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Bord  
Pleanála

**Inspector's Report**

**PL09.248061**

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<b>Development</b>	Construction of a 21m High Telecommunications Support Structure Antennas and Transmission dishes with Security Fencing at Ballymount, Dunlavin, Co. Kildare
<b>Planning Authority</b>	Kildare Co. Co.
<b>Planning Authority Reg. Ref.</b>	16/844
<b>Applicant(s)</b>	Three Ireland Hutchinson Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Appellant(s)</b>	1. Brendan and Esther Tallon 2. Eamon Nolan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> of May 2017
<b>Inspector</b>	Caryn Coogan

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The site is located in a rural area east of the M9 motorway between Kilcullen and Carlow. The site for the is an agricultural field currently used for growing crops and it overlooks the M9. It is 8.5km south of Kilcullen, and 470m east of the M9 and 280m east of the old n9 (now R448). The surrounding area is characterised by undulating landscapes and fertile agricultural land, with a number of dispersed rural dwellings. The site is positioned along the ridgeline of a hill. There is an existing Meteor mast 600metres from the subject site, to the south and screen from view by a coppice of trees.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development for the construction of a 21.05m high telecommunications support structure, carrying antennas and transmission dishes with associated equipment unit, access track and security fencing. The bases station will consist of a compound bounded to the west by a mature hedge with a 2.4metres chain link fence defining the boundaries of the compound. The compound has been designed to accommodate multiple operators.

The proposed development will form part of the Three's local radio network in the Kilgowan/ Bewel Hill area. The proposal is to provide additional local coverage and capacity to specific section of the M9 Waterford- Dublin link.

## **3.0 PLANNING AUTHORITY DECISION**

Kildare County Council granted planning permission for the proposed development subject to 9No. conditions.

## **3.2 TECHNICAL REPORTS**

### **Environment Section**

No objections

### **Environmental Health Office**

No objections

### **Irish Water**

No objections

### **Water Services**

No objections

## Planning Report

The main assessment issues are:

- The structure is 21.05metres, and the visual impact outlined in the photomontages is acceptable. The technical issues in relation to site selection are acceptable. Permission is recommended.

## Further Information

On the 29<sup>th</sup> of September 2016 the planning authority sought further information regarding:-

- The planning authority was not satisfied the applicant had tried to co-locate or share facilities. There is a Meteor existing mast c 600m south east and it could be shared.
- Why is a 350m access tract required, a shorter route might be more appropriate.
- The applicant must address the third party submissions

The response, received on 12<sup>th</sup> of January 2017, stated the site is the most suitable to provide coverage and capacity to the target area along the M9. The existing Meteor mast was not designed to cover the M9 but was designed to cover the n9 national route. The existing mast would need to be raised to 30metres which would be more visually intrusive than two lower masts at separate locations.

The access route follows the boundary hedge and it has the benefit of screening. The shorter route was ruled out due to localised flooding.

There were photomontages submitted to address concerns relating to visual impact. The structure will be visible from a number of viewpoints, and only the top section of the structure will be visible from a number of viewpoints. Health matters are addressed under the licence and must be within limits of Comreg.

### 3.3 THIRD PARTY SUBMISSIONS

There were a number of third party objections to the proposed mast received during the statutory period. The following is a summary of the concerns expressed:-

- The proposed structure is 250metres from a dwelling
- Significant Visual impact, only one side been screened by a hedgerow
- There are 11No family households with 15No. children under the age of 15. There are potential health concerns, and locating the

structure within 250m of family homes presents a risk to physical and mental wellbeing.

- No evidence of investigating co-location with existing masts on the area. There are sites on the Commission of Communication websites that have not been investigated.
- Application is invalid.

#### **4.0 PLANNING HISTORY**

4.1 There is no relevant planning history relating to the subject site.

#### **5.0 POLICY CONTEXT**

##### **5.1 Government Policy**

###### **Circular Letter PL07/12**

###### **Department of Environment Guidelines for Telecommunications Antennae Support Structures (July 1996)**

The importance of providing mobile telephony is highlighted. There is guidance on siting of structures. The upland/ mountainous areas will be favoured by operators offering the best location for radio coverage. However these areas have a visual impact, and an assessment of the visual impact should be carried

out. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided. In upland/mountainous areas hilltops will be favoured by operators as offering the best location from the point of view of radio coverage. Masts on hilltops will by definition remain visible. Yet, if an authority were to rule out every hilltop as a possible location, the consequence would be that the operator might not be able to service the area or that a number of structures might be required to provide the same level of service. In the latter case visual intrusion might be increased rather than diminished. Where there is an existing mast every effort should be made to share it provided the shared mast is not itself unduly obtrusive. If this is the case, clustering may be more acceptable.

However, for transmission reasons, clustering on hilltops may not always provide a solution.

###### **4.4 Sharing Facilities and Clustering**

Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest

in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets. The matter of sharing is probably best dealt with in pre-planning discussions.

## **5.2 Kildare Development Plan 2017-2022**

Under the terms of the county development plan, the planning authority must have regard to relevant government policies relating to Telecommunications and Structures.

