supply serving the site, which a number of alternative greenfield sites in the surrounding rural areas would not already provide.
- The subject location is capable of absorbing the visual impact of the proposed development, including along the designated scenic route, and would not terminate views leaving or approaching Scariff. The photomontages show that most views in the wider area are precluded or intermittent due to distance and screening from the existing landscape.

National Policies and Guidelines

- Reference is made to the National Planning Framework, the National Development Plan 2021-2030, the Regional Spatial and Economic Strategy

for the Southern Region 20240, The Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development, and the Communications Network Sectoral Adaption Plan (SAP) 2025, and the provisions therein, which support the upgrading of communications infrastructure.

7.2. Planning Authority Response

The Planning Authority in their response have noted that notwithstanding the revisions as proposed, concerns remain in particular with regard to the impact of the proposed development on the visual and residential amenities of the area. It is requested that the Commission uphold the Council's decision to refuse permission.

7.3. Observations

A total of 3 no. valid observations were received by the Commission. The observations can be summarised as follows;

East Clare Community Residents Group

- The proposed development is part of a large portfolio of telecommunications masts to be located on Eir Exchange sites being developed by Towercom. The non-identification of the individual mast applications as part of an integrated portfolio represents an example of 'project splitting'.
- No information has been submitted to indicate that the proposed development is part of a wider project being developed by Towercom, and the spatial extent of that development.
- It is thus not possible to assess whether the development of the Towercom portfolio exceed the threshold of Category 10 (iv) of Part 2, Schedule 5 of the Planning and Development Regulations 2001 - *'Urban development which would include an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'*.
- Th interpretation of the category of 'urban development' falls within the evaluative judgement of the Commission. The Commission must ensure that it has the requisite information to perform an evaluation and call on Towercom

to provide relevant information using its powers under Section 131 of the Planning and Development Act.

- As no EIA screening report has been submitted (which would include the required Schedule 7 information) it is not possible to deal with the application in light of the requirements of Article 4(4) of the EIA Directive.
- Only 2 of the alternative sites identified are to the north of the town and both of these sites have been discounted.
- The Surecom report is based on a 18m mast in these outlying areas, when it would be possible to achieve a much greater height in outlying areas.
- The Surecom report presents no evidence in relation to the options.
- None of the sites identified to the north appear to be forestry areas. The Telecoms guidelines recommend that towers and masts be placed in forestry plantations provided antennae are clear of obstructions.
- There is a forestry plantation immediately to the north of Scariff. There is no evidence of any contact being made between Towercom and the owners of the forestry.
- Site B identified by Towercom would also appear suitable. There is no evidence of engagement with the owners.
- For the reasons above, the 'last resort' test has not been satisfied.

Jan Stefanik

- Radiofrequency (RF) electromagnetic emissions must be considered not only as technical outputs, but as long-term environmental exposures, relevant to planning and public health.
- The application does not provide a clear, evidence-based need. There is no evidence of measurable service deficiencies, network capacity constraints or verified user demands.
- The proposal is based on speculative projections rather than evidence-based need and therefore does not meet the threshold for justifying intrusive infrastructure in a sensitive residential setting.

- The proposal does not satisfy the last resort test and reflects a predetermined outcome driven by commercial considerations.
- The alternatives assessment is superficial and does not represent a genuine policy compliant evaluation of less intrusive options. There has been no correspondence with site owners, no evidence of engagement with community stakeholders, no technical assessments to demonstrate site unsuitability, and no visual, planning or engineering comparisons.
- The applicant relies on a general statement of compliance with ICNIRP guidelines, which does not constitute a robust technical assessment and does not allow proper evaluation.
- There is a divergence in international approaches to RF exposure limitations.
- Clare County Council supported a motion to oppose the rollout of 5G on health grounds and called for further investigation.
- The proposal places a large telecommunications structure in immediate proximity to residential dwelling without adequate technical transparency or consistent planning rationale.
- The proposed development would have an unacceptable impact on residential amenity and property value.

Michael McNamara

- The application is essentially an application for the same development refused under PA Reg Ref 21/1320/ ABP-322695.
- In arriving at its decision, the Commission had regard to the Clare County Development Plan 2023-2029, which is still in operation and to which no material alterations have been made.
- The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996, which are still in operation and to which no material alteration has been made, include among the criteria for assessment that only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns or villages.

