



An
Bord
Pleanála

Inspector's Report ABP-309587-21.

Development	Construction of a lattice tower telecommunications structure.
Location	Toberiheen, Ballydangan, County Roscommon.
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	20377
Applicants	Signal Infrastructure Ireland.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellants	John and Shauna Nevin.
Observers	Mary J. Kenny Pauline & Sean Whelan Denise Nevin James Flynn Teresa Gallagher Cathal O'Sullivan Tony & Maureen Nevin

Martin Greene

Date of Site Inspection

19th May 2021.

Inspector

Philip Davis.

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1.0 Introduction

This appeal is by a number of local residents against the decision of the planning authority to grant permission for a mobile phone tower in a rural area in Roscommon.

2.0 Site Location and Description

2.1. Toberiheen

Toberiheen townland is located in the low-lying gently undulating topography of west Roscommon, roughly equidistant between the towns of Ballinasloe and Athlone. The area is characterised by pasture and some lowland bog in medium sized fields bounded by ditches and hedgerows. The area appears to have been extensively drained in the past and there are many indicators of medieval settlement on higher ground. The M6 motorway intersects the area in a series of shallow cuttings and embankments. The former N6, now the R446 runs north of the M6, otherwise, the area is served by a network of country roads and unpaved access tracks. The area is settled by a scattering of dwellings, mostly on ridges and higher ground along the minor road network. The appeal site is within a field in open lands just south of the southbound carriageway of the M6.

2.2. Appeal site

The appeal site is a small square shaped plot some 0.0176 hectares in extent within a grazing field approximately 20 metres south of the M6. There are some indications that the land was previously drained and probably raised. The field is accessed via a track on adjoining fields which are connected to the minor road network to the west and east via private farm tracks. There is an area of raised bog just to the north and east of the lands, with a deep drainage ditch separating the bog from the field.

3.0 Proposed Development

The proposed development consists of a 30 metres high multi-user lattice tower telecommunications structure, carrying antenna and dishes enclosed within a 2.4

metre high palisade fence compound with associated ground equipment and associated site works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission, subject to 5 standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports on file, the second subsequent to a request for further information.

- Notes 20 valid submissions, all objecting to the proposed mast.
- EIAR and AA screening, need for either not required.
- The local landscape is identified as a 'Moderate Landscape Character' area.
- No identified flood risk.
- Question raised about access to the site.
- A number of items of further information were requested.
- The second report noted that the applicant had confirmed access to the site, and additional details were submitted on finish details.
- Permission recommended subject to conditions.

4.2.2. Other Technical Reports

Roads Design Section: No objection.

4.3. Prescribed Bodies

Transport Infrastructure Ireland: No objection subject to the planning authority applying relevant national guidance.

Irish Aviation Authority: Request a condition such that a fixed red obstacle site be affixed to the mast.

4.4. **Third Party Observations**

A total of 20 third party observations were submitted, all objecting to the proposed development. Issues raised included traffic hazard, landscape impact, health and access to the site.

5.0 **Planning History**

There are no records of previous applications or appeals on or close to the site.

6.0 **Policy Context**

6.1. **Development Plan**

The site is in open countryside without any specific zoning or other designation. Relevant policy on infrastructure is set out in Section 4.7, and 9.33 of the Roscommon CDP 2014-2020. National policy is set out in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the DoE in 1996, with additional circulars including PL07/12.

6.2. **Natural Heritage Designations**

There are no EU designated habitats on or close to the site. The closest sites are approximately 5 km to the east, the Middle Shannon Callows SPA site code 004096 and the Middle Shannon Callows SAC site code 000216. The local drainage network is part of the overall Shannon catchment.

6.3. **EIAR**

Having regard to the nature of the proposed development and the absence of any sensitive receptors in the immediate vicinity, the development would not result in a real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The decision has been appealed by **John & Shauna Nevin of Toberiheen**.

- It is argued that the planning authority did not give full consideration to the many objections to the applicaiton, and it is argued that insufficient information was given to the local community.
- Concerns are expressed at the potential health impact of the tower – the appellants home is c.450 metres from the proposed tower and the local Primary School is approximately 1km away.
- It is argued that the access is used locally by the local community and the extra traffic would result in a hazard.
- It is stated that the site has in the past been infilled with various materials and there is a potential for pollution of local watercourses from ground disturbance from the works.
- It is argued that the absence of natural screening in the vicinity will ensure the tower will have a strongly negative impact on the local landscape and wildlife.

