



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306616-20

<b>Development</b>	Construction of a 24m monopole type telecommunications support structure enclosed within a 2.4 metre high palisade fence compound together with associated ground equipment cabinets and associated site works
<b>Location</b>	Lissykenty House , Tromara , Quilty, Co Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	19896
<b>Applicant(s)</b>	Signal Infrastructure Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Signal Infrastructure Ltd.
<b>Observer(s)</b>	Flan Collins, Kieran Collins, Paul & Martina Johnston, Kilmurry Ibrickane GAA, Kilmurry Ibricakane LGFA, Karen Galvin, Carmel Galcin, Brian

Cooney, Declan Cushen, Lorraine O  
Keefe  
Paul O Dwyer.

**Prescribed Bodies**

An Taisce

**Date of Site Inspection**

20<sup>th</sup> March 2020.

**Inspector**

Bríd Maxwell

## 1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.00157 ha is located within the curtilage of an agricultural farmhouse, Lissykenty House<sup>1</sup> within the townland of Tromra<sup>2</sup> on the southern approach to the village of Quilty in Co Clare. The appeal site is located on the western side of an east west low ridge circa 115m to the east of the N67 which forms part of the Wild Atlantic Way. The appeal site is located adjacent to a group of agricultural sheds, structures and storage compounds. The immediate area comprises open fields within a relatively low-lying coastal landscape. A ringfort, recorded monument CL03811 Rath<sup>3</sup> is located within approximately 35m to the northeast of the site. There is a caravan park c200m to the west of the site on the western side of the N67 with a scattered pattern of residential development in the vicinity. The GAA field is located circa 515m to the north and Quilty strand is within 960m to the north. Quilty National school is located within 245m to the northwest.

## 2.0 Proposed Development

2.1. The application involves permission to construct a 24m high multi-user monopole carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4m palisade fence compound including new access track. The proposed monopole telecommunications structure will provide for the installation of Eir telecommunications equipment as well as equipment for a future operator comprising 7 no antennas, 4 no transmission dishes including radio units and associated cabling and supporting fixtures. Cabinets and related equipment including power meters will be contained within a 2.4m palisade fencing on a concrete plinth.

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<sup>1</sup> I note Ordnance Survey maps refer to the house as *Lissykeathy* House.

<sup>2</sup> Various also known as Tromora / Tromara / Tromoroe

<sup>3</sup> Record as follows: "At the W end of an E-W ridge. A circular grass-covered area (int. diam. 20m N-S; 18m E-W) defined by an earthen bank (Wth 3.5-5.4m; int. H 0.35-0.8m; ext. H 1-1.4m) with no visible fosse or entrance. The interior is level. Parts of the bank are poached as the site is used to feed livestock."

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 By order dated 16<sup>th</sup> January 2020 Clare County Council issued notification of its decision to refuse permission for the following reason.

*“Having regard to:*

*i. The visually prominent location of the site, its proximity to the village of Quilty and its associated zoned lands, its location alongside the main approach road to the village on the National Road Network, and its locally elevated position within an open landscape where natural screening is limited;*

*ii. DoEHLG ‘Telecommunications Antennae and Support Structure, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012);*

*iii. the location of the site in an area designated as a “Settled Landscape” in the Clare County Development Plan 2017-2023 as varied, whereby it is an objective of the Plan under CDP 13.2 to require “that sites have been selected to avoid visually prominent locations” and “that site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, water bodies, public amenities and roads.”*

*It is considered that the proposed development by reason of its height and siting would form a prominent feature on the landscape which would seriously injure the visual amenities of the area, would contravene the provisions of the Development Plan including those objectives for “Settled Landscapes” and would thus be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planner’s report deems the information regarding justification, site selection and alternatives to be deficient. Visual prominence of the site and proximity to GAA

complex, school, village and mobile home park of concern. No archaeological impact assessment has been provided. Refusal was recommended.

### 3.2.2. Other Technical Reports

Road Design report notes concern regarding sightlines. Traffic management plan, wheelwash and road sweeper on standby.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland - No observations on the application.

