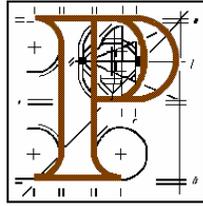


An Bord Pleanála



Inspector's Report

Construct 15m Support Pole for Three Radio Aerials for Use by Emergency Services and Associated Works at Eircom Exchange, Lord Edward Street, Ballymote, County Sligo

DETAILS OF APPEAL

Development: Construct a 15 metre support pole to carry three radio aerials (3.9m) for use by the emergency services (Garda, Ambulance and Fire Brigade) together with associated equipment, fencing, cabling and a GPS timing antenna for a new National Digital Radio Service at the Eircom Exchange, Lord Edward Street, Ballymote, County Sligo.

Planning Application:

Planning Authority:	Sligo County Council
Planning Authority Reg. Ref. No.	PL.08/273
Applicant:	Eircom Ltd.
Type of Application:	Permission
Decision of Planning Authority:	Refuse

Planning Appeal:

Appellant:	Eircom Ltd.
Type of Appeal:	First party against decision to refuse

Date of Site Inspection: 20th October 2008

Inspector: Jenny Kelly

Appendices: Maps 1 - 2
Photos 1 - 12
Appendices I - III

SITE LOCATION AND DESCRIPTION

The site is located in the centre of Ballymote to the rear of the Post Office, a substantial two-storey building. The site is on the western side of Lord Edward Street, opposite Emlaghfad Church. Lord Edward Street and O'Connell Street form the town's main street and both rise to the location of the site. Immediately south of the site is the Northern Bank. The first building to the north is the Credit Union and the third is the Garda Station. There is a St. Vincent de Paul elderly housing scheme on lower ground, west of the site and beyond that a community nursing unit and the Town Park.

The site is irregularly shaped and comprises the yard behind the Post Office. The Eircom exchange building is located in the northwest corner and a 10m wooden pole with Omni antenna in the southwest corner. The site does not include the Post Office or sheds to the rear. There is a gated lane into the site and walls on all boundaries of the site. The yard between the buildings is used by the Post Office.

PROPOSAL

The application includes a supporting statement. It is proposed to erect a 15 metre support pole, topped by three, 3.9m high radio aerials in the southwest corner of the site, opposite the exchange and beside the wooden pole for use by the emergency services. The pole height and dimensions are the minimum possible to achieve the necessary coverage. Associated works are to (i) erect a 2.4m high palisade fence, 5.8m x 6.0m around the pole; (ii) erect a small GPS antenna on the exchange building opposite connected directly to the exchange. It is proposed to locate associated equipment inside the building.

The development will form part of the National Digital Radio Service (NRDS), which will replace the existing analogue, radio systems and poles at Garda and Fire stations. It is planned to remove the existing pole at the Garda Station and transfer equipment to the new pole, in the long term. The development is designed in full compliance with the International Commission on Non-Ionising Radiation Protection.

Supporting Statement

NRDS will be a national, secure radio network for emergency services and rolled out over two years. It requires specific radio coverage, at secure locations and will extend to the entire landmass and 20km to sea. Eircom sites provide both security and connection to the Eircom network. The Framework for Major Emergency Management 2004 sets out the need for a secure communications system. The Telecommunications Guidelines do not address the security requirements of emergency services.

Ballymote was surveyed and few structures had the necessary height, security and proximity to provide the required in-building coverage. The site is a utility site in a mixed use zone. It is not in a residential area and over 100m from the nearest school.

The site is one of last resort. Overall, NRDS will require new poles at some three out of twelve sites in Sligo. Security requirements must be balanced against those of residential and visual amenity. It will cluster with existing pole. A public service installation is open for consideration in the use zone. The Board have previously overturned decisions to refuse telecommunications structures on grounds of residential separation policies.

Technical Justification

NRDS is used widely in Europe and elsewhere. It requires complete national coverage from the outset; outdoor coverage for hand-portable users; in-building coverage in 2000 public buildings; in-vehicle coverage and significant overlapping to ensure no loss of coverage due to individual system failures. These exceed the requirements of the mobile phone network. A site in Ballymote must give coverage to

- Wide rural area;
- Ballymote Village and environs;
- R293, R296 and local roads;
- Vehicle installed radio units;
- Sufficient overlapping with neighbouring sites.

