



An
Bord
Pleanála

Inspector's Report

ABP-308491-20

Development	Construction of a 15 metre high free standing communications structure with its associated antennae.
Location	Cappamore Eircom Exchange, Dromsallagh, Cappamore, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	20755
Applicant(s)	Eircom Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Padraig O Donoghue.
Observer(s)	None.
Date of Site Inspection	5 th January 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.13 hectares and is located within the western side of the village of Cappamore in Co Limerick. The site which has a stated area of 0.13 hectares comprises an existing utility site, the eircom exchange and is located at the junction of the regional Route R605 and R606. There is a vehicular entrance from the R506 west of its junction with the R505 defined by a roundabout. There are a number of residential dwellings immediately adjacent to east and west of the appeal site, the closest (the appellant's dwelling) is within 4m of the western site boundary. The Cappamore Campus of the Limerick College of Further Education is located opposite to the southwest of the site. The Mulcair Vet Clinic is located opposite to the south while agricultural pastureland adjoins to the north.

2.0 Proposed Development

- 2.1. The application as set out involves permission for the construction of a 15-metre-high free standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works. The development will form part of Eircom Ltd existing telecommunications and broadband network.
- 2.2. Application details indicate that the structure will be offered to all licensed network operators as a point of co-location.

3.0 Planning Authority Decision

3.1. Decision

By order dated 25th September 2020 Limerick City and County Council issued notification of its decision to grant permission subject to conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

Planner's report recommends permission subject to conditions including

Condition 2 No trees or hedgerows to be removed

Condition 3 Hours of construction

Condition 4 Wheel washing facilities.

Condition 5 No material change of use without prior permission

Condition 6. Construction management plan

Condition 7. Acoustic insulation of cabinets at base of structure.

3.2.2. Other Technical Reports

Road Report No objection subject to conditions.

3.3. **Prescribed Bodies**

Development Applications Unit, Department of Culture Heritage and the Gaeltacht notes location 800m from the Mulcaire River Part of the Lower River Shannon SAC (2165). Limerick Co Council to ensure the proposed works will not have significant impact on the SAC. Native hedgerow should be retained where possible. Where removal is necessary it should be outside of the nesting season.

3.4. **Third Party Observations**

A number of third parties submitted observations.

- Michael and Elizabeth O Brien, Dromsaly Road
- Pdraig and Siobhan O Donoghue, Dromsally.
- Eleanor O Brien, Dromsally Road.
- Julieanne and Jimmy Coughlan, Dromsally
- Ignatius and Maura Walsh Dromsally.
- Willie O Brien, Dromsally Road.
- Elizabeth Mary O Brien Dromsally Road.

- Eamonn Mullane, Ardmore
- Bryan Ryan Mulcair Veterinary Clinic, Cappamore
- Anna Nolan, Mulcair Veterinary Clinic. Cappamore

The submissions raised common objections which I have summarised as follows:

- Visually obtrusive to adjacent properties.
- Negative impact on wildlife
- Devaluation of residential property
- Loss of residential amenity
- Health impacts – electromagnetic activity
- Traffic Hazard. Roundabout
- Concern regarding future development
- Proximity to East Limerick School of Further Education

4.0 **Planning History**

No recent history on the appeal site

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.

At 4.3 it is stated that “the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a 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 structures 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.

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 Limerick County Development Plan 2010-2016 as amended and extended, and Cappamore Local Area Plan 2011-2017 as extended refer.

The County Development Plan includes the following objectives.

Objective IN050 Facilitation of Telecommunications Facilities

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

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

Objective IN 51 Facilitation of Co-location of telecommunication facilities

It is the objective of the Council to encourage the clustering and co-location of telecommunication masts, antennae or ancillary equipment and more favourable consideration will be given to their location near existing similar type structures.

Objective IN O53 – Minimising impact of transmission network.

Objective IN 054 Broadband connectivity.

Objective IN 055 Co-ordinated development

5.2.2 Within the **Cappamore Local Area Plan 2011-2016**, the site is zoned Existing Residential. “The purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.”