### 3.4. Third Party Observations

3.4.1 Fifty three submissions to the local authority from local residents, businesses and other groups outlining their objection to the development. Grounds of objection noted lack of local consultation and considered the given address to be misleading. Inaccuracies within the application were highlighted including stated proximity to school, residences and ringfort. Significant negative visual impact arising. Need for mast was disputed as 4G was stated to be widely available with connection to the fibre broadband network. Noise and health and safety impacts were also outlined. Environmental impact and ecological impact on sensitive sites and species.

3.4.2 A Submission from Three Ireland (Hutchinson) Ltd notes its support for the development of new infrastructure in suitable locations in response to continual demand for increased and improved services and the evolution of new technologies. However, letter notes a lack of consultation with regard to the Three Existing site, located at Ballymacea circa 1.5km to the east of the appeal site and in relation to whether this could be utilised for the operator or whether Three have any requirement for additional infrastructure in the area or what technical requirements might be.

## 4.0 Planning History

**96/553** Permission granted for slatted unit.

**01/2318** Permission for slatted shed.

Adjacent to the north.

**19/937** Concurrent application. Pending. Further information requested. Permission is sought to retain 10 no training lights and to erect 6 no 20m floodlights including ancillary works.

**19/975** Permission granted to Kilmurry Ibrickane GAA Club for the construction of a new building for equipment storage and outdoor wall ball training area and all associated and ancillary works.

I note the following decisions in respect of the established mast at Ballymacea, Quilty circa 1.8km to the north east of the appeal site.

**PL03.239240** Permission granted by the Board to Telefonica to retain existing 9m high timber pole carrying panela antenna, radio link dishes and equipment cabin, previously granted under 06/88. Permission was granted for a period of 5 years.

**06/962** Clare County Council granted permission on 11/3/2017 for replacement of 12m high telecommunications monopole support structure carrying antennas and transmission dishes with associated ground-based equipment units and security fencing.

## 5.0 Policy Context

### 5.1 NATIONAL POLICY

#### 5.1.1 Telecommunications Antennae and Support Structures - Guidelines for 5.1.Planning Authorities (1996)

These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The

Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service.

### **5.1.2 Telecommunications Antennae and Support Structures and DoECLG**

#### **5.2.Circular Letter PL07/12**

The 2012 Circular letter set out to revise sections 2.2. to 2.7 of the 1996 Guidelines. The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply, and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites beside schools. While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools, e.g. up to 1km. Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. 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.

## **5.2 Development Plan**

5.2.1 The Clare County Development Plan 2017-2023 refers.

The site is outside the settlement boundary of Quilty. I note the location of the village in a Heritage Landscape.

Development Plan Policy CDP 8.43 Broadband Connectivity. It is an objective to facilitate the delivery of high capacity ICT infrastructure throughout the County.

CDP8.44 Telecommunications Infrastructure. To facilitate the provision of telecommunications services at appropriate locations within the County having regard to the DoEHLG 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012

It is an objective of the Development Plan CDP10.6 Broadband To advocate for and facilitate the extension of broadband infrastructure throughout the County and encourage e-commerce and IT telecommunications in support of rural enterprise.

The site lies within an area designated as Settled Landscape. CDP 13.2 refers. It is an objective of the Development Plan:

To permit development in areas designated as 'settled landscapes' that sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- Conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- 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;
- Regard being given to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:
  - That the site has been selected to avoid visually prominent locations;
  - That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads;
  - That design for buildings and structures reduce visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

The site is within are designated as Malbay Coastal Farmland LCA 20 in the Landscape Character Assessment of County Clare.



### **5.3 Natural Heritage Designations**

The site is not within a designated site. The site is within 1km of the Carrowmore Point and Spanish Point and Islands SAC and Mid Clare Coast SPA.