- The appellant does not provide sufficient technical justification to demonstrate alternative sites/locations to the north of Scariff on more elevated positions are either unavailable or unsuitable to improve indicted areas of weaker coverage.
- Both the height and design of the structure was considered excessive in the previous decision. The proposed structure is substantially the same as the previous proposal.
- The provision of high speed, high capacity digital and mobile infrastructure is of great importance, however regard must be had to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996 (as updated by PL07/12 of 2012) and the applicant fails to demonstrate adequate regard to this.

7.4. Further Responses

None.

8.0 Assessment

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

- Principle of development
- Need for the Development
- Site Selection
- Impact on Visual/Residential Amenity
- EIA Screening

8.2. Principle of development

- 8.2.1. The subject site is zoned 'Utilities – UT2' under the provisions of the Clare County Development Plan 2023-2029. It is intended that land zoned Utilities and Infrastructure Safeguard will be reserved for the existing and future provision of key infrastructural services and the upgrading of existing services and infrastructure relating to road, rail, air, electricity, telecommunications, gas, water and wastewater treatment services. I would note also that the site already has telecommunications structure in place, and it is proposed to replace same with the monopole as proposed here. As such, the proposed development is acceptable in principle subject to the considerations below.

8.3. Need for the proposed development

- 8.3.1. The applicant has outlined that the telecommunications service currently provided is not adequate for high-speed indoor 4G and 5G broadband and mobile telephony within the northern part of Scarriff, in proximity to the Exchange site, necessary for business, educational, tourism and residential customers. The applicants have existing and predicted coverage footprint mapping as part of their application.
- 8.3.2. I note that the PA have not disputed the need for the proposal in their evidence, nor has the need for the development been disputed in the Board's previous assessment of a similar development on this site (Appeal Ref ABP Ref 322695).
- 8.3.3. I note that national and local planning policy supports the provision and improvement of telecommunications infrastructure. Taking account of same, and having regard to the information submitted with the application and appeal, I consider that there is sufficient evidence to demonstrate that there is a need for the proposal and that it would, if permitted, result in improved coverage in the town of Scariff, as well as improved coverage in the wider rural area

8.4. Site Selection

- 8.4.1. Section 4.3 of the 1996 Telecommunications Guidelines includes: *"Only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location."*

- 8.4.2. The last resort guidance indicates that placing telecommunications infrastructure in small towns and villages is challenging but concedes that it may be necessary, and, in that event, existing utility sites should be considered, and specific design solutions should be employed including that the height of such infrastructure should be the minimum consistent with effective operation.
- 8.4.3. Following the refusal of the permission for the development under ABP-322695, the applicant in consultation with Eircom Limited, the interested network operators, and an independent telecommunications company (Surecom Network Solutions) investigated the potential for alternative location within Scariff to improve coverage to the area. The findings of these investigations are presented in the Site Justification Report by Surecom submitted with the application which details 9 no. alternative locations considered. The report provides a brief summary of the 9 sites in terms of their suitability from both RF (Radiofrequency)/ technical and legal/ landowner standpoints. The applicant has acknowledged that some of the above sites would be technically feasible, in some case there may be potential negative visual impacts at elevated or exposed locations, or with extensive access routes and with others the landowners were not interested or were unresponsive. I consider that the assessment is limited with the applicant has providing little to no evidence to discount the potential sites. I note that the assessment modelled an 18m tower/monopole which considered that Clipping/ blocking of signal would occur at some of the potential site options. However, the applicant has not provided any information which would indicate why they would be confined to an 18m structure in outlying areas, away from sensitive receptors.
- 8.4.4. An observation on the appeal has also noted that the forestry plantation immediately north of Scariff should have been considered. I note that Section 4.3 of the Telecoms Guidelines states that *'In rural areas towers and masts can be placed in forestry plantations provided antennae are clear of obstructions'*. The Site Justification report has not considered potential forestry sites, and I find the report lacking in this regard.
- 8.4.5. Having regard, to the above assessment the proposed development would, therefore, not be in accordance with Objective CDP11.55 of the County Development Plan and the 1996 Guidelines as an adequate assessment of alternative sites in the area has not been undertaken, and it has not been

demonstrated that the appeal site is the 'last resort' capable of accommodating the required telecoms equipment. I recommend a refusal of permission on this basis.

