



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304202-19**

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|-------------------------------------|---|
| <b>Development</b>                  | Construction of communications infrastructure |
| <b>Location</b>                     | Knockahaw, Dublin Road, Longford              |
| <b>Planning Authority</b>           | Longford County Council                       |
| <b>Planning Authority Reg. Ref.</b> | 1935  |
| <b>Applicants</b>                   | Signal Infrastructure Ltd                     |
| <b>Type of Application</b>          | Permission                                    |
| <b>Planning Authority Decision</b>  | Grant Permission                              |
| <b>Type of Appeal</b>               | Third Party                                   |
| <b>Appellant</b>                    | Thomas Daly                                   |
| <b>Observers</b>                    | Luke Baxter & Dr Sara Breslin                 |
| <b>Date of Site Inspection</b>      | 14 <sup>th</sup> June 2019                    |
| <b>Inspector</b>                    | Dolores McCague                               |

## 1.0 Site Location and Description

- 1.1.1. The site is located at Knockahaw, Dublin Road, Longford, where it is accessed from a cul-de-sac local road which provides access to a couple of individual houses, golf club lands and a local authority drainage works site. Shortly beyond the site there are signs along the road giving notice that from that point is private golf club lands. The road terminates at the gates to the local authority site.
- 1.1.2. The site is located alongside and close to the road, with access at its southern end, close to an existing field access and north of an access to a dwelling. There are two large fields along the western side of the road laid out as part of a golf course as well as other fields to the east of the road. The site is part of one of the large fields to the west of the road, it runs along the roadside boundary as far as the field boundary a hedgerow, where the structure is to be erected. The southern boundary with the adjoining dwelling is well screened with trees and a hedgerow. The roadside boundary is similarly well screened. The boundary between the golf club lands and the dwelling to the north, at the northern end of the field to the north of the site is .similarly well screened
- 1.1.3. The golf course which is laid out either side of the road with several breaks in the roadside boundary to allow players to cross, is accessed from the west where the clubhouse is located at the western end of the lands and not from this cul-de-sac local road; although the clubhouse is visible in the distance from this road.
- 1.1.4. The site is given as 164 sq m.

## 2.0 Proposed Development

- 2.1.1. The proposed development is construction of communications infrastructure, comprising a 24m lattice structure, associated equipment and cabinets, fencing, permission for access and an access track.
- 2.1.2. The application information includes, details of the need for the infrastructure in this area and includes a Visual Impact Assessment, which includes visual representation of the proposed development from various locations.
- 2.1.3. The site is leased from Longford Golf Club, from whom a letter of consent is provided.

- 2.1.4. Letters of support are provided from EIR mobile and Imagine, both telecommunications service providers.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 8 conditions, including:

3. Any change in the ownership of the site of the operator of the structure shall be immediately notified to the planning authority. The latter requirements shall include the use of the site by another additional service provider.

Reason: In the interests of clarity, transparency and the proper planning and sustainable development of the area.

4. No material change of use of the mast shall be made without a prior grant of planning permission.

Reason: In order to safeguard the amenities of the area.

6. Where technically possible and subject to the constraints of space and wind-load bearing etc. and subject to normal commercial arrangements the applicants /operators shall facilitate the co-location of antennae for other licensed telecom service providers.

Reason: In order to preserve and protect the existing visual amenities of the area.

7. The operator shall ensure that the Electromagnetic emissions from this station are currently and shall remain in accordance with the relevant International standards and that non-ionising radiation levels are within the limits specified by the International Commission of Non Ionising Radiation Protection agency (ICNIRP), and by the Irish Telecommunications Regulatory Agency Comreg.

Reason: In the interests of public health.

8. The Landscaping scheme as submitted, shall be implemented in full in the forthcoming planting season.

The following species or a mixture of these shall be used:

- Native evergreens (Holly, Yew, Scots Pine)
- Native deciduous (Oak, Elm, Birch, Hazel, alder, willow, Elder, whitethorn, Blackthorn, Irish whitebeam, Rowan).

Exotic species such as Cypress, Leylandii, Rhododendron, Laurel, Spruce and Sycamore shall not be used.

Reason: In order to preserve and protect the existing visual amenities of the area.

3.1.2. The decision was in accordance with the planning recommendation.

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

3.2.1. The Planning Report includes

- The site falls within the Longford Town envelop and is zoned recreation.
- Longford County Development Plan 2015 – 2021 - 5.5.3 Telecommunications Structures and Broadband, refers.

3.2.2. Other Technical Reports

Area Engineer – conditions.