### **5.4 EIA Screening**

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

## **6 The Appeal**

### **6.1 Grounds of Appeal**

- 6.1.1 The appeal is submitted by 4 site networks on behalf of the first party Signal Infrastructure Limited. Grounds of appeal are summarised as follows:
- In relation to archaeological impact, given the distance from the monument the proposal will not have any significant impact.
  - Minimal impact arises in terms of traffic. A temporary traffic management plan will be put in place.
  - 10 Photomontage views from viewpoints within 1.3km illustrate the structure and its appearance from the surrounding area. Visual impact appraisal outlines the character and sensitivity of the site and the anticipated effects of the development. The site is in a low lying coastal area. Notably from a number of the viewpoints the proposal sits in line of sight of existing utility poles which limit its prominence at this location.
  - The proposed development will be exposed from views along the N67 including residences along this road. Development is likely to cause a slight to moderate negative effect on the visual amenities from these locations there will also be similar effects from view along West Coast View.

- Impact on public views such as Kilmurry Ibrickane GAA club, Quilty National School and Caravan Park, along the N67 will be minimal due to distances involved and screening of the structure by mature trees and hedging in the wider area.
- The structure will not be visible from Quilty Village due to the nature of the topography and existing housing in the area.
- It is considered that the visual impacts are not of a sufficient magnitude to warrant a refusal given the benefits of the development and improved access to wireless telecommunications infrastructure. Interference with public views along the N67 and west coast view would be proportionate and justified in the public interest of providing improved telecommunications services in the area.
- Regarding site selection process the site is not within any special amenity area, NHA or SAC. The coverage objectives of the operator Eir dictate the location of the structure and site needs to be positioned close to where the coverage problem is identified. The operator Eir has a specific requirement to install a new site within the search area identified within this application, in order to resolve the coverage situation by locating equipment onto the proposed tower which will provide improved coverage and the capacity of the network to the village of Quilty and surrounding area.
- The site will support mobile and broadband communications extending the reach of communications into areas that currently have poor to non-existent wireless mobile voice and data services. Coverage maps illustrate the current indoor deficit in the area which is the combined coverage by all existing sites within the surrounding area operating at full capacity. Following review of potential sites within the search area it was determined that the installation of the proposed development at the subject site is the best possible solution in which to provide a satisfactory level of service.
- The telecommunications guidelines provides for masts in scenic areas e.g. along major roads or tourist views or viewed from traditional walking routes. Masts may be visible but yet are not terminating views. In such cases it may be decided that the impact is not seriously detrimental. Similarly, along such routes views of the mast may be intermittent and incidental in that for most of the time viewers may not be facing the mast. In these circumstances while the mast may be visible or noticeable it may not intrude overly on the general view.

- The proposed structure will allow multiple network operators to deploy 2G voice, 3G and high speed 4G broadband services. In addition to general coverage enhancement, customer will also benefit from more choice of network operators for high speed broadband and mobile data services leading to greater competition between the network operators and better options for people in the area.

## **6.2 Planning Authority Response**

The response of the Planning Authority requests the Board to uphold the decision to refuse permission.

## **6.3 Observations**

### **6.3.1 Observations are submitted by the following**

- Brendan McGrath & Associates on behalf of Kieran Collins, Tromara East.
- Brian Cooney, Quilty Tavern.
- Kilmurry Ibrickane GAA
- Declan Cushen, Tromora East.
- Carmel Galvin Tromoroe East.
- Kilmurry Ibrickane LGFA
- Karen Galvin Tromoroe East
- Paul & Martina Johnston, Quilty East.
- Flan Collins, Tromora East.
- Lorraine O Keefe Principal Quilty NS.
- Paul O Dwyer, Tromora East.

### **6.3.2 Common concerns and objections to the development addressed within the submissions are summarised as follows:**

