



An
Bord
Pleanála

Inspector's Report ABP 307490-20

Development	Removal of 15 metre lattice tower and erect a new 20 metre lattice tower.
Location	Eir Exchange, rear of Garda Station, Station Road, Castleconnell, Co.Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	20/182
Applicant	Vodafone Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. refusal
Appellant	Vodafone Ireland Ltd.
Observers	1. Gloria Waldmann 2. Nicky McNamara
Date of Site Inspection	12/08/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site is within the Eir exchange which is to the rear of the Garda Station on Station Road within the village of Castleconnell. Access is via a side gate. A 15 metre high lattice mast with antennae and dishes is currently on the site. Dwellings fronting onto Station Road bound the Garda Station to either side with the Bruach na Sionna housing estate backing onto the site to the north. The railway station is opposite the Garda Station.

2.0 Proposed Development

Permission is sought to remove the existing 15 metre high lattice mast and replace it with a 20 metre high lattice tower with antennas, dishes and associated equipment cabinets enclosed by security fencing.

In the documentation accompanying the application the applicant states that the existing mast is structurally weak and too small to allow the effective and thorough rollout of Vodafone 4G services locally or to allow sharing with other mobile telecoms operators.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. Having regard to the prominent location in proximity to Castleconnell ACA and protected structures and the guidelines on telecommunications antennae and support structures it is considered the proposal would be visually obtrusive and out of character with the village centre and would seriously injure the visual amenities of the area, the ACA and the protected structures.
2. The proposal in terms of scale, height and massing would be visually obtrusive and would seriously injure and depreciate the value of residential properties in the vicinity.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planning report notes:

- The report accompanying the application does not take account of the location within the village or proximity to residential properties. No photomontages have been submitted.
- The replacement structure with the additional height and equipment would detract from and depreciate the value of property.
- The design, height and massing of the new mast would detract from the setting and visual amenities of protected structures and the ACA.
- The tree which would soften the impact would be lost in redevelopment which would render the proposal visually prominent particularly when viewed from nearby dwellings.
- The issue of emission limits is not a matter for the planning authority as per prevailing guidance.

A refusal of permission for 2 reasons recommended.

3.2.2. Other Technical Reports

Roads Section recommends conditions should permission be granted.

Environmental Services recommends conditions should permission be granted.

Conservation Officer has serious concerns about the proposal's adverse impact on the setting and amenities of the 20 or so protected structures within the development site's visual catchment and that of the Castleconnell ACA.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to:

- Justification for structure
- Consideration of alternative sites
- Visual impact
- Impact on cultural and built heritage of village including protected structures.
- Health and safety
- Devaluation of property
- Amenities of adjoining property
- Impact on biodiversity
- Noise

4.0 Planning History

I am not aware of any previous applications on the subject site.

5.0 Policy Context

5.1.1. Limerick County Development Plan 2010-2016 (as extended)

Objective IN O49 – it is an objective to support the development of telecommunication facilities and support the timely commissioning of transmission infrastructure. Proposals for the erection of masts, antennae or ancillary equipment for telecommunication purposes will take the following into account:

- a) the proper planning and sustainable development of the area;
- b) social, environmental and cultural impacts of the infrastructure proposed;
- c) designed so that it will achieve least environmental impact consistent without incurring expensive cost;
- e) proximity to structures that are listed for preservation, national monuments etc. have been taken into account.

Objective IN O53 – it is an objective to support the co-ordinated and focussed development and extension of broadband infrastructure throughout the County.

Chapter 10 sets out the development management standards. Particular constraint will be exercised in or around Protected Structures, recorded monuments etc. Due to the limited nature of newer 3G infrastructure, slimline equipment will be considered on or around Protected Structures subject to sensitive design, siting and materials being used. In assessing any application, the advice of the relevant statutory bodies will be sought and considered by the Planning Authority.

Every effort should be made to distance developments from residential areas, schools, hospitals or other buildings used for residential or work purposes on a daily basis. In this regard, the Council will be guided by the DEHLG document 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities' and any revisions of that document that may be issued during the life of this development plan.

5.2. **Castleconnell Local Area Plan 2013-2019** (as extended)

The site is within an area zoned existing residential the objective for which is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

Section 7.8 - The Planning Authority's goal is to achieve a balance between facilitating the provision of mobile telecommunications services in the interests of social and economic progress and sustaining residential amenities, environmental quality and public health. When considering proposals for telecommunication masts, antennae and ancillary equipment, the Council will have regard to the DEHLG document 'Telecommunications Antennae and Support Structures' (DEHLG 1998) and any subsequent advisory document issued by the DEHLG.

Policy EH 2 It is the policy of the Council to ensure that all proposals shall comply with the policies, objectives and development management standards of the Limerick County Development Plan 2010-2016.

Objective EH-2 : Protected Structures

To protect structures entered onto the Record of Protected Structures or listed to be entered onto the Record. The Council shall resist....development that would adversely affect the setting of the protected structure.

The site is c.80 metres from the Central Core of the Castleconnell Architectural Conservation Area.

5.3. **Natural Heritage Designations**

None in the vicinity

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The 1st Party grounds of appeal against the planning authority's notification of decision to refuse permission can be summarised as follows:

- The existing mast is structurally weak and lacks the mast space and robustness to enable Vodafone to upgrade its site to provide comprehensive 4G services locally and allow site sharing with other operators.
- The proposal will be 20% higher than the structure to be replaced.
- Other options were considered including the upgrade of the most proximate mast structures (details provided). None of the said masts may improve Vodafone's coverage within Castleconnell.
- The proposal accords with LAP objective IN 8 and County Development Plan objectives IN O50 and O51 addressing access to broadband and telecommunications.
- The site is c. 80 metres to the east of the ACA. The nearest protected structure is the train station c. 40 metres to the south-east. The separation distances together with the intervening buildings and vegetation negate any visual connection.
- The structure will be a muted grey colour with antennas of a similar colouring.
- The structure would integrate into its surroundings and into the skyline together with the multiplicity of other manmade and natural objects.
- No trees shall be removed or lopped to facilitate the development. The applicant is willing to accept a condition to this effect.