7.2. Applicant Response

- It is stated that the purpose of the tower is to improved 3G and 4G and broadband services to the area, in particular the stretch of the M6 between Athlone and Ballinasloe and for road users and businesses.
- With regard to health impacts, national policy in this regard is noted and it is stated that all equipment to be used is designed to be in full compliance with ICNIRP, Comreg and license requirements.
- With regard to road and access issues, it is noted that neither the Council nor the TII had any issue with road access. It is stated that the access road is

considered to be of acceptable standard for access and that once operational there would be a very low level of additional traffic movements.

- With regard to environmental impacts, it is noted that the site is not close to or adjoining any designated habitats and that best practice will be applied to all ground works.
- With regard to visual impacts, the Boards attention is drawn to visualisations submitted with the application. It is argued that the impact is acceptable in the context of the local landscape and topography. While some impact is acknowledged, it is argued that this should be balanced with the need for communications improvements.
- It is acknowledged that the site is just under 1km from the local school. It is stated that the site was chosen after an extensive site search and that the separation distance is such that there would be no impacts with approved levels of emission from ComReg.
- In conclusion, it is argued that the site was chosen to minimise impacts on the local community and will provide an important improvement to local phone and broadband users.

7.3. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.4. Observations

Mary J. Kenny of Liberty, Ballydangan

- It is argued that there is sufficient mobile and broadband coverage in the area, so the tower is not needed, especially as there is a local roll out of fibre broadband.
- It is argued that it will be intrusive in the local landscape.
- Concerns are expressed over health risks and possible impacts on farm animals.

Martin Greene of Lakeland, Ballydangan

- Expresses concerns over health impacts.
- Argues that the site was poorly chosen.
- Concerns are outlined above visual impact, impacts on farm animals and wildlife, and the impact of traffic on the local access track.

Tony & Maureen Nevin of Toberiheen

- Concerns are expressed at potential health impacts on children, farm animals, and wildlife.
- It is submitted that it would be intrusive on the landscape.
- Concerns are outlined about the past infilling of the land with possible impacts on local watercourses.
- Concerns are expressed at the impact of additional traffic on the local paths.

Cathal O'Sullivan of Loughlackagh, Ballydangan

- Expresses concerns at building within a former bog which was used for clay disposal from the M6 works.
- It is argued that it would impact negatively on the local road network used by all age groups.
- Concerns outlined about health impacts, and the need for such a lattice tower.

Teresa Gallagher of Tobberaheen

- Expresses strong worries about the potential health impact on local children.
- Objects on the grounds of the impacts on local habitats and wildlife.

Denise Nevin of Camcloon, Ballydangan.

- Expresses strong concerns about the impact of the tower on health and the local environment.
- Argues that there is no demonstrated need for the tower, as there is good local phone and broadband connections.

James Flynn of Liberty, Ballydangan

- Outlines concerns about the impact on farming and wildlife, including a local badger sett.
- It is submitted that the tower is unnecessary as there are already two in the area.
- Expresses concerns about the impact on humans and farm animals.

Pauline and Sean Whelan of Lakeland, Ballydangan

- Objects on the basis of visual impact of a tall tower in the local landscape.
- It is argued that it will have an unacceptable impact on the local road network.
- Outlines concerns about local health and amenities.
- The need for the tower is questioned.

8.0 Assessment

Having inspected the site and reviewed the file documents I consider that the proposed development can be addressed under the following general headings:

- Principle of development
- Visual/amenity impacts
- Health impacts (humans, animals, wildlife)
- Access and construction
- Water and flooding
- Other planning issues
- Appropriate Assessment

8.1. Principle of development

National policy is set out in the *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the DoE* in 1996, with additional circulars including **PL07/12**. The departmental guidelines state that specific design measures should be undertaken to eliminate the visual impact of telecommunication structures. Sharing and clustering of telecommunication facilities is to be encouraged. All applicants are encouraged to share and will have to satisfy the planning authority that they have made a reasonable effort to share the use of the same structure or building by competing operators.

Circular PL07/12 advises that attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease. Furthermore, Planning Authorities should cease to specify distance requirements in the development plan.

With regard to health and safety aspects of telecommunication infrastructure it is stated that the planning authority should be primarily concerned with the appropriate location and design of telecommunication structures and does not have competence for health and safety matters. These are regulated by parallel codes and regulations

and such matters should not be additionally regulated in the planning process. In S.48 Development Contribution Schemes such schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

Roscommon County Development Plan policy generally follows national policy – the 2014 plan is still operable, but a new plan is scheduled for adoption this year. Policies are set out in section 4.7 of the Plan:

Policy 4.64 Promote an integrated approach with service providers and with appropriate bodies in the creation of a modern telecommunications infrastructure within County Roscommon.

Policy 4.65 Work towards achieving the aims of the National Broadband Plan for Ireland- Delivering a Connected Society.

