



An  
Bord  
Pleanála

## Inspector's Report ABP 307085-20.

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<b>Development</b>	Erection of a monopole to support telecommunications antennae for use by Eir and other operators.
<b>Location</b>	Tomnaslough, Leighlinbridge, Co. Carlow.
<b>Planning Authority</b>	Carlow County Council.
<b>Planning Authority Reg. Ref.</b>	19322
<b>Applicant</b>	Shared Access Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Niall O'Brien
<b>Observers</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> of August 2020
<b>Inspector</b>	Siobhan Carroll.

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at the townland of Tomnaslough, Leighlinbridge, Co. Carlow. It is situated on the western side of the Regional Road R448 and lies circa 120m from the edge of Leighlinbridge a village which straddles the River Barrow approximately 12km south of Carlow Town. The M9 Motorway is situated circa 0.9km to the west of the appeal site.
- 1.2. The site has an area of 0.0054 hectares. It is situated at roughly 50m above sea level. The site forms part of a large agricultural field which current contains a corn crop. There are a number of dwellings situated to the west and south-west of the site along the local road L7124. The appellant's dwellings lies circa 89m to the south-west.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the erection of a 22.5m monopole to support telecommunications antennae for use by Eir and other operators. Development includes the installation of dishes, access track, security fencing and ground based equipment cabinets to provide 2G, 3G and 4G mobile electronic communication services from the installation at land to the north of the R448.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 15 no. conditions.

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

#### **3.2.1. Planning Reports**

- Report dated 8/10/19 – Further information sought in relation to the following  
(1) Submit revised site location map and site layout plan indicating entirety of proposed development within redline boundary (2) Clarify number of antennae

proposed to be attached to the telecommunications pole (3) Submit a visual impact assessment (4) Submit details indicating that the existing planting will be retained (5) Provide revised site layout plan indicating clear unobstructed sightlines of 210m in both directions when egressing the entrance onto the R448 (6) Submit details to address how the proposal is in compliance with Section 5.2.3 of the County Development Plan. (7) The Municipal District Office advises an alternative access to the site off the local road submit details to address this (8) Submit a Construction Management Plan (9) Address the matters raised in the third party submissions.

- Report dated 6/1/20 – Clarification of Further information sought in relation to the following, (1) Submit revised site location map and site layout plan indicating entirety of proposed development within redline boundary including the fenced compound area and associated ground level equipment (2) Submit a revised landscape and visual assessment (3) Clarify if consideration has been given to the colour of the mast and the potential for the use of a more slimline mast (4) Submit revised site layout plan incorporating proposed indigenous tree/hedge planting along the side and rear boundaries of the fenced compound.(5) Address further third party submissions in relation to potential coverage and requirement for the proposed mast (6) Submit amended and suitably scaled radio coverage map.
- Report dated 10/3/20 – Following the submission of a response to the clarification of further information the Planning Authority recommended a grant of permission.

### 3.2.2. Other Technical Reports

3.2.3. Municipal District Office – Report dated 23/9/19 – Further information sought in relation to entrance sightlines and road markings.

3.2.4. Transportation – Report dated 11/9/19 – Further information sought in relation to details of entrance sightlines and a Construction Management Plan.

3.2.5. Environment – A grant of permission recommended subject to attachment of conditions.

3.2.6. Water Services – No objection

### 3.3. **Prescribed Bodies**

3.3.1. Irish Water – No objection

3.3.2. H.S.E – No objection

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

3.4.1. The Planning Authority received seven submissions/observations in relation to the application. The issues raised are similar to those set out in the appeal. Additionally, the matter of the requirement for the proposed telecommunications mast was raised with reference to the existing mast granted under Reg. Ref. 17/309.

## 4.0 **Planning History**

- None

## 5.0 **Policy Context**

### 5.1. **Carlow County Development Plan 2015-2021**

5.1.1. Section 6.11.3 'Telecommunications' sets out guidance in relation to mobile phone infrastructure and the following is some of the recommended guidance.

5.1.2. It is advised that the mobile phone infrastructure must be developed in a strategic way that minimises the impact on the environment and takes public opinion into account.

5.1.3. Good siting and design is recommended in environmentally sensitive locations.

5.1.4. Options to reduce negative visual effect of mobile phone structure include;

- mast and/or site sharing
- installation on existing buildings and structures
- camouflaging / disguising techniques to integrate structures.

