



An
Bord
Pleanála

Inspector's Report

ABP-308930-20

Development	Construction of an 18-metre-high free standing communications structure
Location	Mooncoin Eircom Exchange, Chapel Street, Mooncoin, Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	20409
Applicant(s)	Eircom Ltd
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom Ltd.
Observer(s)	Thomas and Nicola Foley Cllr Pat Dunphy
Date of Site Inspection	4 th of March 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in the village of Mooncoin in south Kilkenny. It is located along Chapel Street which is east off Main Street, Mooncoin. The street serves a number of residential developments, a small housing estate, and a graveyard.
- 1.2. The subject site is stated to be 0.03Ha and includes a small cube like structure which is an existing telecom exchange. The building is a small block structure with a flat roof. There is low block wall fronting the site, and mature hedging along the southern site boundary and low wall to the north.
- 1.3. There is a small housing estate on the opposite side of the road to the subject site, and a graveyard to the south of the site.

2.0 Proposed Development

- 2.1. The construction of an 18metre high free-standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works.
- 2.2. The proposed development will form part of Eircom's existing telecommunications and broadband network.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny Co. Co. refused planning permission for the propose development for one reason:

Having regard to the Guidelines relating to telecommunications antennae and support structures – Department of Environment and Local Government 1996, and the location, scale and height of the structure within a residential area of Mooncoin village settlement in close proximity to a number of dwellings, the Pollrone Graveyard/ Cemetery identified on the National Inventory Architectural Heritage Reference 12328013 and Rated of Regional Importance and existing pattern of development in the area, it is considered the proposed development would be

visually obtrusive at this location and would seriously injure the visual, residential amenities and heritage value of the area and devalue existing properties in the vicinity of the site. The proposed development would therefore contravene National policy and Section 9.4.2.1 Telecommunications Antennae Development Management Standards of the Kilkenny County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal is located within an existing Eircom Exchange site.
- High number of dwellings in close proximity to the site
- The scale and height of the development will seriously injure the visual and residential amenities of the area
- Co-sharing is proposed.
- The proposal would represent an unduly prominent feature in the village and Chapel Street
- Alternative sites were not considered

3.2.2. Other Technical Reports

Roads Design: - No objection

3.3. Prescribed Bodies

Irish Aviation Authority had no observations.

3.4. Third Party Observations

There were a number of third party objections with the following concerns:-

- Out of scale
- Proximity to residential properties
- Proximity for the graveyard
- Residential Amenities

- Over-dominating
- Health and safety risks

4.0 Planning History

No relevant planning history

5.0 Policy Context

5.1 National Policy

Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996.

The aim of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996” is to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Section 4.3 of the Guidelines states with respect to Visual Impact:

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might 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 or prospect*

There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

5.2 Local Planning Policy

5.3 Development Plan

Kilkenny County Development Plan 2014-2020

9.4.2 Telecommunications Antennae

The Council recognises the importance of a high quality telecommunications service and will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and sustaining residential amenities and environmental quality.

9.4.2.1 Telecommunications Antennae Development Management Standards

When considering proposals for telecommunications masts, antennae and ancillary equipment, the Council will have regard to the following:

- a) the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of sensitive landscape (See Chapter 8 Heritage) or historic importance;
- b) the potential for co-location of equipment on existing masts; and
- c) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities¹⁵⁶ and Circular Letter PL 07/12

The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment in the following locations, save in exceptional circumstances where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover:

- (i) Highly scenic areas or areas specified as such in the landscape character assessment, such as Mount Brandon and the River Valleys; in such cases the developer shall demonstrate an overriding technical need for the equipment which cannot be met by sharing of existing authorised equipment in the areas and the equipment is of a scale and is sited, deigned and landscaped in a manner which minimises adverse visual impacts.
- (ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/conservation areas; and,
- (iii) In close proximity to residential areas.

In the assessment of individual proposals, the Council will also take the impact on rights of way and walking routes into account.

To avoid proliferation, which could be injurious to visual amenities, the Council will encourage co-location of antennae on existing support structures and require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

Proposals within the County for telecommunications antennae and support structures must show:

- a) the alternative sites considered and why the alternatives were unsuitable,
- b) the number of existing masts within the County,
- c) the long term plans of the developer in the County and the potential for further masts,
- d) and the plans of other promoters and any prior consultations which the developer may have had with other mast owners.

9.4.2.2 Telecommunications Antennae Objective

To set up and maintain a register of approved telecommunications structures which will provide a useful input to the assessment of future telecommunications developments and would also be useful from the point of view of maximising the potential for future mast sharing and co-location.

5.1. Natural Heritage Designations

The closest European site to the appeal site is the Lower River Suir SAC (site code 002137) which is located c.2km to the west of the appeal site at the closest point.