8.5. Impact on Visual/Residential Amenity

8.6. A series of 6 no. photomontages have been prepared for the purposes of this planning application, illustrating views from a number of specified locations including the approach to the site from the scenic route to the east, other approach roads to the town centre, the town centre itself and nearby residential area. I note that a photomontage document has been submitted with the application, but this is not visual impact assessment, in and of itself, and is not prepared with reference to any best practice guidance relating to same, nor is the document itself supported by any consideration of the significance of potential impacts resulting from the proposed development. I note that the submitted photomontages have removed the existing wooden pole from the current images noting that it has been removed from the site in recent weeks. I note from my site visit that this is not the case and the existing wooden pole remains in place. Notwithstanding, the photomontage document does provide some indication of the potential visual impact of the proposed monopole.

8.6.1. In relation to the impact on the character and setting of the wider town centre, I accept it will be seen from certain vantage points, but where it can be seen from, I am not of the view that it would appear unduly prominent, and not out of place in an urban setting, and there is very little impact. This is due to the views being generally obscured by existing buildings, landscaping and topography.

8.6.2. The Planning Authority have raised concerns over the impact of the proposed development on the visual amenity of the R352 which is a designated Scenic Route. Photomontage Views 1 and 2 show the proposed development when viewed on approach to the town from the Scenic Route to the east (Mountshannon road). I note that View 2 is screened by existing landscaping. While View 1 is more open in nature, I am of the opinion that these views are not particularly sensitive, relate to an urban setting, and result in very little impact. I accept that the Planning Authority have cited concerns in relation to the impact on the Scenic Route, as have the observers on the appeal, but having examined the documentation and visited the site, I do not share these same concerns.

8.6.3. I do however have concerns in relation to the potential visual impact when viewed from Dergview Housing Estate to the east of the site, and the subsequent impact on the visual and residential amenity of these properties. I note from my site visit that the clearest view of the existing mast structure which remains in place was from the Dergview Estate. I note that no photomontage was provided from this viewpoint, even though the houses to the west of this estate back directly onto the development site. I also have concerns about the visual impact of the proposed development when viewed from the properties on the Connacht Road to the north of the subject. Photomontage View 4 relates to the properties on the Connacht Road and shows the proposed mast rising above the existing buildings. In relation to the potential visual impact from the adjoining residential property, I acknowledge that there is existing telecommunications infrastructure in place on the site, but I am of the view that such infrastructure is far less visually dominant than that proposed here, with the existing pole, which is 10m in height, more akin to a telegraph pole in appearance. I am of the view that the proposed development, would present an overbearing and visually dominant feature when viewed from the adjoining dwellings to the north on Connacht Road and to the east at Dergview Estate, impacting negatively on the visual amenity of same. I consider that the proposed development would also have a negative impact on the visual amenity of the other surrounding dwellings with views gained through gaps in the building and above the existing houses.

8.6.4. I note the applicant has proposed mitigation measures as part of the appeal which includes moving the pole within the site, reducing the number of omni antennas and providing alternative fencing. I have reviewed the revised photomontages submitted with the appeal and I am of the view that the revisions are very minor and that the proposed development would continue to present an overbearing and visually dominant feature. I am of the view that the proposed development fails to achieve a balance between facilitating the provision of telecommunications infrastructure and the need to protect residential and visual amenity.

8.7. EIA Screening

8.7.1. As noted in Section 6 above, the proposed development does not come within the scope of any of the classes of development which are subject to Environmental Impact Assessment (EIA).

8.7.2. The observer on the appeal states that the extent of the Applicant's telecommunications network across the country is extensive with several similar such masts forming part of an interconnected network. They submit that this portfolio of masts constitutes a 'project' for the purposes of the EIA Directive – the rationale being that the true extent of the 'project' comprises the entire countrywide group of telecoms masts controlled by the Applicant, and that this cannot be confined to the subject application (a single mast) for the purposes of assessing potential effects in relation to EIA.

8.7.3. The third-party observer goes on to say that as no screening report has been submitted on the entire spatial extent of these telecoms masts that it is not possible to assess whether the 'project' exceeds the threshold of Category 10(iv), Part 2, Schedule V of the Planning Regulations, which is:

10. Infrastructure Projects (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

8.7.4. It is further contended that the Commission is not in a position to deal with the application in light of the requirements of Article 4(4) of the EIA Directive, which requires a developer to provide information on the characteristics of the project and its likely significant effects on the environment (i.e., the provision of Schedule 7A Screening information).