The Eircom site provides security, resilience, 24/7 access, direct connection to high speed network, secure mains and back up power supply. In general, in-building coverage is only available within 2km of site and an alternative site should be 1km from required coverage area. No known, alternative sites meet requirements. Third party sites present problems of security of tenure. The coverage from the proposed site is shown on p.18. The applicants request minimum permission of 10 years.

TECHNICAL REPORTS

There are two technical reports summarised as follows:

- **Area Engineer** – no objection;
- **Planner** – mixed use zone; contrary to stated policy on telecommunications; not site of absolute last resort; visually discordant; discordant feature in streetscape;

DECISION

The planning authority recommends refusal for two reasons, summarised as follows:

1. **Planning Policy** – contrary to location policies in small towns close to residential, community, childcare and nursing home facilities.
2. **Visual Amenity** – height, location and appearance of mast would be discordant intrusion in streetscape.

HISTORY

There is one history file attached **07/847** for disabled access ramp to Post Office.

PLANNING CONTEXT

The relevant planning policy is set out in the Ballymote Local Area Plan 2005 - 2011, Sligo County Development Plan 2005 – 2011 and the Guidelines on Telecommunications 1996.

Ballymote Local Area Plan 2005 - 2011

The site is in a mixed use zone in the centre of Ballymote. The lands west are zoned, residential, community and open space respectively. A public utility installation is open for consideration in mixed use, residential, industrial and light industrial zones. The plan includes zones for public utility and industrial use. Emlaghfad Church opposite and the Catholic Church northwest of the site are on the Record of Protected Structures and Ballymote Castle and the Franciscan Friary and Graveyard west and northwest of the site are on the Record of Monuments and Places. The two churches and castle are identified as landmark buildings and objective UD8 proposes a new street frontage behind O'Connell Street, south of the site (s.4.5). Wirescape on Lord Edward Street has been removed. It is policy to assess telecommunications structures individually, in accordance with the Guidelines (s.4.11). LAP policies are subordinate to the County Plan.

Sligo County Development Plan 2005 - 2011

The policy on telecommunication is set out in s.8.4.4 and s.9.5. It aims to balance social and economic progress with residential amenity, environmental quality and public health. All development must comply with the 1996 Guidelines. Good siting and design are required and mitigation options include mast or site sharing and use of existing buildings/ structures; camouflaging techniques and small scale equipment.

Generally, masts should not be within 1km of smaller towns and villages, residential areas, school, community facilities, hospitals, childcare centres or nursing homes where they will only be considered as a last resort, subject to satisfactory evidence that it is only location possible to meet specific requirements and all alternatives have been examined and are not capable of being exploited for specific reasons. The following tests apply:

- Is an existing utilities site available, such as an electricity substation?
- Has the mast / antennae been designed and adapted for the specific location?
- Are possible sites in commercial or retail areas available?
- Is an existing tall building or structure available?

Co-location will be encouraged on support structures that are not unduly obtrusive, applicants must show every reasonable effort to share with other operators to minimise adverse visual impact and should not locate masts within 400 metres of a dwelling.

Planning Guidelines for Telecommunications Antennae and Support Structures 1996

The Board and Planning Authorities must have regard to the Guidelines. The recommendations include:

- Free Standing masts should only locate as a last resort, within or in the immediate surrounds of smaller towns or villages. If absolutely necessary, consider utility sites and keep mast height to a minimum. In larger towns, a free-standing mast should be located only as a last resort in a residential area or beside a school.
- Sharing structures and sites encouraged.
- Emission standards and monitoring for non-ionising radiation are covered by license; do not include as condition of permission,
- Permission should normally be for 5 years minimum.

No minimum distance from residential property is specified.

APPEAL

The appeal reiterates information submitted with the application. It addresses the reasons for refusal as follows:

- **Planning Policy** –unworkable, applies to mobile phone masts only; proposal is for emergency users and core national infrastructure; not commercial network; replaces analogue system; no relevant policies in County Plan; Board previously overturned restrictive separation policies in Sligo and elsewhere; County Plan policy is not supported by Guidelines and has no scientific basis;
- **Visual Amenity** –of strategic national importance; must provide continuous coverage to entire country, including small towns; site is secure and has easy connection to Eircom; meets overlapping requirements; gives required in-building cover; 24-hour access; of sufficient elevation; clusters with existing; minimum height and scale; over 100m from school; will screen plant; accords with use zone; limited visual impact; 50m from street; largely screened by street buildings; fits with existing wirescape; no other site meets coverage requirements; no suitable building to locate on; existing masts too far from town; must have 50m separation from CIE mast; Garda Station pole of insufficient height and carrying capacity; third party sites not generally suitable; don't meet requirements of schedule, security, emergency access, Eircom access, tenure security, in-building coverage; will not be unduly obtrusive or dominant; policies apply to mobile phone structures and not emergency services; only provide a new pole as a last

resort; s.4.5 of LAP irrelevant; amenity loss outweighed by benefits; pole at Garda Station will become obsolete;

RESPONSE OF PLANNING AUTHORITY

The planning authority responds by restating the reasons for refusal.