5.2. EIA Screening

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 **Coverage Blackspot**

The main driver of the proposed development is to remove the Eir coverage blackspot within the village. The site will provide 2G, 3G and 4G coverage which will improved voice and high speed data service to the area. Due to the nature of the land it would not be possible to secure alternative sites that satisfy the requirements of the development plan. The proposals represents an important component of strategic telecommunications infrastructure.

6.1.2 **No Alternative Locations**

Co-location in an existing structure is always preferable to installing new infrastructure. There are no existing telecommunication structures within 2km of the subject site. There are 4No. masts that currently provide coverage for the village but the closest is 4.2km form the site. Due to distance the sites cannot provide coverage requirements.

6.1.3 **Site Selection**

The site was selected as an existing communication installation for over 20 years and the addition of the proposed 18metes structure to upgrade the existing installation.

6.1.4 **Co-Location**

Eircom Ltd continues to operate a policy of co-location , and the proposed location has the capabilities to allow multiple operators of both mobile and broadband services in the Mooncoin area.

6.1.5 **Devalues Property**

There is no evidence to substantiate that the values of local properties will be impacted upon negatively with regard to land values. Properties have increase in

value with basic strategic infrastructure. Telecommunication structures have become accepted within populated areas throughout the country.

6.1.6 ***Visual Impact***

A slimline monopole structure was selected in order to reduce the visual impact. The structure is of a design and scale that would not be out of character or visually obtrusive in the village. The monopole is nondescript in character and design and is not dissimilar to a lamp pole or a traffic light pole. The structure is designed to enable co-location in order to avoid a proliferation of masts in the area, this is consistent with government guidelines.

Additional photographs are included providing visual montages of the structure in the area, and there would be no detrimental impact on the area.

6.1.7 ***Impact and Local Context***

The proposed upgrade is necessary with more people working from home, and the lack of ability to work from home has a knock-on affect in terms of Ireland's target to reduce carbon emissions.

6.1.8 ***Kilkenny County development Plan 2014***

The development is in line with section 9.4 of the development plan relating to telecommunication structures.

6.1.9 ***National and Regional Planning***

The development complies with the National Broadband Plan, the National Spatial Strategy

6.2. **Planning Authority Response**

- The visual impact submitted is very selective, and the viewing points are very remote from where the greatest impact occurs (Chapel Street).
- The structure is positioned very close to residential units especially along Chapel Street.
- The planning authority has examined the 4G coverage in the Mooncoin area, and consider the proposed development to be piecemeal.

- It is accepted the structure may enhance the services in a small localised area, however this does not justify the infrastructure.
- The proposed infrastructure is not directly aligned to the National broadband plan
- There has been no case presented as to why this is the only viable site. It is only as a last resort free standing structures should be located beside residential properties.

6.3. Observations

6.3.1 *Cllr. Pat Dunphy*

- The structure is 18m high beside 20no. dwellings along Chapel Street.
- It will be highly visible from the housing estate Polerone Green, Suir Crescent and the Main Street
- The structure is proposed directly opposite to a dwelling and it is only 8 metres from the dwelling
- It will have a dominating affect
- It will devalue properties
- Health implications
- The residents of the village are opposed to the structure.

6.3.2 *Thomas & Nicola Foley*

- Chapel Street is one of the oldest streets in Mooncoin, with a lot of history and importance. The scale of the proposed structure is not in keeping with the existing buildings.
- The proposed location is beside houses and will operate continuously, the potential for health risks cannot be ruled out.
- Any increase in traffic along the street will be a problem for residents and a hazard.

- There is no reference in the drawings to the proximity of the tower to the graveyard.
- The area where the mast is proposed is a low lying area surrounded by high ground in all directions, and the mast will be located at the base of the bowl in the landscape, and provides a poor planning location.
- The old graveyard has a historical context
- The structure is visually intrusive, and it will be an eyesore in the area.

7.0 **Assessment**

7.1 I have read the contents of the file, and had particular regard to the planning authority's reason for refusal, the grounds of appeal, and the submissions made to the Board by the planning authority. I have also had regard to the observations received and visited the site, and I consider the salient issues in the assessment of the appeal are as follows:

- Impact on Visual and Residential Amenities
- Compliance with Policy INF 11
- Consideration of Alternatives
- Compliance with National Guidelines
- Appropriate Assessment

7.2 **Impact on Visual and Residential Amenities**

The receiving environment is a built-up area in Mooncoin village on Chapel Street opposite housing and adjoining an old graveyard. The site location is an existing telecom exchange site, 03Ha, which contains a small cube like structure for the past twenty years. The structure is innocuous when viewed from the adjoining streetscape, and has minimal visual impact on the surrounding area.