5.1.5. The local authority will use the sequential test for proposed telecommunications masts near residential areas, education facilities, hospitals, child care facilities or nursing homes. The following criteria will be used;

- Is an existing utility site available
- Has the mast / antenna been designed and adapted for a specific location
- Are retail or commercial sites available
- Is an existing tall building available

## 5.2. National Policy

### 5.2.1. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, July 1996

- The guidelines essentially support the development of telecommunication services in the country and provide guidance on site selection and minimising environmental impacts.

### 5.2.2. Circular Letter: PL 07/12

The Circular letter updates certain sections of the Telecommunications Antennae and Support Guidelines (1996). The circular advises that Planning Authorities should cease attaching time limit conditions to telecommunications masts, except in exceptional circumstances. With regard to Health and Safety Aspects it states the following: -

*'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. 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.'*

## 5.3. Natural Heritage Designations

### 5.3.1. The following Natura 2000 sites are located in the vicinity of the proposed development site:

- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), is located approximately 483m to the east of the application site.

#### **5.4. Environmental Impact Assessment (EIA)**

- 5.4.1. Having regard to the nature and scale of the proposed development and 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**

A third party appeal has been submitted by Niall O'Brien. The issues raised are as follows;

- The appellant Mr. O'Brien states that his home at Tomnaslough, Leighlinbridge is situated in close proximity to the appeal site.
- Concern is expressed that the proposed development would have negative health impacts. The proposed mast would be situated 70m from the appellant's home. The appellant highlights that there are varying reports as to whether telecommunications masts have negative impacts upon human health due to radiation and electromagnetic fields.
- The appellant has expressed concern that the proposed development would be visually prominent from their property. The applicant in their submissions to the Planning Authority stated that the existing mature trees will screen the development from view. However, the appellant states that the existing screening cannot be relied upon as it may be blown down or die off and also loses leaves during the winter months. The existing hedgerow boundary between the appellant's property and the site is very high and the appellant considers that it is more appropriate to maintain the hedgerow at a lower height.

- The appellant has expressed concern that the landscape and visual assessment submitted by the applicant does not provide an accurate reflection of the proposed development.
- The appellant considers that the proposed development would have a negative impact upon the value of his property.
- Concern is expressed in relation to the level of noise which would be generated during the construction phase and also during operations.
- The proposed development would entail penetrative piling. The appellant states that the proposed piling could have a negative impact upon their water supply.

## 6.2. Applicant Response

A response to the third party appeal was submitted by Pegasus Group on behalf of the applicant Shared Access Limited. The issues raised are as follows;

- In relation to the issue of visual impact it is submitted that the applicant has provided a comprehensive assessment of the impact of the proposed development. The applicant submitted a Landscape and Visual Impact Assessment (LVIA) and accompanying Computer Generated Images prepared by Kieran Tarpey.
- The conclusions of the LVIA state that the impact upon the immediate landscape would be medium. The impact upon the wider area is considered to be minor to negligible. It is highlighted that the view points used for the assessment were agreed with the Council's Planning Officer.
- The applicant has had an opportunity to review the photographs and illustrations submitted by the appellant which are used to support their views on the visual impact of the scheme.
- The first party state that these illustrations have not been carried out to any know standard and that they do not accurately represent the visual impact of the proposed development. Therefore, they contend that the submissions from the applicant cannot be relied upon for a visual assessment of the scheme.

- It is set out in the appeal that the proposed telecommunications mast may have a negative affect on the valuation of the appellant's property. It is noted that no information has been submitted with the appeal to substantiate this claim.
- The applicant states that they are not aware of any published research or articles by the Society of Chartered Surveyors (Ireland), National Economic and Social Council or the Central Statistics Office which draws a specific link between the development of telecommunications infrastructure and house values.
- The appeal refers to an existing telecommunications mast located elsewhere in Leighlinbridge. The location of this structure is not specified and therefore the applicant is unsure what structure the appellant is referring to.
- In response to the justification for the proposed telecommunications mast, the applicant states that they have provided detailed submissions explaining why any existing telecommunications structures cannot be used. Details are also provided which explain why the subject site is preferable to an alternative location in the surrounding area.
- The appeal refers to health impacts. The applicant notes the provisions of Circular Letter PL07/12 published by the Department of Environment, Community and Local Government which states that 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 relation to telecommunications infrastructure. It is noted that these matters are regulated by other codes and that such matters should not be additionally regulated by the planning process.

### **6.3. Planning Authority Response**

The Planning Authority wish to reiterate the following points

- The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the DoEHLG in 1996, do not stipulate a



minimum separation distance between masts and dwellings. The closest dwelling is situated circa 50m to the south-west of the proposed mast.