REVIEW AND EVALUATION OF THE ISSUES

I have read the file and inspected the site. I consider the main issues raised by the appeal and the application, are those of visual amenity and public health in the context of the telecommunications policies set out in the Local Area Plan, County Development Plan and Ministerial Guidelines.

Visual Amenity

The Ministerial Guidelines are specifically aimed at public mobile telephony and there is no separate or specific policy for telecommunications developments of the emergency services. However, the Guidelines recommend that installations for the emergency services should take cognisance of the Guidelines, where applicable. In order to minimise visual impact, the Guidelines recommend

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.

The Guidelines also state that many antennae in urban areas will be located on existing buildings and structures but free standing masts will be necessary in suburban and rural areas. In city suburbs they recommend location in industrial estates or on the rooftop of some retail or commercial areas or disguising of masts. They also state that only as a last resort, where these alternatives are not available, should free-standing masts be located in a residential area or beside schools and in these cases, the support structure should be a monopole, of minimum height.

The County Plan contains similar policies and requires that the applicant submit satisfactory evidence showing conclusively that the proposed location is the only one possible to meet specific requirements and all other alternatives have been examined and are not capable of being exploited for specific reasons. The Local Area Plan states that telecommunications structures will be assessed on an individual basis, in accordance with the Guidelines.

The site is located in Ballymote, which is located in undulating terrain, some 24km south of Sligo. It is on the Sligo – Dublin railway and is identified as one of three key support towns for south Sligo in the County Plan. The town has a well developed street system with several key buildings and traditional shopfronts. The site is at the highest point on the Main Street and is the property of Eircom. It comprises a yard and exchange building at the back of the Post Office. The gate to the yard is open during business hours. Existing masts in the town include an existing 10m high wooden pole topped by aerials on the site, a second higher, wooden pole topped by aerials behind the Garda Station, just north of the site and a 29m high mast at the Railway Station to the northwest. There is also a mast site at Carrigans Upper, some 2km to the northeast. Wirescape has been removed from Lord Edward Street but is evident elsewhere in the town.

The masts beside the site are generally screened from views from Lord Edward Street and O'Connell Street but are clearly visible from other areas in the town. In particular, the Garda Station mast is visible from the Sligo Road to the north, close to the Teeling Street junction, as well as the L6032 and Tobercurry Road to the northwest and west, as well as from the houses, community nursing unit and Town Park to the west and the L5604 to the south. From the Park, the main views are either side of the Castle, a recorded monument.

The proposed mast will be 15m, topped by 3.9m high aerials and significantly higher than the mast on site. The mast will also be higher than the Garda Station mast according to the applicants. The existing masts are in the foreground of views from the north and west of Emlaghfad Church, a protected structure and are an unattractive feature in these views. I consider the additional height of the proposed mast will compete with the spire, add to the clutter of masts in the area, be visually obtrusive in views of and from landmark buildings and public areas within the town and detract from the overall visual amenities of Ballymote. It is stated that the existing Garda Station mast will become obsolete implying planning gain, but the application contains no specific proposals to remove it. In addition to the masts in the town centre, the CIE mast is also visually dominant, particularly in views of Ballymote from the Sligo Road, where it is similar in height to the Catholic Church (protected structure). However, the long term status of this mast is not known as the Board's decision [RL.2259] that it was not exempted development is currently under Judicial Review.

The applicant claims that the site is one of last resort as the system requires a secure site, which will provide in-building, in town coverage for hand held appliances, with sufficient overlap with the NDRS network and secure connection to the national emergency control centre through the Eircom network. They claim that the town has no suitable buildings on which to locate the aerials, the Garda Station pole lacks sufficient height and carrying capacity, a 50m separation is required from the CIE network, other masts are too far out of town and there are no suitable third party sites that meet the specific requirements.