Policy 4.66 Have regard to recommendations made by the Landscape Character Assessment and seek to protect sensitive landscapes from the visual impact of large scale telecommunications projects.

Policy 4.67 Ensure that telecommunications infrastructure is adequately screened, integrated and/or landscaped, so as to minimize adverse visual impacts on the environment.

Policy 4.68 Encourage the location of telecommunications based services at appropriate locations within the county subject to technical requirements and to environmental considerations.

Policy 4.69 Support enhanced coverage and further co-ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity within Roscommon as a means of improving economic competitiveness and enabling more flexible work practices e.g. tele-working, video-conferencing, e-business and ecommerce.

Policy 4.70 Ensure that telecommunications developments and associated processes do not impinge on existing public rights of way or walking routes and require prospective telecommunications developers to identify any existing public rights of way, established walking routes and trails.

Policy 4.71 Ensure that all plans and projects associated with telecommunication networks will be subject to screening for Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive.

Such infrastructure is in general to be considered favourably in unzoned areas without any specific designations for protection, subject to the normal planning considerations. I would note that there is a general obligation on applicants to demonstrate that the chosen site is optimal and that additional infrastructure is necessary, specifically that there are no reasonable alternatives for co-location.

The observers have generally argued that there is no demonstrated need for an additional tower in the area as 3G, 4G and broadband connectivity is generally good. It is not stated explicitly within the applicant's submission (with particular regard to the document 'Technical Justification – 28th August 2020' submitted with the application), but it is implied that the additional coverage is primarily associated with the new motorway and ensuring good bandwidth and coverage for road users. The original application states that there is an identified blackspot for coverage in the Ballydangan area (Figure 2 in the above document), although it is not clearly indicated as to the nature and extent of this blackspot. I would also note that the Guidelines acknowledge the technical need in some cases for masts along major highways.

While I would not dismiss the local knowledge of the area, it would appear from the evidence submitted that there are low coverage zones in the immediate area and the proposed mast would address these problems, even if the residents in the immediate locality will not necessarily feel the benefits. With regard to the Guidelines and development plan policy, I would therefore consider that the proposed development should be generally considered favourably subject to the specific locational and design requirements set out in the Council policies quoted above.

8.2. **Visual/amenity impacts**

The appeal site is in the very open countryside of south Roscommon, characterised by a gently undulated topography with a mix of grazing land, bogland, regenerating woodland and mature hedgerows. The motorway is by far the most intrusive feature in the locality.

The nature of the local landscape is such that hiding such a structure within the topography or screening it behind forestry is very difficult. By its nature, it will be a prominent feature in the locality when viewed from both the adjoining main road and local roads. Its location beside the road and an area of regenerating woodland on what appears to be cutaway bog has the virtue of ensuring it has some screening and is not on an untouched part of the landscape.

There is relatively little scope to screen such a large tower in an open landscape such as this, although it would perhaps have been better to have located it within the regenerating woodland or directly on or near existing roadside infrastructure. Siting it apparently in a random section of the field doesn't help, it isn't explained why it could not be, for example, sited at the junction of the road edge and the woodland, this would have provided the opportunity to knit the base of the tower into the natural and man-made topography of the immediate area.

While the site is within approximately 450 metres of the closest residence, anything greater is very difficult to achieve in most rural areas characterised by scattered dwellings. I would consider such a separation distance to be sufficient to protect the specific residential amenities of any properties within view.

In terms of direct visual impact, it will be visible from users on the main road, and will be visible from a significant distance on the overpasses north and south of the motorway to the east and west of the site. There is a minor road running south of the site, but due to the topography and vegetation, it would only be intermittently visible. A number of dwellings along this road are on elevated plots and are clearly visible from the site, so presumably the proposed tower would also be very visible from these dwellings, albeit from around 500 metres distance.

Notwithstanding my concerns over the specific siting of the tower, I do not consider that the impact is such to justify a refusal, having regard to the criteria set out in the guidelines and circulars and the development plan.

8.3. **Health impacts (humans, animals, wildlife)**

The **Commission for Communications Regulations** (ComReg) is the statutory body responsible for the regulation of radiation emissions. Compliance with emission limits in respect of regulation is regulated nationally by ComReg and so

health issues are not a matter for An Bord Pleanála in determining and deliberating on the application proposed. Regular measurements of emission levels are required to comply with International Radiation Protection Association and Guidelines. While I acknowledge the concerns expressed by the observers, this is a matter for ComReg. I would also note that Circular **PL07/12** states that Planning Authorities should primarily be concerned with the appropriate location and design of telecommunication structures and do not have competence for health and safety matters in respect of telecommunications infrastructure, either with respect to human or animal health.