At 7.9 Telecommunications. The Planning Authority’s goal is to achieve a balance between facilitating the provision of mobile telecommunication services in the interests of social and economic progress and sustaining residential amenities, environmental quality and public health. When considering proposals for telecommunication masts, antennae and ancillary equipment, the Council will have regard to the DEHLG document ‘Telecommunications Antennae and Support Structures’ (DEHLG 1998) and any subsequent advisory document issued by the DEHLG.

Objective IN 8: Telecommunications

It is the objective of the Council to facilitate proposals for telecommunication masts, antennae and ancillary equipment where it can be established that there would be no negative impact on the surrounding area and that no other mode or location can be identified which would provide adequate telecommunication cover to the standard required by local land uses.

The site is within the Cappamore Architectural Conservation Area ACA.

The urban form of Cappamore has expanded from the initial concentration of development along Main Street and Moore Street. The original footprint of this development has formed the core area of Cappamore today and while many of the original buildings are still in existence, not all of the original structures are of significant architectural merit or warrant individual protection. However, the collective arrangement of these buildings is considered of significance to the built heritage of the town and contributes to the character and established street and townscape. It is the objective of the Council to preserve the character of this area and therefore it is

designated as an Architectural Conservation Area (ACA). The ACA is defined in map no.3 (the Protected Structures map) included within this Plan. The designation of the ACA does not preclude future development, but the carrying out of works to the exterior of structures within the ACA shall not be considered as exempted development where those works would materially affect the character of the ACA. In assessing development proposals within the ACA, the Council shall take into account the material effect that the proposed development would be likely to have on the character of the ACA.

5.3. Natural Heritage Designations

The site is circa 800m from the Mulkear River Part of the Lower River Shannon SAC (Site No 002154)

5.4. EIA Screening

- 5.4.1 On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development and nature of the receiving environment no likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1 The appeal is submitted by Don O Malley on behalf of Padraig O Donoghue, who lives immediately adjacent to the west of appeal site. Grounds of appeal are summarised as follows:

- Site is unsuitable for a proposed 15m high mast.
- Site is within 20 metres of the Limerick College of Further Education school building.
- National Guidelines state that telecommunications structures should only as a last resort should free standing masts be located within or in the immediate

surrounds of smaller towns or villages. Only as a last resort and should masts be located in a residential area or be side schools.

- Site is 5m from the appellant's dwelling and less than 20m from two further dwellings.
- Alternative sites are available. Relatively flat topography of the area would provide considerable options.
- Mast is within 5m of the appellant's window and will block sunlight and cast shadows across neighbouring properties.
- Proposal is for a substantial mast on small, cramped site.
- Concerns arise regarding potential for collapse in storms.
- No preapplication consultation was conducted.
- Note recent refusal of permission for a replacement mast at Castleconnell near an ACA. PL91.307490
- Cappamore Local Area Plan 2011-2017 (extended to 2021) addresses Telecommunication antennae at 7.9 which was not taken into account in the Council's decision.
- No balance has been achieved in terms of negative impact on the surrounding area as required by Objective IN8.
- Negative impact on Architectural Conservation Area. Series of photograph demonstrate negative impact.

6.2. Applicant Response

6.2.1 The First Party response to the appeal is summarised as follows:

- Potential for co-location with an existing structure was investigated however no site nearest sites 4.4 km and 5.7km away were not suitable
- Proposed structure will be able to connect directly into the Exchange building using fibre cabling which in turn will provide fast speed internet broadband and mobile connectivity to the Eircom network. Alternative location would not be able to avail of

the fibre connection therefore requiring a larger installation to accommodate equipment.

- In terms of visual assessment, the slimline monopole was selected to reduce visual impact.
- Structure is of a design and scale that would not be out of character or a visually obtrusive element in the village.
- Series of photomontages provided to demonstrate the visual impact which show what degree of visual impact the proposal will have on the landscape.
- Views are intermittent and are not detrimental to the overall amenity of the area.
- No evidence to substantiate a negative effect on the village.
- Proposed development will facilitate improved access to strategic infrastructure.
- Telecommunications structures are now regarded as the fourth utility service and are generally accepted given strategic importance.
- An efficient and cost-effective broadband network is essential if the country is to prosper.
- Health issues are not a planning concern and required documentation provided in accordance with development plan requirements. Installation complies within IRPA guidelines and in accordance with the limits set by the Guidelines of the International Commission on Non ionising radiation protection.
- Sound levels will not exceed background levels

6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1 Due to the location of the site within an ACA and proximate to the Lower River Shannon SAC certain prescribed bodies were invited to make a submission on the appeal. No responses were received.

