



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309255-21

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<b>Development</b>	Construction of multi-operator telecommunications infrastructure
<b>Location</b>	Eir Exchange, Railway Road, Killeshandra, Co Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	20471
<b>Applicants</b>	Eircom Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Eircom Limited
<b>Date of Site Inspection</b>	29/06/2021
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1.1. The site is located at Eir Exchange, Railway Road, Killeshandra, Co Cavan. The site is elevated with reference to the public road, being 2m higher. The site is located close to single storey, stone, railway buildings. This location was formerly the terminus of the Killeshandra branch of the Midlands Great Western Railway (MGWR). The site is south of a housing scheme of 26 semi-detached and terraced residential properties at Railway Road and directly opposite a pair of semi detached houses. The site adjoins a barrel roofed building to the south and immediately beyond that building there is a pair of cottages facing the regional road, R201.
- 1.1.2. Within the town there are extensive areas of industrial use, including a large Lakeland Dairies site to the north. The ESB substation, where an existing mast is located, is on Church St.
- 1.1.3. The site is given as 0.00541ha.

## 2.0 Proposed Development

- 2.1.1. The proposed development is the erection of multi-operator telecommunications infrastructure comprising an 18m high monopole (overall height 19m) telecommunications support structure with antennas, dishes and associated equipment together with ground level equipment cabinets, new wall and fencing, 4m x 4m foundation and 1.4m diameter pole, 2.4m palisade fence constructed on a retaining wall, 3 cabinets at ground level 1.650m high.
- 2.1.2. The application is accompanied by a letter from Towercom. Towercom manage an existing mast network in Ireland and facilitate the co-location of multi-operator infrastructure to a wide range of clients including national mobile operators, national and local broadband providers, national broadcasters and national and local emergency services for both the public and private sector. There is an opportunity for future equipment to co-located for between 2 and 3 operators.
- 2.1.3. ComReg Siteviewer map extract, shown in Fig 3 of the document, shows sites at the ESB substation on the outskirts of the town 450m northwest, which accommodates Vodafone on a 20m wooden monopole; the Three Ireland, Vodafone and EIR mobile

(formerly Meteor) site is 2km north west on rural farmland; and Three Ireland and Imagine are located 2.5km northeast.

- 2.1.4. Existing coverage for Three and EIR mobile and Vodafone are shown (figs 4-6). Vodafone is shown as good, EIR mobile is fair.
- 2.1.5. The policy context is outlined.
- 2.1.6. Four photomontages are provided.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority decided to refuse permission for two reasons:

1 It is considered that the scale and design of the proposed telecommunications structure would have an adverse impact on the visual and residential amenities of the area, would set an undesirable precedent for future development of this nature, would be contrary to Objective PLO120 of the Cavan County Development Plan 2014-2020 which states 'masts will only be permitted within towns and villages of the County when accompanied by satisfactory proposals for dealing with dis-amenities and incompatible locations' and would be contrary to the proper planning and sustainable development of the area.

2 It is considered that the proposed development would be contrary to the stated objectives PLO118, PLO122 & PLO125 of the Cavan County Development Plan 2014-2020 in relation to reasoned justification for the proposed development in terms of co-sharing and clustering and would therefore, be contrary to the proper planning and sustainable development of the area.

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

- 3.2.1. Planning Reports

The principle of a telecommunications mast at this location was established under planning history, 99/261, 04/1648 & 09/195 which permitted a wooden monopole 10.5m high with a single metal omni antenna of 4.2m height on a 0.6 x 0.6 concrete base and a narrow diameter 0.4m. The structure was removed due to its lightweight

design, stated as not being capable of supporting new operators. Previous refusal 20/72 for a 20m monopole (overall height 21.5m).

#### Applicant's report

The site is already developed for utilities accommodating the Eircom Exchange network and previously accommodated a Vodafone antenna support structure.

- The site benefits from screening.
- Technical justification – needed to provide and improve the coverage and capacity of mobile telecommunications and broadband services in this area of Cavan.
- Nearest telecommunications site is at ESB substation on the outskirts of Killeshandra, 450m away which accommodates a single Vodafone 20m monopole. Next nearest site is 2.5km north west which accommodates 3 users – Three Ireland, Vodafone and EIR mobile.
- The proposed infrastructure is located within Killeshandra town as this is the area intended for coverage. The main objective of the operators would be to provide indoor voice and data services to the homes, businesses and roads in this area and it must be located in reasonable vicinity to the area it is intended to serve.
- Mapping shows existing coverage.
- Surrounding areas east and west of Killeshandra town only get outdoor coverage and no indoor coverage.
- EIR mobile coverage 'fair'. Three Ireland coverage 'fair'.
- Vodafone 4G coverage 'very good'
- Any local impacts must be balanced against the broader planning merits of the development. the proposed telecommunications mast by virtue of its scale, height and design will have a negative impact on the visual catchment, in particular on the dwelling houses within 100m radius of the site.
- The applicant has not demonstrated that the alternative location site ESB substation cannot reasonably facilitate multiple users or an additional support

structure on the land, nor has the applicant demonstrated that all other alternative sites have been thoroughly investigated.