- Reference to the location as Lissykenty House is not a recognisable address. The proposed site is identified by the name Tromora House. Lack of Community Consultation.
- Errors within the application. School is 250m west north west not 1.1km southwest. Closest residence 120m west not 220m west. Ringfort 26m east south east not 40m north west.
- Visual Impact assessment is inadequate as it does not take account of the sensitivity of receptors eg difference between passing tourists on the wild atlantic way and sensitivity of long-term residents.
- Assessment finds a negative impact at 7 of the 10 locations and a moderate negative impact at one location. Disagree that 5 views 1,2,5,6 and 7 - Consider the impact to be significant negative.
- Mast would be a dominant skyline feature in views of travellers driving north on the N67 Wild Atlantic Way towards Quilty. Mast would be in full view for significant length as there is no vegetation or visual barriers.
- Visual impact assessment misrepresentative
- Existing telecom infrastructure servicing the area on the ridge at Ballymacea 1.8km to the east of the site. This was set in place approximately 20 years ago and infrastructure has been replaced and expanded over the years. Notable submission from 3 Ireland which notes lack of consultation.
- Question robustness of site selection. The Guidelines state that only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns or villages or in residential area or beside schools. The Guidelines also state that sharing of installations will normally reduce the visual impact in the landscape.
- AA screening inadequate - the site is within 1km of two large designated coastal sites. Fields in the vicinity are frequently visited by flocks of seabirds and waders for roosting and grazing purposes. Ecological uncertainty in respect of 5G technology. Potential for ex situ disturbance on species.

- Appeal case rests on filling of gap for indoor signal coverage. Comreg mapping shows fair to very good outdoor mobile phone coverage in and around Quilty.
- Impact on tourism.
- Road Safety concerns
- Noise & Devaluation of property.
- Health and safety.
- Archaeological impact assessment required.

## **6.4 Prescribed Bodies.**

6.4.1 An Taisce submission notes that OS map shows located on townlands of Tromra East not Tromara. Monument noted to be double ditch or bivallite ringfort. Note no archaeological assessment provided. It is submitted that both the proposed mast and large associated compound because of its proximity to the monument, would have a significant adverse impact on its setting and it is suggested that the Board include this in the grounds for refusal.

## **7 Assessment**

7.1 Having reviewed the grounds of appeal I consider that it is appropriate to address the appeal under the following broad headings.

- Principle of development - Need for the development and assessment of alternatives
- Visual impact and impact on archaeology and the amenities of the area
- Appropriate Assessment

7.2 On a procedural issue, I note that a number of the observers raised issues with the regard to the reference of the appeal site address as Lissykenty House and suggest that the house is Tromora House. I note from Ordnance Survey maps that

the site is recorded as Lissykeathy House (Tromra House is to the north west adjacent to the public road with a further Tromra House noted to the west in Tromra West). I also note that the townland is noted on maps as Tromra, whilst the public notices referred to Tromara and a number of the local submissions refer to the townland as Tromora or Tromoroe. Whilst the opportunity for confusion is evident it is clear from the number of submissions that third parties were aware of the application and were not denied the opportunity to engage with the planning process as a result of the variations.

7.3 As regards issues raised by the third-party observers with regard to inaccuracies within the application regarding distance from school, residences, recorded monument and designated sites these are notable and bring into question the quality of the application. On the question of the quality of the visual impact assessment and particular photomontage viewpoints, I would concur that the dark colour and somewhat blurred nature of the viewpoints would not comply with best practice however I consider that the submitted viewpoints enable assessment of the visual impact arising.

#### **7.4 Principle of Development – Need for the Development and Assessment of alternatives**

7.4.1 Having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the development plan including CDP 8.43 Broadband Connectivity, CDP8.44 Telecommunications Infrastructure CDP 10.6 Broadband, it is considered that the provision of a telecommunications mast at the site should be considered to be acceptable in principle subject to detailed proper planning and sustainable development considerations.

7.4.2 As regards issues raised with respect to the need for the mast and the assessment of alternatives, I note the submission to the local authority by Three Ireland, owner of the existing telecoms site at Ballymacea c1.8km to the east of the appeal site. The

submission notes that there has been no consultation with Three regarding (a) whether Three's existing site at this location can be utilised for the operator, or (b) whether Three have any requirement for additional infrastructure in the area or what their technical requirements might be. I note that within the grounds of appeal the first party in discounting this site as a possible states that "*Three and Eir all existing in this location on 2 lattice towers. These structures are located a significant distance from the target area and will not meet coverage requirements.*" I note the coverage maps provided by the first party. The third parties refer to Comreg and the relevant service provides indicating good to Very Good Signal strength in the Quilty area. I cannot verify the technical circumstances in this regard, however, I consider that in light of the submissions and particularly the submission from Three Ireland the evidence provided by the first party is deficient in terms of demonstrating an approach which seeks to maximise the potential for future mast sharing and co-location. This approach remains a significant pillar of national and local planning policy.