Policy TP8:

To minimise the number of masts and their visual impact on the environment, by continuing to facilitate appropriate development in a cluster local landscape, whilst recognising the need for economic activity within the county.

To minimise the provision of over ground masts and antennae within:

- Areas of High Amenity/ sensitive landscape areas
- Areas within or adjoining the curtilage of protected structures
- Or within area of archaeological sites.

## **6.0 THE APPEAL**

**6.1 There are two third party appeals against the planning authority's decision to grant planning permission for the proposed development.**

6.2 Eamon Nolan, Blackrath, Coblinstown, Dunlavin, Co. Kildare

- The applicant claims that the area is a coverage blackspot adjacent to the M9. The Three Ireland website shows full coverage in the area from Kilcullen to Ballytore. The Eir/ Meteor maps also reveal full coverage in this area. A use of a mobile phone on Three coverage also reveals no blackspots in the area. There is a low signal area close to the proposed motorway services area which will cause a large increase in future communication structures in the near future. The planning authority did not consider this and should have focused close to the large area CPO'd by the NRA
- The applicant's submission shows a photomontage of the Meteor Mast and it gives the impression there is a blackspot under the hill

where the Meteor Mast is. Test drives have proven coverage is excellent under the hill.

- The applicant has not mentioned their closest mast site to the M9 north of the subject site which is the Old Kilcullen site ID KD0166. The hillside Compound contains all three operators, Three, Vodafone and Meteor. The site is close to the applicant's 'problem area'. Some of the masts cited by the applicant do not exist site 7427. The nearest site location to the mapped problem area on the M9 is the Old Killcullen Road just 3.4miles from the proposed mast site. Vodafone has excellent coverage from this location. This site was not mentioned by the applicant.
- The applicant has used the M9 as a smokescreen to push their development of a commercially lucrative 4G and possibly 5G onto a new site. One can only assume their refusal to collocate or upgrade would suggest it is for commercial as opposed to technical reasons.
- **Site Selection** The site is an upland area with very little screening. The field where the mast is to be located is devoted to continuous tillage and is subject winter flooding. There will be no green pastures to lessen the visual impact of the 21metre structure when viewed from his house. His dwelling is only 135metres from the subject site. His home was granted planning permission in 2015, and constructed throughout 2016. The applicant did not approach him at any stage prior to the planning application being submitted. His house was the subject of a rigorous planning process to ensure the design fitted into the sensitive landscape. How can there be one set of guidelines for one type of development and a different one for another.
- **The Planning Process** The applicant offered no empirical evidence to prove the Meteor is not suitable for co-location even though it is only 600metre from the subject site. The planners did not request proof of testing was carried out on Meteor mast to support the applicant's argument it was not suitable for co-location. The proposed mast is located in Class 3 Highly Sensitive East Uplands Area. The planning authority accepted the further information without any proof. The existing Meteor mast is 30metres and set against an excellent backdrop of trees (photo provided). The landowner has more land to the north of the site which offers excellent views of the M9 motorway and would be closer to the Brewel/ Usk area which the applicant claims it wants to improve.
- **Key Issues** Is there adequate structures in the area rather than building another one. Preference should be given to upgrading existing ones.

6.10 Brendan Tolan

- The basis of the application is claimed a black spot on the M9 motorway, which through a practical trial is refuted. The applicant has failed to provide evidence that it communicated with the owner of an existing mobile mast 600metres from the site, and failed to provide evidence that the existing mast is inadequate.
- Kildare Co. Co. granted permission with adequate evidence that co-location was sought which is contrary to the development plan 2011-2017 and policies relating to sensitive landscapes.
- The applicant claims the structure is required to provide 2G voice, 3G and 4G data service. His mobile phone and his wife's are Three Ireland, the applicant. There is no black spot on the M9. If there is an increase in demand then existing installations can be upgraded, there is no need for a new mast blighting the countryside.
- The proposed site is within the designated Eastern Uplands Area of Kildare, which is classified as a sensitive landscape. Chapter 14 of the development plan outlines the relevant policies.
- There is an existing Meteor site (KE-2025) only 600metres from the subject site. The applicant has not substantiated its claims on the further information request. There has been no evidence with Meteor presented. It has also stated a 30metre mast would be required at the Meteor site to provide adequate coverage, again this is not based on any technical data, it just used the contours off an OS map. This is not a reliable or appropriate method to assess a mast, the Council should not accepted the applicants conclusion.
- The access to the site has been granted at a crossroads where there is a lot of traffic. The entrance to the field at present is purely a field entrance. There will be significant traffic during construction phase. There are no sight lines provided with the application.
- The notion at 3G and 4G data services is required along the M9 is shocking. Particular regard should be given to Road Safety Authority's Road Safety Strategy 2013-2020.
- The existing natural screening is inadequate. The applicant accepts it will be visible from certain viewpoints. The photomontages presented do reflect the true appearance and visual impact of the structures as the mast includes antennae and other equipment.