### 3.3. **Prescribed Bodies**

Irish Aviation Authority – no observation to make.

### 3.4. **Third Party Observations**

3.4.1. Observations on the file have been read and noted.

## 4.0 **Planning History**

13-700013 planning permission granted for construction of toilet facilities to service existing golf course & located in the vicinity of the 10<sup>th</sup> Tee Box together with construction of a new foul sewerage line to connect into existing public foul sewerage main together with the construction of a footpath to access same and all ancillary works.

02-700004 - planning permission granted to extend and alter existing golf course to complete 18 hole course, by developing additional lands, incorporating existing golf practice area, and carrying out ancillary works.

99-700050 - planning permission granted for change of use on approx. 12.3 acres from agriculture to golf course.

99-700004 - planning permission granted for alterations to existing golf clubhouse to include raising walls to approximately 2.4m all around at first floor level, new windows and external doors, roof lights, new roof covering, new external access deck, lift; amendments to interior to include new function room at first floor level; conversion of existing ground floor function room to new entrance hall, offices, and ancillary facilities, miscellaneous internal alterations.

## 5.0 Policy Context

### 5.1. Development Plan

- Zoned recreation amenity and green spaces: to primarily provide for recreational open space and ancillary structures, (the zoning is per Appendix 1A, as inserted by variation no.2 to Longford County Development Plan 2015-2021, incorporating Longford Town and Environs Local Area Plan 2016-2022). The zoning relates to the established use of these lands as a golf course and does not refer in any way to an area of visual amenity.
- The location is in the Central Corridor (Landscape Unit 4) an area which is generally of low landscape sensitivity.
- Energy and Communications - Telecommunications Structures and Broadband
  - The Council will encourage the provision of telecommunications and broadband equipment to achieve the best possible communications infrastructure. This will help the industrial, economic and social growth of the county. It is essential to attracting investment and facilitating economic development within Longford. In order to promote industrial and commercial development, and enhance social inclusion, a quality telecommunications infrastructure is required in order for Longford to capitalise on investment opportunities. The inability of many areas to access broadband in particular, seriously affects the efficiency and competitiveness of many businesses within the County. According to Forfas, Broadband access not only facilitates enterprise development, but also creates societal benefits including acting as an enabler for economic and social inclusion in small, rural and remote communities.
  - Longford County Council's approach to telecommunications infrastructure is underpinned by the following aims;

- To secure the best possible communications infrastructure for County Longford in line with the requirements of the National Development Plan and in the interests of social and economic progress, while having regard to the protection of the County's residential, recreational and visual amenities, and areas of cultural, artistic, historical, architectural and archaeological character.
- Longford County Council shall support and encourage the provision of an improved communications network in the County, in order to facilitate the industrial, economic and social growth of Longford in a national context.

Policy:

TEL 1 - Applications for Telecommunications and antennae support structures and associated equipment will be considered having regard to the guidelines for "Telecommunications Antennae and Support Structures" and any updated documents issued by the DoECLG or relevant authority.

TEL 2: Applications for Telecommunications structures shall be considered having regard to location, proximity of existing dwellings, childcare and educational facilities in the area, landscape characteristics, including existing screening available and the ability of the landscape to support additional screening measures and the density of existing, similar structures in the area.

TEL 3: Regard shall be had to the policy of the National Development Plan with regard to telecommunications structures.

TEL 4: The facilitation of telecommunications infrastructure, including broadband, shall be encouraged in line with the Settlement Strategy and land use proposals.

TEL 5: Developers may be required to provide telecommunications structures with environmentally acceptable designs, including camouflaging/disguising techniques to integrate the structure into the surrounding landscape.

TEL 6: Proposals for telecommunication masts and antennae support structures shall be accompanied by supporting evidence demonstrating compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines or the equivalent European pre-standard 500166-2 conditioned in licensing agreements with the DCENR.

## **5.2. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, Department of Environment and Local Government, July 1996**

### **5.2.1. These guidelines include in relation to public health:**

As part of their planning application operators should be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) 1988) or the equivalent European Pre-standard 50166-2 which has been conditioned by the licensing arrangements with the Department of Transport, Energy and Communications and to furnish evidence that an installation of the type applied for complies with the above guidelines.

An independent regulator appointed for the telecommunications sector will be specifically required to arrange for monitoring, on a nationwide basis, of emissions of non-ionising radiation from mobile telephone base station towers and MMDS masts.

Accordingly, planning authorities should not include monitoring arrangements as part of planning permission conditions. Operators should comply with all requests for information relating to the technical operation of base stations and should facilitate access to base stations by duly authorised members of the monitoring body.