## **7.5. Visual impact, impact on archaeology and impact on the amenities of the area**

7.5.1 The "Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities" published by the Department of the Environment in 1996 as noted, state that visual impact is one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations. The Guidelines recommend that great care 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. The proposed mast is located within 30m of a ringfort rath, recorded monument CL038-011. The first party discounts impact on the monument on the basis on a three main factors being firstly distance, secondly the current condition of the monument and thirdly the location relative to existing agricultural structures. I would consider that having regard to the proximity to the recorded monument an archaeological impact assessment would be required. I would further

consider that the proposed mast will have a significant negative visual impact on the recorded monument in terms of the impact on its setting.

7.5.2 I note that the Guidelines recommend that 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 and should be monopole (or poles) rather than a latticed tripod or square structure. I consider that the location of the site on the southern approach to the village of Quilty is at odds with the guidelines. Given the open exposed coastal landscape character of the site, the location the structure will clearly be a locally prominent feature on the southern approach to the village along the N67 Wild Atlantic Way. The character of the landscape provides little opportunity in terms of mitigation. Whilst I acknowledge that the existing ESB utility poles are quite visible by virtue of the limited vegetation in the area I note the design and 24m height of the proposed structure will render it visually dominant. It will be visible from a number of significant vantage points including the local school and GAA field. In my view the proposal gives rise to an unacceptable visual impact as to warrant a refusal. In this regard I would concur that the proposal is at odds with CDP Policy 13.2 Settled Landscapes which seeks to ensure 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. The policy requires regard to given to avoiding intrusions on scenic routes and on ridges, the avoidance of visually prominent locations. The proposed development is clearly at odds with national and local policy with regard to siting, would give rise to an obtrusive feature in the landscape and would be contrary to the proper planning and sustainable development of the area.

7.5.3 On the issue of health and safety, notwithstanding the debate and the issue of proximity to homes, schools, workplaces or public access, the current national Guidelines provide that an installation is considered safe where it complies with the appropriate international standard ICNIRP Guidelines. ComReg has the primary



responsibility for the monitoring and enforcement of health and safety issues. The DoEHLG Guidelines require submission of a statement of compliance with planning applications as a link to the planning system.

7.5.4 As regards noise impacts given the limited duration of construction and nature of the development, I do not consider that any significant noise disturbance would arise in terms of the amenity of nearby residents. As regards traffic safety I consider that in light of the nature of the development significant traffic would not arise and construction traffic would be appropriately managed by way of a suitably designed traffic management plan.

## **7.6. Appropriate Assessment**

7.6.1 As regards Appropriate Assessment the site is within 1km of designated coastal sites Mid Clare Coast SPA and Carramore Point to Spanish Point and Islands SAC. As noted in the observers the site and adjacent lands are used by sea birds and waders for roosting and grazing purposes. In this regard I consider that potential for indirect disturbance of protected species of conservation interest in terms of the SPA exists therefore further information in terms of an NIS would be required to enable assessment of the potential for impact on of the European site.

## **8.0 RECOMMENDATION**

Having regard to the foregoing I recommend that permission be refused for the proposed development for the reasons and considerations set out below:

### **REASONS AND CONSIDERATIONS**

1. Having regard to visually prominent location of the site on the southern approach and outskirts of Quilty Village, to the open and exposed character of the site and proximity of the proposed mast to Recorded Monument CL038-11 it is considered that the proposed development would conflict with the '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996*' as updated by PL07/12 of 2012 with regard to siting and would be contrary to the

objectives of the planning authority, CDP13.2 as set out in the current Clare County Development Plan 2017-2023 which requires that sites are selected to avoid visually prominent locations; that site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads. The proposed development would, therefore, seriously injure the visual amenities of the area, the setting of the archaeological monument CL038-11 and would injure the amenities of the area and of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

16<sup>th</sup> April 2020