8.4. Access and construction

The appeal site is at the end of a small unpaved track running more or less parallel to the motorway. The observers have stated that this track is regularly used by locals for recreational walking and cycling. I would note that the immediate area is not particularly well served by opportunities for walking and cycling, especially as the local road network is perhaps a little too heavily trafficked for comfortable walking or for children cycling, although there are a number of very quiet minor roads both north and south of the motorway. I would note that both tracks along the motorway are dead ends, so have limited use for people doing circular walks or cycles.

While there is no doubt the track is used recreationally, I am satisfied that construction access will only be required for a relatively short period, and after that such a tower would generate only very occasional traffic, certainly far less than a typical agricultural use of lands. I would not consider this level of traffic to be a hazard or a significant diminution of local amenities. The overall track appears acceptable for construction access without significant alterations or upgrades.

8.5. Water and flooding

The site appears to be on what is indicated as bog or waterlogged ground on the oldest OS Plans for the area. It appears to have been used for the disposal of surplus material from the motorway works, and possibly other forms of land raising and/or drainage improvements involving the importation of materials. There is no

indication from available records that anything but inert spoil/earth/overburden was used.

The site and adjoining lands are part of the low-lying lands of the middle Shannon catchment, characterised by very slow flowing watercourses and has been subject to drainage works for many years. Local drainage would have been very substantially altered by the motorway works. There are drains with slow flowing water at the north-east corner of the site and along the boundary with the bog. This water appears to be very low quality, presumably from agriculture and road run-off. While the foundation works for such a development would cause local disturbance, having regard to the overall nature of the area, the separation distance from any watercourses, and the inert nature of any spoil used in recent works, there is no evidence that any significant increase in quantity or quality of drainage would occur, at least not over and above normal agricultural or related activities. I therefore do not consider that the proposed development would have any impact on local ground or surface waters, either in terms of flow or quality, subject to normal construction good practice.

8.6. Other planning issues

The observers have raised concerns about local wildlife (not just the EU designated habitats), including possible badger setts in the area. As the site is within an open field and involves very little direct land take, I would consider any impact to be negligible compared to ongoing agriculture and bog drainage works. As the site is within an open grazed field the works would not impact on any setts which are likely to be in uncultivated areas or within boundary ditches.

There are no records of recorded ancient monuments in the vicinity of the site (the closest is on the opposite side of the motorway) and there are no protected structures or structures listed on the **NIAH** in the vicinity of the site.

I note the request by the **IAA** for an aircraft warning light and I recommend a condition to this end.

The works are not subject to any development contribution requirements.

I do not consider that there are any other planning issues raised in this appeal.

8.7. **Appropriate Assessment**

The appeal site is 5km west of the **Mid Shannon Callows**, designated as SAC (site code 000216) and SPA (site code 004096) for a variety of freshwater habitats and related species, including birds, mammals, fish and invertebrates. It is within the overall catchment of the Shannon. The site is on what appears to be at least partially made ground, raised as part of the motorway works, and there are no drains or watercourses in the immediate vicinity, and no visual evidence of a high-water table. There appear to be some ditches in the adjoining cutaway bog, although they were slow flowing. Apart from the nearby drainage ditch, the nearest natural watercourse is around 230 metres to the south, a small stream that flows east before joining a direct tributary of the Shannon. Having regard to the nature of the works and the immediate area and the absence of direct pathways for pollution to the designated habitats, I do not consider that there are any obvious pathways for pollution or other pathways by which the proposed development could directly or indirectly impact on the conservation objectives of the European Sites.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004096 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 **Recommendation**

I recommend that the Board uphold the decision of the planning authority to grant permission for the proposed structure for the reasons and considerations set out below, subject to the conditions set out in section 11 below.

10.0 Reasons and Considerations

Having regard to the following:

- a. The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- b. The Telecommunications Antennae and Support Structures and Department and Environment, Community and Local Government Circular Letter PL07/12,
- c. The objectives of the Roscommon County Development Plan 2014 and in particular policies 4.65 to 4.71,
- d. The nature and scale and location of the proposed telecommunication lattice tower mast,
- e. The submissions and observations received,
- f. And the decision of the planning authority.

It is considered that the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in National Policy and the Roscommon County Development Plan. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area, would not cause pollution, would not result in a traffic hazard, and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 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. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

Reason: In the interest of orderly development.

3. The antennae type and mounting configuration shall be in accordance with the details submitted with this application, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

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

Reason: In the interest of public health.

5. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

6. Details of the proposed colour scheme for the telecommunications structure and ancillary structures 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.

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

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

Philip Davis

Planning Inspector

21st May 2021