### **3.3. Third Party Observations**

- 3.3.1. Third Party Observations on the file have been read and noted. Issues raised include visual amenity, devaluation of property, health, traffic, precedent, childcare facility across the road.

## **4.0 Planning History**

99/261 Eircell Ltd retain support pole and antenna for mobile communications.

04/1648 Vodafone Ireland Ltd – develop a 10.5m high support pole and antennae to be used for mobile communications purposes.

09/195 Vodafone Ireland Ltd – develop a 10.5m high support pole and antennae to be used for mobile communications purposes. (previous ref 04/1648).

20/72 EIR for development consisting of multi-operator telecommunications infrastructure comprised of: a 20m monopole (overall height 21.5m), antennas, dishes and associated equipment together with ground level equipment cabinets, new wall and fencing; refused.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. Cavan County Development Plan 2014-2020, extended, is the operative plan. Relevant provisions include:

- 5.1.2. The site is within Killeshandra, a tier 4 town, where it is zoned whitelands: for mixed use development outside town or village cores. To cater for the continued growth and development of small towns and villages

Other relevant provisions;

Objective EDO15 To facilitate the development of broadband telecommunications as an enabler of rural enterprise.

## Mobile Phone Network Development

With regard to mobile phone network development, the physical infrastructure needed to provide this service must be developed in a strategic way that minimises the impact on the environment. It shall be the policy of the Council to achieve a balance between facilitating the provision of telecommunications services, in the interests of social and economic progress and sustaining residential amenities, including public health and maintaining a quality environment.

The development of telecommunications infrastructure shall be in compliance with the requirements of the DECLG Planning Guidelines 'Telecommunications Antennae and Support Structures'(July 1996) and any amendments or revisions and Circular Letter PL07/12 issued by DECLG (October 2012).

## Location of Masts

The Planning Authority recognises the need in the national interest and in compliance with the NDP to support the extension of the telecommunications network throughout the County as part of the National and International economy.

## Objectives

**PIO118** To encourage the co-location of antennae on existing support structures and to 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 be excessive. The Planning Authority will generally consider any location with three or more separate support structures as having no remaining capacity for any further structures.

**PIO120** Masts will only be permitted within towns and villages of the County when accompanied by satisfactory proposals for dealing with dis-amenities and incompatible locations.

**PIO121** Masts will only be permitted if supported by an acceptable 'Visual and Environmental Impact Assessment Report'.

**PIO125** To submit a reasoned justification as to the need for the particular development at the proposed location, in the context of the operator's overall plans to develop a network and the plans of other operators. To provide details of what other sites or locations where considered and include a map showing the location of

all existing telecommunication structures, whether operated by the applicant or by a competing company, within 1km of the proposed site and reasons why these sites were not feasible.

## **5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996**

5.2.1. These Guidelines set out the criteria for the assessment of telecommunications structures. Of relevance:

- 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 (Section 4.3).
- Facilities and Clustering (Section 4.5). Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets. The matter of sharing is probably best dealt with in pre-planning discussions.

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

5.3.1. This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and instead advises that a condition be included stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

## 5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura site is Lough Oughter and associated Loughs SAC (site code 000007) and Lough Oughter and associated Loughs SPA (site code 004049) located c 0.2km from the subject site.

## 5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. A first party appeal against the decision to refuse permission has been submitted by Towercom limited, on behalf of EIR (Eircom limited).

- 6.1.2. The grounds of appeal includes:

- A Vodafone wooden structure with omni antenna, 10.5m (overall height 14.7m) was permitted, since removed.
- A slimline monopole structure of reduced height 18m (overall height 19.5m) was selected for this site in response to previous refusal, in order to reduce visual impact.
- Photomontages are provided from:
  - North of site from Railway Road
  - Southeast of site at entrance to Railway Road
  - Southwest of site from R201 approach

(as supplied with the application). It is not considered that the impact will be significant in the wider area. Given the setting at an established EIR



Exchange, the mixed use nature of the surroundings, the natural screening along the western property boundary, these elements help mitigate the visual impact. Where the structure will be visible due to its increased height, it will generally be seen protruding over the rooftops and through natural screening in the surrounds.

Site suitability – it is at an EIR exchange, beside Lakeland Dairies. The village is the area proposed for coverage.

The guidelines do not include separation distances from dwellings. The presence of dwellings and community uses increases the justification for the proposed infrastructure as there is an increased demand for services.

The location is most appropriate considering:

- History of site
- Within established utilities exchange property.
- Facilitating co-location
- Minimal height of 18m.

The guidelines state that if locations within or in the immediate surrounds of smaller towns or villages are necessary, sites already developed for utilities should be considered and installations should be designed and adapted for the specific location.