## **5.3. Circular PL 07/12 19 October 2012**

### **5.3.1. The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.**

### **5.3.2. This Circular Letter reiterates that advice to local planning authorities. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.**

## 5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura sites are Mount Jessop Bog SAC 002202 and Brown Bog SAC 002346 located c 4.3km and 5km, straight line distance, respectively from the subject site.

## 5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The appeal against the planning authority decision to grant permission has been submitted on behalf of the third party Thomas Daly by Vitruvius Hibernicus, Liam Madden. The grounds includes:
- County Longford Golf Club is not the registered owner. Three named parties are the owners. The application is invalid. This argument is supported by map extracts from the property registration website, landdirect.ie.
  - The lane, taken in charge by the Council. was re-routed to eliminate a 90<sup>0</sup> dog leg at the Baxter house, the newly adjusted lane was never taken in charge. The entire lane is not a public road and the owners do not consent to its use.
  - The third party's house is c 30m from the proposed tower. Objectives Tel 2 & Tel 5 are referenced.
  - The third party is concerned at the health impacts of EMF and supporting documentation is attached to the grounds.
  - The third party is concerned at the impact on residential amenities and that there will be a depreciation of value.
  - The proposal is not recreational and is contrary to the zoning.



## 6.2. Applicant Response

6.2.1. 4 Site has responded on behalf of the applicant to the grounds of appeal, the response includes:

- Viewpoints 1 and 5 and aerial photography are referred to in relation to the visual impact from the third party's dwelling.
- Viewpoint 1 (80m from structure) the structure will be visible from this proximity. It is noted that large coniferous trees in the back ground, which flank the nearby public road, will buffer the image to some degree, particularly towards the east environs of the mast. A large deciduous tree in the middle ground presents as being higher than the proposed mast structure from this angle. This tree together with its small grouping of deciduous trees will, when in full foliage during summer months, also provide a sense of buffering of the overall impact of the proposed mast from this angle. The submission considers that this form of development is naturally visible at such close proximity but does not detract from the landscape in such a way that it is prejudicial to visual amenities of this area.
- Viewpoint 5 (52m from structure); this is the point at which access off the public road will be gained. The structure will be visible from this proximity. A mound of earth dominates the near ground. This will continue to form screening. Approximately half of the proposed structure will be screened from this view. Deciduous trees flanking each side are visible to approx the half point mark. During the summer months this will be particularly prevalent. The mature green coniferous trees along the road way form an excellent year-round screening towards the east and southeast in the direction of the R393.
- An aerial photograph is used to illustrate the trees surrounding the house and the orientation of the windows east and west, away from the structure location to the north. Visibility from the garden to the west of the house will be more pronounced, however this will be softened by dense vegetative screening on the northern boundary as well as on the golf course itself and impacts are referred to as moderate.
- They submit that the public good achieved by better telecommunications provision must be considered and the visual impact would need to be unacceptably overbearing to outweigh this benefit.

- Policies TEL 2 and TEL 5 are cited.
- Only in exceptional circumstances are camouflaging / disguising techniques deployed; and rarely for independent antennae support structures which by their nature and size are more difficult to disguise / camouflage. It is proposed to install a matt grey finish lattice antenna support structure which tends to blend better into the Irish skyline, as the lattice construction allows views through the structure helping it blend into the backdrop of the trees and skyline behind it.
- EMF / Health & Safety – a statement of compliance from the operator EIR was submitted. All base stations in Ireland adhere to the guidelines on limits of EMF exposure set by the International Commission on Non-Ionising Radiation Commission, a formally recognised NGO. The communications regulator in Ireland does random testing of sites throughout Ireland to ensure that all Base Stations are transmitting below the limits defined by the ICNIRP.

### 6.3. Planning Authority Response

- 6.3.1. The Planning Authority has not responded to the grounds of appeal.

### 6.4. Observations

- 6.4.1. An observation has been received from Vitruvius Hibernicus, Liam Madden on behalf of Luke Baxter and Dr Sara Breslin, which includes:

- They concur with the grounds of appeal.
- Mr Baxter purchased a plot of land from the owners of County Longford Golf Club to eliminate a 90<sup>o</sup> dog leg on the original roadway route and replaced it with a gentle curve at their house. The new route was never taken in charge. Golf Club members are licensed to traverse the new route. The only persons who may grant any easement to a right of way are the freehold owners: Luke Baxter and Dr Sara Breslin, which they refuse to do.
- Dr Breslin submits studies which may link EMF with cancers.
- The lands are zoned recreational. The development is not recreational.
- The entire lane is not a public road and the owners do not consent to its use.