8.7.5. Having regard to this, and in terms of considering whether the proposed development has characteristics of an 'urban development', as intended by the EIA Directive, I have referred to the document 'Interpretation of definitions of project categories of Annex 1 and 2 of the EIA Directive' (EU 2024). Here, it is stated under bullet points (i), (ii) and (iii) (Page 51) that this project category ('urban development') could take account of the following:

(i) Projects with similar characteristics to car parks and shopping centres could be considered to fall under Annex II (10)(b). This could be the case, for example, of bus garages or train depots, which are not explicitly mentioned in the EIA Directive, but have similar characteristics to car parks.

(ii) Construction projects such as housing developments, hospitals, universities, sports stadiums, cinemas, theatres, concert halls and other cultural centres could

also be assumed to fall within this category. The underlying principle is that all these project categories are of an urban nature and that they may cause similar types of environmental impact.

(iii) Projects to which the terms 'urban' and 'infrastructure' can relate, such as the construction of sewerage and water supply networks, could also be included in this category. [emphasis added.]

- 8.7.6. I do not consider that the proposed development shares any of the characteristics with the above-referenced examples. A telecommunications mast and associated equipment is a different category of development, in my opinion, than those project types listed above. It is different in terms of its nature, appearance, size, scale, and it serves a specific purpose that bears no resemblance to the above. Its purpose is to support antennae and other telecommunications equipment for transmitting and receiving signals over distance to support and improve internet, data, and mobile phone coverage and connectivity.
- 8.7.7. I also do not consider that the collective group of masts within the ownership of the applicant across the country constitute a 'single project' within the meaning of the EIA Directive. The proposal is for a single utility installation and should not be considered a 'sub-threshold' urban development for the purposes of EIA for this reason, in my opinion. The proposed telecommunications installation can function independently and autonomously, and its operation is not reliant on other masts. The facility would be able to provide a level of coverage separately and without physically connecting to any other telecoms masts controlled by the Applicant. The 'project' is therefore confined to the proposed development only, which is the subject of this planning application and, by extension, this appeal.
- 8.7.8. I would also reiterate that the proposed development as a telecommunications installation is not a development type or class which is set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). It would not give rise to significant environmental impacts, in my opinion. Therefore, I do not consider that the need for environmental impact assessment arises in this case, and the Commission is able to assess the application without requiring specific information on the characteristics of the project or likelihood of significant effects on the environment.

8.8. Other issues

Impact on health

A number of the observers raised the issue of potential human health impacts arising from the proposed development specifically in relation to radiation emissions and electromagnetic fields. Circular Letter PL07/12 issued by the Minister under Section 28 of the Planning and Development Act 2000, as amended, 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. The circular states that these matters are regulated by other codes and such matters should not be additionally regulated by the planning process. On the basis of the considerations above, I am satisfied that further consideration of health impacts is not necessary in this instance.

9.0 AA Screening

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 approximately 1.3km northwest of Lough Derg (Shannon) Special Protection Area (SPA) (Site Code 004058) and approximately 2.3km south of Slieve Aughty Mountains SPA (Site Code 004168).

The development description was set out within Section 2 of the report above.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows;

- The small scale and nature of the development
- The separation distance from the nearest European site and the lack of direct hydrological or ecological connectivity to any Natura 2000 site.
- Taking into account screening determination by LPA.

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

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that permission is refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to the government's guidelines on Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 and the guidance set out there in that free standing masts should only be located within or in the immediate surrounds of smaller towns and villages as a last resort, it is considered that insufficient technical justification and evidence has been provided in respect of

alternative sites, to support the location of the development. The Commission is therefore not satisfied that the proposal constitutes a last resort towards the enhancement of coverage in the area. The height and design of the proposed structure is also considered excessive having regard to the close proximity of a number of residential properties. The proposed development would have a significant overbearing impact and would seriously injure the residential amenities of these adjoining properties. The proposed development would, therefore, 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.

Ciara McGuinness
Planning Inspector

2nd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501419
Proposed Development Summary	Construction of telecommunications infrastructure with new ground level equipment cabinets, fencing and all associated site works.
Development Address	Eir Exchange, Ballyminoge, Scarriff, Co. Clare.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	State the Class here

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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 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 ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____