- The Planning Authority considers that the proposal would be visually acceptable and that it is in accordance with Section 11.18.1 of the Carlow County Development Plan 2015-2021.
- It is noted that the site is not located on elevated land and that the ground levels on site are flat and uniform.
- As per the Landscape Assessment in Appendix 6 of the Development Plan the site is situated in transitional area between the Killeshin Hills landscape character area and the central lowlands landscape character area. It is noted that there are no scenic views or scenic routes in the area.
- The Planning Authority acknowledge that there will be views of the proposed monopole and the attached antennae from the local area including residential properties. However, it is considered that existing tree planting and other vegetation will limit such view and render them intermittent.
- It is noted that views from the wider area will be intermittent and that the proposed mast would not appear significantly obtrusive. View from passing traffic on the R448 and other public roads in the surrounding area would be fleeting.
- While the proposed development will provide an overlap in coverage with an existing Three mast in the area, it will provide an uplift of coverage to areas north, west and south-west of Leighlinbridge including the M9 and other areas to the south and south-east of Leighlinbridge which will address coverage blackspots.

## 7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development/Site location and Technical Justification

- Impact upon residential amenity
- Visual amenity
- Appropriate Assessment

## 7.1. Principle of development/Site location and Technical Justification

- 7.1.1. The proposed development is for a single monopole of 22.5 metres in height in a rural location. Section 6.11.3 of the Carlow County Development Plan, 2015 – 2021, refers to telecommunications. It is set out in this section of the Development Plan that an efficient telecommunications system is important in the development of the economy. The importance of good siting and design is highlighted in relation to the proposals for telecommunications infrastructure. It is also recommended in Section 6.11.3 of the Plan that mast sharing and a sequential approach in locating masts be applied to ensure a balance between facilitating the provision of telecommunications infrastructure and in the interest of social and economic progress, and sustaining residential amenity and environmental quality.
- 7.1.2. The Planning Authority in their assessment of the application sought further information and clarification of further information in relation to the requirement for the proposed mast with reference to the location of a permitted telecommunications mast at Ballynabolley, Leighlinbridge, County Carlow granted under Reg. Ref. 17/309. I note the site of this mast lies to the eastern side of Leighlinbridge and circa 1km as the crow flies from the subject site. It is detailed in the response to the clarification of further information that the subject site was chosen as it was identified as being required for the efficient roll out of the Eir network to Leighlinbridge.
- 7.1.3. Drawing No: P19-1227\_03 indicates that there would be some 3G/4G coverage overlap between the proposed Eir mast and the existing Three mast. However, I note that the proposed mast would provide additional coverage further to the north, south and west than the existing mast. The first party set out in the clarification of further information response that the proposed mast would provide considerable uplift in the mobile coverage to the west of Leighlinbridge and this would include coverage on the M9 motorway. The applicant also highlighted that the proposed mast would provide infilling of blackspots which are within the Three coverage area particularly to the south-western part of Leighlinbridge. The applicant submitted that the coverage

which would be provided at the proposed site at Tomnaslough would provide a significant improvement to the Eir network and would also provide additional coverage to that provided at present by the existing telecommunications infrastructure in the area. Furthermore, the proposed development will be available to other operators which is in accordance with Section 6.11.3 of the Development Plan and Section 4.5 of the Guidelines on Telecommunications Antennae and Support Structures in relation to sharing facilities.

- 7.1.4. Accordingly, the principle of the development is therefore acceptable in this instance as the applicant has demonstrated that there is a need to provide such infrastructure in the general location and that the provision of such infrastructure is fully in accordance with development plan policies.

## **7.2. Impact upon residential amenity**

- 7.2.1. It is contended by the appellant that the location of the development 70m from his boundary would devalue the property. The issues of health and safety concerns, potential noise impact and visual impact are raised in the appeal. I shall address the matter of visual impact in the subsequent section of the report.
- 7.2.2. Regarding the issue of the potential negative affect of the proposed development on the valuation of the appellant's property, I note the response of the first party which highlighted that no information was submitted with the appeal to substantiate this assertion.
- 7.2.3. The appellant has expressed concerned in relation to potential negative health impacts due to radiation and electromagnetic fields generated by telecommunications infrastructure. These matters relate to public health and safety. Accordingly, in line with ministerial guidance and as detailed in Circular Letter PL07/12 it advises that 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. It also notes that telecommunication infrastructure is regulated by other codes and such matters should not be additional regulated by the planning process.

7.2.4. The appeal refers to potential noise impacts during the construction and operational phase of the development. In relation to potential noise generated during the construction phase I consider that the conditioning of hours of operation during construction will satisfactorily address this. Having regard to the nature of the proposed development I do not consider that any undue noise would be generated in the operational phase. Potential impacts to the appellant's water supply from the construction of the proposed development is also raised. I consider this matter can be satisfactorily addressed by the attachment of a condition requiring the submission of a Construction Management Plan to be agreed by the planning authority prior to commencement of development.

