



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308818-20

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<b>Development</b>	Erection of a 24m high lattice telecommunications support structure, within curtilage of protected structure.
<b>Location</b>	Eir Exchange, Tooreen (Td), Croom, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	20913
<b>Applicant(s)</b>	EIR
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eir
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> February 2021.
<b>Inspector</b>	Bríd Maxwell

## **1.0 Site Location and Description**

1.1. This appeal relates to an established Eir Exchange utilities site located within the village of Croom, in County Limerick. The appeal site has a stated area of 0.17544 hectares and is located within the eastern part of the village. The site lies to the south of a local road L1410 and a short distance east of the Regional Road R516. The site is occupied by the former exchange building and a wooden pole with telecommunications antennae and overhead power lines. The site is to the east of the former Croom Railway Station and Protected Structure Reference 1122. I note that as set out within the Volume 3 of the County Development Plan Record of Protected Structures the notes outline that “the former station house was destroyed by fire, however the goods shed and other infrastructure features survive” and it is this goods shed building which is pictured within the record of Protected Structure reference 1122 within the Croom Local Area Plan 2010-2026. This protected structure is in a vacant and dilapidated state. I note that the adjacent single arch humpback railway bridge on the local road to the north of the appeal site is also included within the NIAH. I have appended the relevant entries from the record of protected structures, the NIAH and photographs of the appeal site and vicinity to this report.

## **2.0 Proposed Development**

2.1. The proposal involves permission to erect a 24m high lattice telecommunications support structure together with antennas dishes and associated equipment all enclosed in security fencing and to remove the existing 12m high timber pole telecommunications support structure.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 5<sup>th</sup> November 2020 Limerick City and County Council issued notification of the decision to refuse permission for the following reason:

*“The proposed mast having regard to its prominent location adjacent to Croom Railway Station a protected structure at a prominent location on entering or exiting Croom Village and having regard to the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1998 which states “only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns or villages” the proposed development is considered to be visually obtrusive and would seriously injure and depreciate the value of properties in the area.”*

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

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

Planner’s report outlines concern regarding visual impact on views of the railway station and the streetscape of eastern approach to Croom and recommends refusal.

#### **3.2.2. Other Technical Reports**

Mid West National Roads Design Office – No observations on the application.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland - no observations on the application.

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

Submission by McElligott Consulting, Civil and Structural Engineers, on behalf of Mr John O Neill owner of the adjoining lands to the south (railway lands). Objects on grounds of proximity to protected structures and cites concerns with regard to potential for structural impacts on historic buildings. No third-party consultation was carried out with regard to the application. Solicitor’s letter appended from Maurice Power Solicitor’s dated 1 July 2020 documents correspondence from the observer to the first party with regard to site security and unauthorised third-party access to the lands.

## **4.0 Planning History**

No planning history on the appeal site.

## 5.0 Policy Context

### 5.1. NATIONAL POLICY

#### 5.1.1. Telecommunications Antennae and Support Structures - Guidelines for 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 Croom Local Area Plan 2020-2026 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 **Croom Local Area Plan 2020-2026**, the site is zoned Enterprise and Employment. It is envisaged that these lands will accommodate high quality and sensitively designed enterprise and employment development and complementary uses, as indicated in the zoning matrix. The form and scale of development on these sites shall be appropriate to their location having regard to surrounding uses and scale.

5.2.3 At 7.10 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 09: 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.

5.2.4 As outlined above the adjacent railway station goods shed is protected structure 1122.

### 5.3. **Natural Heritage Designations**

5.3.1 None relevant

### 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 by Towercom on behalf of the first part is summarised as follows:

- The existing timber support structure is not capable of supporting a full configuration of equipment from new operators.
- Proposal would meet the current and future demand for co-location.
- Five photomontage view provided demonstrate that the development would not be visually obtrusive in the wider environment of Croom Village or Croom Railway Station
- Structure has been designed to the minimum height to ensure sufficient radio coverage for multiple operators.
- The exchange building on the property and existing mature trees and vegetation provide excellent screening of the existing structure on the site.
- Site has a high capacity to absorb the proposed structure. Site is lower than the bridge and the local road which provides further screening of the lower sections of the tower associated cabinets and fencing.