6.2. **Planning Authority Response**

None

6.3. **Observations**

Observations have been received from

(1) Gloria Waldmann

(2) Nicky McNamara

The submissions can be summarised as follows:

- Adverse impact on health
- Inappropriate location within a village setting
- Adverse impact on cultural and built heritage of the village
- Adverse impact on residential amenities
- Setting of undesirable precedent

6.4. **Section 131 Notice**

Due to the location of the site in proximity to a protected structure and to the Lower River Shannon SAC certain prescribed bodies were invited to make a submission on the appeal.

No responses received.

7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

1. Need for Development and Consideration of Alternatives
2. Impact on Architectural Conservation Area, Protected Structures and Amenities of Adjoining Property
3. Other Issues

7.1. Need for Development and Consideration of Alternatives

The need for the proposal in the context of national, regional and local policy is set out in the application details and the grounds of appeal. The proposal is to replace the existing 15 metre high mast (overall height 16.5 metres) on the site which is stated to be structurally weak, lacking in mast space and robustness to enable the applicant to upgrade its site to provide comprehensive 4G services locally and allow site sharing with other operators.

In view of the emphasis placed in national and regional policy documents on the provision of adequate telecommunications including broadband and the fact that the policies and objectives of the both the current Limerick County Development Plan and Castleconnell Local Area Plan (LAP) reflect this priority, when coupled with the long standing use of the site for telecommunications purposes, I consider the principle of the development to be acceptable.

In terms of consideration of alternatives Section 1.2 of the report accompanying the application and the appeal submission give an assessment of 5 sites within and in proximity to Castleconnell village. All are discounted either on basis of being too distant from the settlement or too low and structurally incapable of facilitating meaningful further additions. However, no detail is provided as to alternatives in terms of type of mast structure, height and apparatus to be attached. In my opinion this is relevant to the substantive concerns which are assessed below.

7.2. Impact on Architectural Conservation Area, Protected Structures and Amenities of Adjoining Property

The site is to the rear of the Garda Station accessed from Station Road within the village of Castleconnell with residential properties immediately adjoining on Station Road and within Bruach na Sionna to the north.

The existing 15 metre lattice mast on which there are a number of antennae and dishes has a stated overall height of 16.5 metres. It is c. 80 metres to the east of central core of the Castleconnell Architectural Conservation Area with the nearest protected structure being the train station c. 40 metres to the south-east.

The LAP seeks to achieve a balance between facilitating the provision of mobile telecommunications services in the interests of social and economic progress whilst sustaining residential amenities, environmental quality and public health with a

specific objective to resist development that would adversely affect the ACA or the setting of the protected structures. Concurrently I note that the County Development Plan states that particular constraint needs to be exercised in or around Protected Structures however consideration will be given to slimline telecommunication equipment subject to sensitive design, siting and materials being used.

As noted on day of inspection views of the existing lattice mast are largely limited to the immediate vicinity, namely from the north and south with the existing built fabric and mature vegetation screening the mast from view from the west and north-west. The proposed 20 metre replacement mast will have an overall height of 21.50 metre which represents a 20% height increase on that existing. This, in my opinion, is not the material concern. Of greater consequence is the actual bulk of the replacement structure, largely arising from the apparatus to be erected thereon which is significantly greater than what is erected on the existing mast. With the increase in mast height these elements will be more visible in views than heretofore with the existing planting, which is to be retained, less effective in providing screening due to the height differential. Of particular concern are views from the Bruach na Sionna estate which bounds the site to the north and from the south and south-east in the vicinity of the train station.

No photomontages were submitted in support of the application to support the assertion that the proposal would not have an adverse impact on the visual amenities of the settlement and properties therein.

I submit that a balance needs to be struck between the protection of the amenities of the ACA and protected structures in the vicinity as enshrined in the LAP whilst supporting the provision of telecommunications infrastructure advocated in both the said LAP and County Development Plan with due weight given to the existing mast and use of the site. However, in my opinion, the proposed replacement represents a significant and disproportionate intervention which will have a visual impact materially greater than what prevails and, in my opinion, would compromise the visual integrity of the nearby ACA, protected structures and residential property in the vicinity. It certainly cannot be considered to comply with the recommendations of the County Development Plan which advocates a slim line design is such

locations in proximity to protected structures. On this basis I recommend a refusal of permission.

7.3. Other Issues

Health and Safety

The licensing regime for mobile telecommunications operators administered by the Commission for Communications Regulation controls the emission of radiation from telecommunications antennae in light of the available scientific evidence regarding its impact on health. It would not be appropriate for the planning system to attempt to replicate the specific controls established by another legislative code. The concerns regarding health and safety raised in the appeal would not, therefore, justify a refusal of planning permission for the development.

Appropriate Assessment

Having regard to the nature and extent of the development within the village of Castleconnell no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Reasons and Considerations

Having regard to the proposed height and bulk of the replacement mast in a prominent location within the village of Castleconnell in proximity to the Castleconnell Architectural Conservation Area, protected structures and residential property it is considered that the proposed development would be visually obtrusive and would seriously injure and depreciate the value of properties in the area.

Pauline Fitzpatrick
Senior Planning Inspector

September, 2020