7.0 Assessment

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

- Principle of development - Need for the development and assessment of alternatives.
- Visual impact, impact on Architectural Conservation Area, and the Residential Amenities of Adjoining Property
- Appropriate Assessment and other matters

7.2 Principle of development. Need for Development and Consideration of Alternatives

7.2.1 The need for the proposal in the context of national, regional and local policy is set out within the application details and within the response to the appeal. The proposed mast is intended to form part of the Eircom Ltd existing telecommunications and broadband network which is intended to provide for indoor voice and high-speed mobile broadband in the area. Direct connection to the proposed exchange building using fibre cabling will provide fast speed internet broadband and mobile connectivity to the Eircom network. The applicant outlines that the proposal will allow site sharing with other operators.

7.2.2 In view of the emphasis placed in national and regional policy documents on the provision of adequate telecommunications including broadband and the fact that the

policies and objectives of the both the current Limerick County Development Plan and Cappamore Local Area Plan (LAP) reflect this priority, when coupled with the long-standing use of the site for telecommunications purposes, I consider the principle of the development to be acceptable.

7.2.3 In terms of consideration of alternatives within the response to the appeal it is outlined that two alternative sites were considered however deemed unsuitable and discounted on the basis of being too distant from the settlement of Cappamore. I cannot verify the technical circumstances and requirements in these matters; however, I consider that based on the evidence provided the proposal seeks to optimise the location and siting of the structure and to maximise the potential for future mast sharing and co-location which accords with national and local policy.

7.3 Visual impact, impact on Architectural Conservation Area, and the Residential Amenities of Adjoining Property

7.3.1 The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 as noted above, 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.

7.3.2 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.

7.3.3 As regards the visual impact of the structure, I note that the application is accompanied by a series of photomontages which seek to demonstrate the visual impact of the proposed development. Notably the structure is not visible from 6 of the 8 submitted viewpoints. The proposal is for a slimline monopole structure which would not be out of character within a village setting and as outlined in the first party response to the appeal telecommunications structures have become a customary type of infrastructure within any given settlement. As regards the impact on the Architectural Conservation Area, I note that the ACA designation covers an extensive part of the village of Cappamore and the site is located at the western extremity of the ACA. I note that as demonstrated within the visual impact assessment and photomontage montage views submitted with the application views of the proposed structure are highly intermittent and I consider that the proposed mast does not detract from the character of the established townscape or the Architectural Conservation Area.

7.3.4 As regards impact on residential amenity, the proposal will not have a significant visual impact from a distance however it will be locally prominent particularly from the appellant's residential dwelling which is within 7m of the proposed structure. I consider that additional site-specific landscaping and visual mitigation measures should be used to lessen this impact. I consider that this can be addressed by condition. On balance having regard national and local policy it is considered that the proposal would not seriously injure the visual amenities of the area and would not seriously injure the residential amenities of the area and of properties in the vicinity. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

7.4 Other Issues

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

7.4.2 On the issue of potential traffic hazard, having regard to the nature of the development the level of traffic generated during the operational period is likely to be minimal and during the construction period standard traffic management measures would be appropriate.

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

8.0 Recommendation

Grant Permission subject to conditions.

8.0 Reasons and Considerations

Having regard to National Planning Framework, the Cork County Development Plan 2014, the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, the existing telecoms infrastructure on the site, the established use of the site for telecommunications purposes, the scale and design of the proposed development, it is considered that the proposed development would be in accordance with National Policy for

telecommunications infrastructure and current Limerick County Development Plan 2010-2016 as amended and extended policy and Cappamore Local Area Plan 2011-2017, as extended, 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. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. When the telecommunications structure and ancillary structures are no longer required, they shall be removed and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.

Reason: In the interest of protecting the landscape.

4. 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.

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include hedging planted inside the boundary fence, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

7. 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 intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

Bríd Maxwell
Planning Inspector
18/01/2021