- Views of the structure will be intermittent due to the setback from the main road and residential areas. Where the structure will be visible due to the increased height and bulk, it will generally be seen protruding over rooftops and through natural screening existing buildings and general visual clutter.
- Magnitude of visual impact on the visual amenities of the area would be acceptable and would not seriously injure the visual amenities of the area.
- As an alternative design solution, a drawing and photomontage of a lattice tower support structure of reduced height to 20m is provided. This is not the preferred technical solution and would limit the future capacity and quantity of equipment however can be considered by the Board in mitigation.
- As regards impact on the protected structure Croom Railway Station, the location is not an ACA. There has been a telecommunications structure on the site for many years. Additional mitigation could be provided by screening and landscaping within the exchange property along the south and western boundaries.
- Proposal meets the balance between facilitating the delivery of improved telecommunications infrastructure and protection of the built and natural environment.
- Proposal accords with the policy requirements of the Development Plan which seek to encourage and facilitate the provision of telecommunication and broadband infrastructure within the County.
- The proposal would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## 6.2. Planning Authority Response

The Planning Authority did not respond to the appeal.

## 6.3. Observations

I note that the Board referred the appeals to a number of prescribed bodies, including An Chomhairle Ealaíon, An Taisce, Development Applications Unit Department of Culture Heritage and the Gaeltacht, Fáilte Ireland and The Heritage Council. No submissions 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 & consideration of alternatives.
- Visual impact, impact on heritage & on the amenities of the area
- Appropriate Assessment

### 7.2 Principle of development. Need for Development & 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. The existing Eir mast to be replaced is only 12m in height and is, it is asserted, too low to propagate signal to the target coverage area. The proposed mast of 25m is intended to facilitate the convergence of overground telecoms infrastructure including the mast, antennas, microwave dishes and exchange building together with underground infrastructure to include Eir fibre and copper phonelines. The proposed tower will also have the capacity to facilitate site sharing with third party 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 Croom 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 the application outlines three alternative discounted structures namely the existing monopole structure located within the grounds of Croom Garda Station (currently three and Vodafone transmit from here however height of Vodafone at lowest slot is insufficient in terms of geographical

coverage footprint for 4G), Croom Water Tower (from where Eir currently transmit however the coverage footprint of this structure is inadequate and leaves localised gaps in Eir's coverage) and Tullovin (existing monopole located 3km south of the appeal site too remote to provide coverage). 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 Heritage and the Amenities of the area**

- 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 within the appeal documentation a series of photomontages are provided which seek to demonstrate the visual impact of the proposed structure. The proposal is for a 24m high lattice

tower structure and as an alternative a 20m high proposal is also offered in mitigation. (this alternative demonstrated in viewpoint 2.2). The grounds of appeal assert that the 24m height is required to see above the tall dense foliage in the area. It is asserted that the 20m alternative is not the preferred technical solution for the site as it would limit the future capacity and quantity of equipment which the structure could accommodate.

7.3.4 I note that the decision of the local authority refers to the visual impact on the protected structure the impact in terms of streetscape on the eastern approach to Croom. Having regard to the siting adjacent to the existing exchange building, and noting the nature of the established telecommunications structure on the site I agree with the first party that a new telecommunications structure would not be out of character. As regards the impact on the adjacent protected structure I consider that a suitably designed structure could be accommodated in principle. I consider however that the design of lattice tower structure of 24m (or the 20m alternative) would be visually inappropriate and would have a significant dominant and negative visual impact in the immediate area. I note in particular that the view from close proximity (within 12m) of the local road and bridge to the north of the site would be highly obtrusive notwithstanding the elevation of the road over the proposed structure. In light of the Guidance within the Telecommunications Antennae and Support Structure Guidelines 1996 which recommend that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages and where 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 proposed latticed tripod structure on this eastern approach to Croom is at odds with the guidelines and I am not satisfied that site specific design mitigation has been addressed within the application and appeal. The proposal would be locally visually prominent by reason of its design. In my view the proposal gives rise to an unacceptable visual impact as to warrant a refusal. The proposed development is at odds with national and local policy with regard to design, would give rise to an

obtrusive feature in the landscape and would be contrary to the proper planning and sustainable development of the area.

## **7.4 Other Issues**

- 7.4.1** On the issue of appropriate assessment having regard to the nature and extent of the development 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**

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

Having regard to visually prominent location of the site on the eastern approach and to Croom, to the proximity of the proposed mast to Croom Railway Station - Protected Structure 1122 and to the immediacy of the proposed lattice tower structure to the local road and railway bridge to the north 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 design mitigation* and would be contrary to the objectives of the planning authority, as set out in the current Limerick County Development Plan 2010-2016 and Croom Local Area Plan 2020-2026. The proposed development would, therefore, seriously injure the setting of protected structure 1122 Croom Railway Station and would injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

10<sup>th</sup> March 2021