I would be concerned that the existing masts in Ballymote detract from the visual amenity of the town and the proposed mast will further impact on its visual amenity and set an undesirable precedent for similar development. I consider the primary reason for site selection appears to be ownership of the site and I am not convinced that other sites cannot meet security and connection requirements. I found no evidence the site is

particularly secure and consider the restricted nature of the mast site prevents any meaningful screen landscaping. I consider there are other, potentially, suitable sites within the plan boundaries or on the outskirts of the town that would meet NRDS requirements, whilst having less visual impact on the townscape and consider that it is not possible to satisfactorily determine whether the site is one of last resort on the basis of the information submitted.

In view of the fact that the Guidelines and Planning Authority recommend that new masts, including equipment for emergency services, should not locate within small towns and villages, except in a case of last resort and in view of the visually sensitive nature of the site, I consider it reasonable that the applicant demonstrate satisfactorily that the site is one of last resort. I consider that evidence is required that a systematic and verifiable search was carried out of all potential, suitable locations within and outside the town and that all sites have been examined and assessed and the site selection took into account the visual sensitivities of the town and outlying areas. I consider that amongst other matters, supporting documentation should include the parameters and constraints that apply to the proposal; the location and proposed coverage of all adjoining aerials within the NRDS system; the location of all potential sites and buildings, including all existing masts in the area and an assessment of each of these sites under clearly stated parameters, such as the essential system requirements for coverage etc., visual impact, proximity to sensitive uses etc. and states clearly the reasons for the final site selection, so that there is a clear basis on which to make a recommendation, that can be verified and corroborated.

Public Health

It is the policy of the planning authority that masts are located at least 1km from small towns and villages as well as residential areas, school, community facilities, hospitals, childcare centres or nursing homes, in order to reduce exposure. The site is in the centre of Ballymote and immediately west of the site is a housing scheme for the elderly and a community nursing unit. The nearest dwelling is 30m from the proposed mast and the nursing unit is 150m. All of the town schools are located off the Drumfin Road some 400m northeast of the site.

According to the Guidelines, public health can be a material consideration but there is no substantive evidence that adverse health effects can occur if people are exposed to non-ionising radiation below the levels endorsed by ICNIRP. A letter submitted with the application states that the design will be ICNIRP compliant and therefore, the level of radiation will be insignificant. The Board, in considering this appeal, is required under the Planning and Development Act 2000 to have regard to these Guidelines and to balance national policy against the policies of the local authority as expressed in the development plan. Whilst the Guidelines recommend that public utility sites should be given favourable consideration, I do not consider that all public utility sites are necessarily suitable and must therefore, be considered on their merits. In view of the proximity and nature of the housing units and community nursing unit, I would have reservations that the proposed siting of the mast is the optimum location, notwithstanding the fact that it is within an existing utility site and will comply with the ICNIRP

guidelines and consider the documents submitted with the application and appeal, have not adequately demonstrated that the site is one of last resort.

CONCLUSION

The main issues raised by this appeal are those of visual amenity and public health. It is national and local policy that telecommunication masts, notwithstanding whether they are within a public utility site, should be located within a small town or village, only when the site is one of last resort and has clearly been demonstrated to be so. I am not satisfied on the basis of the information submitted that a rigorous survey of all potential sites in the vicinity of Ballymote was undertaken. I consider the existing telecommunications structures in Ballymote detract from the visual amenity of the town and the proposed structure will add to visual clutter and detract from the visual amenity of the town, including views of and from landmark buildings. I also have reservations about the proximity of the site to an adjoining, elderly housing scheme and the community nursing unit, notwithstanding the absence of specific policies with respect to exposure in the Guidelines. Overall, I am not satisfied the applicant has demonstrated that the site is one of last resort.

RECOMMENDATION

I recommend a refusal for the following reasons and considerations.

1. Having regard to the location of the proposed mast on an elevated site in the centre of Ballymote in close proximity to existing masts, it is considered that the proposed mast would add to visual clutter, be visually obtrusive and detract from views of the town and Emlaghfad Church, a protected structure, from the town park and surrounding streets and would create an undesirable precedent for similar type developments, which in themselves and cumulatively, would be seriously injurious to the visual amenities of the area. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site in close proximity to housing for the elderly and the community nursing unit, the Board is not satisfied, on the basis of the submissions made with the application and the appeal, that alternative sites have been fully investigated in accordance with the requirements of the 'Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and that the proposed location is a 'location of last resort'. The proposed development would therefore, be contrary to the proper planning and development of the area.

Jenny Kelly
Planning Inspector
24th October 2008.