## 6.5. **Other Submissions**

6.6. HSE Environmental Health have submitted an observation, which includes:

- 6.6.1. They note that there are no measurements or data included with the planning permission in respect of this particular site. The development should function at all times within the limits of safe operation as prescribed by International Commission on Non-Ionising Radiation Commission (ICNIRP). The Environmental Health Service cannot consider health issues associated with developments of this nature as per Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 and Local Government Circular PL 07/12.

## 7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, ownership of road, zoning, visual amenity, residential amenity and depreciation of value, and health impacts and the following assessment is dealt with under those headings.

### 7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

### 7.3. **Ownership of Road**

- 7.3.1. It is stated that the lane was taken in charge but a small diversion to ease a bend at the Baxter residence was never taken in charge.
- 7.3.2. There is a widening of the area between the roadside boundaries at this location. The roadway is otherwise narrow. The line of the former route no doubt lies within this wider area and could arguably still be followed. In any event as an ownership issue this is a legal matter outside the remit of the Board. Section 34 (13) of the Planning and Development Act applies.
- 7.3.3. This should not be a reason to refuse permission.

## **7.4. Zoning**

- 7.4.1. The third party contends that the zoning does not provide for the proposed development.
- 7.4.2. The zoning is set out in Longford Town and Environs Local Area Plan 2016-2022, as inserted by variation no.2 to Longford County Development Plan 2015-2021, Appendix 1A, is 'recreation amenity and green spaces: to primarily provide for recreational open space and ancillary structures'. The zoning is 'primarily' for the uses set out. No uses are excluded and therefore each proposal must be considered on its merits. The proposed development is not incompatible with the primary uses.
- 7.4.3. Zoning should not be a reason to refuse permission.

## **7.5. Visual Amenity**

- 7.5.1. The third party has concerns regarding the visual impact of the proposed lattice tower, the observer concurs with this grounds. The lattice tower will stand 24m high and will have attachments. It will be a structure of considerable size. The existing dwellings in the vicinity are well screened from the site by existing trees and hedgerows. The first party in response has submitted further evidence of the limited nature of the impact, including aerial photos. In my opinion the visual impact on these properties is not significant.
- 7.5.2. The main visual impact will be experienced by users of the golf course. The mast will be visible from large sections of the course. The site is being made available by the Golf Club and therefore it is reasonable to assume that any such impact is acceptable to the majority of the Club membership.
- 7.5.3. Visual Amenity should not be a reason to refuse permission

## **7.6. Residential Amenity and Depreciation of Value.**

- 7.6.1. The third party has concerns regarding residential amenity and depreciation of value, the observer concurs with these grounds. The issue of visual impact has been addressed earlier in this report. There will be impacts arising during construction from noise and traffic. I do not consider that these will be significant. Operational impacts from maintenance etc will be very limited.
- 7.6.2. No evidence has been submitted to support the concern regarding depreciation of value. I do not consider it likely that there will be any depreciation of value arising.

7.6.3. Neither residential amenity or depreciation of value should be reasons to refuse permission.

## 7.7. Health Impacts

7.7.1. The third party has concerns regarding health impacts of the proposed development.

7.7.2. This issue is addressed in the Telecommunications Antennae and Support Structures, Guidelines and in Circular letter PL 07/12 as a matter regulated by other codes which should not be additionally regulated by the planning process, and planning authorities are advised that planning applications should not be determined on health grounds and that monitoring arrangements should not be included as part of planning permission conditions.

7.7.3. Health impacts should not be a reason to refuse permission.

## 8.0 Recommendation

8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

## 9.0 Reasons and Considerations

Having regard to:

(a) the national strategy regarding the provision of mobile communications services,

(b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19<sup>th</sup> day of October, 2012,

(c) the policy of the planning authority, as set out in the Longford County Development Plan 2015-2021, to support the provision of telecommunications infrastructure,

(d) the location of the site outside of any area with a significant scenic or landscape designation in the development plan for the area, and

(e) the nature and scale of the proposed telecommunications support structure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or landscape character of the area, or the residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

4. Within six months of the cessation of use the telecommunications structure, all ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be agreed in writing with the planning authority and which shall include native evergreen and native deciduous species of trees and bushes. The landscaping shall be carried out in the first planting season following commissioning of the structure.

**Reason:** In the interest of the visual amenities of the area.

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Planning Inspector

27 June 2019

Appendices

Appendix 1 Photographs

Appendix 2 Extract from Longford County Development Plan 2015-2021

Appendix 3 Extract from Circular letter 07/12, 19 October 2012.