## **6.18 RESPONSES**

5.19 The planning authority confirms its decision and it has nothing further to add to the appeal.

### **5.20 Applicant's Response**

#### ***Demonstration of Need***

The further information clearly demonstrates the need for the structure at this location. There is not sufficient Three Ireland (Hutchinson) coverage in the surrounding townlands, and those travelling along M9 Waterford Waterford-Dublin motorway. Appendix A map shows the actual measured signal levels on the M9 motorway. The proposal is for 3G and 4G data, these are broadband and mobile broadband services.

### ***Eastern Uplands Landscape Character***

The assessment deemed the proposal acceptable in the context of the Eastern Uplands Landscape Character. By using a slimline monopole structure, keeping its height to the absolute minimum and making the best use of the local natural screening topography, the proposal will not injure the visual amenity of the area.

### ***Site Sharing***

The appellant has raised concerns as to why Three Ireland did not co-locate onto the Meteor site No. KE2025. The applicant did consult with Meteor, however their site is not technically viable for co-location. A new location has been a last resort for the applicant.

### ***Access and Egress***

The Roads Section was satisfied with the proposed entrance.

### **Road Safety Issues**

The proposal will provide a fast and efficient service, and everyone will benefit from the service.

## **7.0 ASSESSMENT**

7.1 The area is characterised by an undulating landscape in south Co. Kildare. The site is elevated and overlooks the M9 where the applicant, Three Ireland, claim there is an existing blackspot to their network in terms of 3G and 4G coverage. It is also stated the proposed new compound has been designed to accommodate multiple operators, ground equipment and operators. The applicant has claimed there are no existing base stations that could be shared or upgraded to provide the necessary coverage required. The applicant states the proposal is a last resort to alleviate the blackspot along the motorway that is circa 1Km from the site.

## **7.2 Receiving Environment**

The site is located within a sensitive landscape which is characterised by an undulating topography with large fields of tillage. The subject site is an elevated site, and the field is tillage with just one hedgerow along the western boundary of the site. Although the proposed structure is under 21metres in height, I do consider its visual impact on the locality when viewed from a number of dispersed dwellings to the north and east, will be significant. The backdrop creates insufficient screening and in my opinion, the structure will have a material negative visual impact on the



landscape. I would accept that the proposed mast will have minimal visual impact from distances in excess of 2.5km from the site due to the undulating landscape, however if additional structures were placed on this subject site, then visual impact would change dramatically. I would have preferred a greater assessment of existing masts in the area for co-location and the legibility of the proposals in closer proximity of the subject site from adjoining roads and residential developments in the locality.

### 7.3 Co-Location

The subject site according to Map 4.1 of the Kildare County Development Plan 2017-2022 is located within the Sensitive Landscape Character Area called the Eastern Uplands.

7.4 In noted from driving around the location that there is a 30metre mast 600metres south of the site positioned on a higher ground level, and screened by a coppice of trees. The bulk of the hilltops are not impacted by masts, it is an unspoiled landscape with dispersed housing and number of which address the subject site on a lower contour level. I have noted the visual Impact assessment which included photomontages from spots within the surrounding area. These were submitted as part of the further information request and did not form part of the original documents. The visual assessment has not been taken from the viewpoint of the dwellings in the locality, some of which are 250-400metres from the site. I do not consider the photomontages give a full assessment of the potential visual impact arising from the proposal.

7.5 The applicant claims the proposal of a greenfield site was a last resort, and that Three Ireland approached Meteor about its existing site 600metres to the south of the subject site. It is claimed that the existing site, KE2025 is not technically viable for co-location. Co-location in upland scenic areas has to be considered in accordance with Telecommunications Antennae and Support Guidelines 1996. The applicant should have given a detailed technical account as to why it was necessary to base the new compound on a greenfield site in an area where planning policy is to protect and enhance the landscape character of the area. I note the subject site is to have capacity for co-location with multiple companies and does this imply this site is a new hub for future co-locations and will a cluster of masts on the subject site over time. I am not accepting the existing site 600metres from the subject site cannot not accommodate co-location without proper technical data. I consider this to be a very serious omission. To grant planning permission for a new mast on a greenfield site within an area designated as high amenity value, must be clearly warranted and exceptional circumstances must be demonstrated in the application documents and associated planning decision. Otherwise, an undesirable precedent will be set for all of the remaining undeveloped hilltops in the area, and any decision to grant planning permission must be supported by a clear substantiated case,

otherwise how can consistency in planning decisions be maintained the Eastern Uplands Designation.

## **7.0 RECOMMENDATION**

I recommend the planning authority's decision to grant planning permission be overturned.

### **REASONS AND CONSIDERATIONS**

In the absence of any detailed consideration of co-location with existing masts located within the general area and having regard to the isolated location of the site in the upland landscape of Dunlavin on lands designated as the Eastern Uplands in the Kildare County Development Plan 2017-2023, an objective of which is to protect and enhance the visual amenity and natural character of the area, it is considered that the proposed development would seriously injure the visual amenities of the area and lead to an undesirable precedent for similar developments on this sensitive landscape which is under considerable development pressure for similar developments due to its proximity to the motorway. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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**Caryn Coogan**

**Planning Inspector**

**22/06/2017**