There was strenuous third-party objection to the proposal at planning application stage from local residents regarding the visual impact of the proposed structure and its proximity to dwellings houses.

The proposed structure is a 18metre monopole structure. The drawings and the appeal describe the structure as a slimline lattice tower, similar in context to a light pole or traffic light. In my opinion, the proposed development is a robust structure, that includes bulky equipment at the top of the tower. It is to be positioned in front of the existing Eir exchange building.

The subject site on Chapel Street is located at a lower level to Main Street, Mooncoin and major approach roads to the village. The proposed structure will be visible from the surrounding residential properties, as it will dominate the visual aspect upon entering Chapel Street from the north and south, and will be highly visible from Chapel Street itself, and the housing estate located on the opposite side of the road to the subject site.

I consider the siting of the proposed structure to be indiscreet and discernible when viewed from the surrounding area and Chapel Street. I do not accept the argument stated by the applicant that the structure is akin to a light pole, and that there will be minimal visual impact. There is nothing to assist obscuring or mitigating against the adverse visual impact of the structure particularly when viewed from the adjoining residential properties one of which is less than 10metres from the proposed structure.

The Board the subject site is not a visually sensitive location and there are no protected views or buildings associated with area. There is an old graveyard on the contiguous site, to the south. Although Chapel Street does not contain a building fabric of architectural merit and the fact, telecommunication structures have become part of the urban landscape, they are usually erected on rooftops, alongside garda stations or utility buildings, and not within residential area and if so, only as a last resort.

In conclusion, I do consider the proposed mast will have an adverse impact on the visual amenities of the area because of its conspicuous siting leaving the structure highly visible from the surroundings and adjoining residential properties. I consider

the structure will appear industrial in appearance on the streetscape because of its height and minimal setback.

7.3 **Compliance with Policy 9.4.2.1**

The reason for refusal states the proposed development contravenes Policy 9.4.2.1 (Telecommunications) of the Kilkenny County Development Plan 2014-2020.

Policy **9.4.2.1** (Telecommunications) states

The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment in the following locations, save in exceptional circumstances where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover:

(i) Highly scenic areas or areas specified as such in the landscape character assessment, such as Mount Brandon and the River Valleys; in such cases the developer shall demonstrate an overriding technical need for the equipment which cannot be met by sharing of existing authorised equipment in the areas and the equipment is of a scale and is sited, deigned and landscaped in a manner which minimises adverse visual impacts.

(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/conservation areas; and,

(iii) In close proximity to residential areas.

The proposal is not located within any significant views, prospects or vistas, it is located within a normal village setting. It will not impact on significant views of a National Monument or protected structure given its location within a village, and the separation distance from protected structures. In my opinion, it is a significant visual impact of the development is from the vantage point of the dwellings off Chapel Street.

It is not clear from the file why the applicant requires a new telecommunications structure in such close proximity to residential properties in Mooncoin apart from an unsubstantiated argument that there is a lack of coverage in the area, and the site is

an eircom exchange for 20years. On this basis, I do not consider the proposal complies with the stated development plan policy.

7.4 **Consideration of Alternatives**

There is no requirement under the Telecommunications Guidelines for any applicant of a telecommunications mast to investigate alternative site locations. In this instance it would constitute best practice to thoroughly evaluate existing and permitted sites in order to avoid an undue proliferation of telecommunications masts in a residential area alongside schools and hospitals. The applicant did not address fully co-locating on existing structures in the area. It is submitted the existing structures are located too far from the village which the closest been 4.2km from the site.

Essentially to permit a new telecommunications mast on the subject site is not technically justified on appeal, furthermore, the area or village is not undergoing large scale residential or commercial development which would justify a greater demand in the immediate area for more telecommunication coverage.

7.5 **Compliance with National Guidelines**

The guidelines on *Telecommunication Antennae and Support Structures* from 1996 state that only as a last resort should freestanding masts be located in a residential area. I have already argued above, that the subject site, is located in a residential area, in close proximity to dwellings. Taking into consideration the lack of evidence that the applicant approached other providers for co-location, I am not convinced the proposed development complies with national policy in this regard. The applicant has failed to present a case that this site is the only option available and that the proposed site is a last resort. Therefore, I conclude it does not comply with the Guidelines.

7.6 **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning authority's decision to refuse planning permission for the proposed development be held by the Board.

9.0 Reasons and Considerations

Having regard to:

(a) the Guidelines relating to Telecommunications Antennae and Support Structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,

(b) Section 9.4.2.1 of the Kilkenny County Development Plan 2014-2020;

(c) the highly visible context of the 18metre freestanding monopole structure within a village setting, in particular along Chapel Street

it is considered that the proposed development would seriously injure the visual amenities of the area and be contrary to national and local planning policies. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

12 of April 2021