CDP policies and reason no. 2

PLO118 – established utilities property

PLO120 – Killeshandra town is the area intended for coverage. Small scale, larger than previous is needed to accommodate additional operators.

PLO122 – capable of facilitating co-location.

PLO125 – Cavan Co Co consider the technical justification is sufficient in its own right.

Letter of support from EIR mobile is provided which includes:

The rollout of mobile wireless broadband services by EIR Mobile, as a wholly owned subsidiary of EIR Plc requires a greater number of telecommunications

sites in order to meet licence obligations for coverage. This site would provide coverage to our customers living, visiting and travelling in the area. Failure to progress this installation therefore could have a negative future impact on network subscribers enjoying future technologies.

## **6.2. Planning Authority Response**

6.2.1. The planning authority have responded to the grounds of appeal stating:

Visual impact – the planning authority does not concur with the findings that the reduced 18m monopole would not be visually obtrusive. This is clearly illustrated in photomontages submitted in particular as viewed from Railway Road viewpoints 1 & 2.

Site suitability – the scale and height far outweighs that previously permitted on this site.

Objective PLO118 – no documentation has been provided in the appeal as to why the co-location at the existing ESB substation cannot be considered. Per Objective PLO120 and Objective PLO125 justification has not been provided.

## **7.0 Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, and the principle of proposed development, and the following assessment is dealt with under these headings

### **7.2. Appropriate Assessment.**

7.2.1. Having regard to the nature and scale of the development proposed, the limited extent and duration of the associated construction works, and the distance to the nearest designated sites, 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.

### 7.3. Principle of Proposed Development

- 7.3.1. The site is identified in the Killeshandra land use map, zoned 'whitelands' adjoining the town core.
- 7.3.2. The Development Plan notes that a high quality and competitive telecommunications service is considered essential in order to promote industrial and commercial development and to improve personal security and enhance social inclusion and mobility.
- 7.3.3. I consider that the proposal to improve telecommunications and broadband services is broadly consistent with the Section 4.8 of the County Development Plan, which seeks to improve infrastructure.
- 7.3.4. Objective PIO118 of the Development Plan encourages co-location of antennae support structures and sites where feasible and requires documentary evidence, as to the non availability of this option, in proposals for new structures. The plan states that development of telecommunications infrastructure must be in compliance with the requirements of the DECLG Planning Guidelines 'Telecommunications Antennae and Support Structures'(July 1996) and any amendments or revisions and Circular Letter PL07/12 issued by DECLG (October 2012).
- 7.3.5. The Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. 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.
- 7.3.6. The applicant set out the technical justification for the proposal in a letter to the planning authority, which accompanied the application, which includes a Comreg outdoor coverage map indicating Eir Mobile's 4G coverage.
- 7.3.7. In support of the application it is stated that the nearest telecommunications site is located at the ESB substation on the outskirts of Killeshandra approx. 450m northwest of the Exchange site, which currently accommodates Vodafone on a 20m wooden monopole. Three Ireland, Vodafone and Eir mobile (formerly Meteor) are located further northwest of Killeshandra, approx. 2km from the site, on rural farmland. Finally, Three Ireland and Imagine are located approx. 2.5km northeast of the Exchange. Operators are utilizing the existing suitable telecommunications

structures by co-locating with other operators in the surrounding area where possible. They have identified the subject site, with significant potential for upgrading to a multi-user telecommunications site and for which Eir Mobile have provided their support. The proposed infrastructure is located within Killeshandra town as this is the area intended for coverage. The proposed installation must be located in reasonable vicinity to the area which it is intended to serve. These arguments are re-iterated in the grounds of appeal.

- 7.3.8. In my opinion neither the application documentation, nor the grounds of appeal provide justification for the new structure or fully consider existing telecommunications structures. The site is in a sensitive location, near heritage buildings and within a residential area. There are extensive areas of industrial use within the town and immediately adjoining, such as at the ESB substation where an existing mast is located. The presence of the exchange building is not sufficient justification for the choice of location.
- 7.3.9. The site is located in a sensitive location within the town of Killeshandra. The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. The site is not a last resort. Objective PIO118 of the Cavan County Development Plan 2014-2020, extended, requires co-location where feasible.
- 7.3.10. The applicant has not met the requirements and standards relating to sharing facilities and co-location of antennae, contained in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.
- 7.3.11. The proposed development is not acceptable in principle and this is a reason to refuse permission.

## **8.0 Recommendation**

- 8.1.1. In accordance with the foregoing I recommend that permission should be refused, for the following reasons and considerations.

## 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) the height, scale and location of the proposed development in the centre of the town, and

(c) the failure to fully assess alternative locations or demonstrate that this is a last resort location,

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

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Planning Inspector

July 2021

Appendices:

Appendix 1 Photographs

Appendix 2 Cavan County Development Plan 2014-2020, extended, extracts.

Appendix 3 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, extracts.