### 7.3. **Visual amenity**

7.3.1. The third party appeal makes the case that the proposed development would be visually obtrusive when viewed from his property and also from the wider area. The planning authority has concluded that it would not be visually intrusive.

7.3.2. Appendix 6 of the Carlow County Development Plan 2015-2021 is the Landscape Assessment. The subject site at Tomnaslough, Leighlinbridge is located in a transitional area between the Killeshin Hills landscape character area and the central lowlands landscape character area. As per the Recommended Carlow Landscape Sensitivity Map, Figure 4 in Appendix 6, the site lies in an area of decreasing to moderate landscape sensitivity. The Planning Authority in their response to the appeal noted that there are no scenic views or scenic routes in the area. The site is situated immediately to the west of the R448 and the M9 Motorway is situated circa 0.9km to the west.

7.3.3. Section 11.18.1 of the Development Plan refers to Telecommunications Masts, it advises that telecommunications masts, monopoles and antennae should be located so as to minimise any negative visual intrusion on the surrounding area, especially on landscapes or streetscapes of a sensitive nature. The preferred location for telecommunication structures is in industrial estates, areas zoned for industry, within forest plantations, or in areas already developed for utilities. While the appeal site is not within an industrial area, it is located within a relatively low lying corridor area.

- 7.3.4. As part of the further information response the applicant prepared a detailed visual impact assessment. The assessment contained views which were assessed from a number of vantage points in order to properly assess the impact of the proposal on the surrounding landscape. The Planning Authority in their assessment of the proposal found that there would be views of the monopole and attached antenna from the local area including from the R448 and other public roads. They concluded that views from passing traffic would be fleeting. In relation to views from the wider area the Planning Authority considered that these would be intermittent and not obtrusive due to the topography and existing vegetation. It is advised in the Guidelines on Telecommunications Antennae and Support Structures that 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 or prospect.
- 7.3.5. I have reviewed this assessment and consider that the visual impact of the proposed monopole and associated infrastructure would not have a significant negative impact on the visual amenity and character of the area having regard to the proposed siting of the structure within a relatively low lying corridor area where there is extensive existing mature vegetation particularly along both sides of the R448.
- 7.3.6. In relation to the appellant's property it is situated circa 89m to the south-west of the proposed development. While, I note the appellant's concern in relation to the potential visual impact of the proposed development I am satisfied having regard to the separation distance provided and the existing mature evergreen trees along the boundary between the appellants property and the field to the north where the site lies that this provides a significant screening buffer from the proposed development. Should the Board decide to grant permission, I consider it would be appropriate to attach a condition requiring that the applicant submit a comprehensive scheme to ensure that the existing tree planting is maintained and enhanced in order to protect the visual and residential amenities of the surrounding area.
- 7.3.7. Having regard to the details provided with the application and the appeal it is evident that there would be some limited visual impact from the proposed structure within the immediate surrounding area. The views of the structure are likely to be intermittent due to the topography of the area and existing vegetation. Accordingly, I am satisfied

that the proposal would not have a significant, prominent or negative visual impact at this location and that the height of the structure would be acceptable.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

- 8.1. I recommend a grant of permission.

### **9.0 Reasons and Considerations**

Having regard to:

- (a) the national strategy regarding the improvement of mobile communications services,
- (b) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) Carlow County Development Plan, 2015 – 2021,
- (d) the Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government,
- (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 not be contrary to the overall provisions of the current development plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 2nd day of December, 2019 and the 17th day of February, 2020, 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.
  - (a) Vehicular access to the site during the construction and operational phases of the development shall be solely from the L7124 public road as detailed on the revised plans submitted to the planning authority on the 2nd day of December, 2019. Sightlines at the entrance shall be provided in accordance with the requirements of the Design Manual for Roads and Bridges.

(b) The existing agricultural entrance onto the R448 which serves the field where the subject site is located, shall not be used for access purposes to the site under any circumstances.

**Reason:** In the interest of traffic safety.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

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

5. 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.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.



**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

**Reason:** In the interest of visual amenity.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains.

**Reason:** In the interests of public safety and amenity.

10. Within six months of the date of cessation of use, the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated at the developer's expense. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning

authority prior to the date of cessation of the use of the structure.

Reinstatement shall be deemed to include the grubbing out of and replanting of the access track created in association with the development permitted herein.

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

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Siobhan Carroll  
Planning Inspector

20<sup>th</sup> of August 2020