



An  
Bord  
Pleanála

## Inspector's Report ABP-309785-21

<b>Development</b>	Telecommunications mast and ancillary structures
<b>Location</b>	Broadford Eircom Exchange, Tullaha, Broadford, County Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	20/754
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Kieran Sexton & Others Broadford Community Development Association
<b>Observer(s)</b>	Michael Pierce
<b>Date of Site Inspection</b>	15 <sup>th</sup> June, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The 0.04 hectare site of the proposed development is an existing Eircom Exchange site within the village of Broadford in County Limerick. It is located immediately north of the main road (Regional Road No. R515). The location for the proposed development is on the southern side of the site adjoining the street frontage. It is bounded to the east by residential properties and to the west by a funeral director's premises and dwellings.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the construction of an 18m high free-standing communications structure with associated antennae, communication dishes, ground equipment and all associated site development works. The development would form part of Eircom's existing telecommunications and broadband network.
- 2.2. Details submitted with the application included a covering report describing the proposed development, a Radio Emissions Statement, and photomontages.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 4<sup>th</sup> March, 2021, Limerick City & County Council decided to grant permission for the proposed development subject to 10 conditions.

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

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

The Planner noted development plan provisions, the report received and the third party submissions. It was considered that the proposal may have a significant negative impact on the amenities of neighbouring properties and a request for further information was recommended seeking examination of an alternative site.

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

The Operations and Maintenance Services Section requested the attachment of conditions relating to construction management and conditions surveys relating to the footpath and road.

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

Objections to the proposal were received from Patrick Kenneally, Kitty Duggan, Miriam Donnelly, Kieran, Sean, Eamon and Mairead Sexton, Broadford Community Development Association, Mary Lee Geary, David Geary, Margaret O'Donnell, Michael Pierce, Máire O'Donnell, and John and Mary Jones. The grounds of the appeals reflect the principal planning concerns raised.

- 3.4. A request for further information was requested on 25<sup>th</sup> September, 2020 in accordance with the Planner's recommendation. A response to the request was received on 9<sup>th</sup> February, 2021. This included information explaining that the installation needed to be within 500 metres radius of its target coverage area and it was submitted that an alternative site could not be found.
- 3.5. Following the submission of this information, the Planner submitted that, given the existing telecoms infrastructure on the site and the established use of the site, it was considered that the proposal would be in accordance with national policy for telecommunications infrastructure and the County Development Plan. A grant of permission subject to conditions was recommended.

## **4.0 Planning History**

I have no record of any planning application or appeal relating to this site.

## **5.0 Policy Context**

### **5.1. Limerick County Development Plan**

#### Infrastructure

#### *Telecommunications (Section 8.5)*

The Plan states:

*The Council will adopt a positive approach to applications for telecommunications infrastructure including broadband and wireless infrastructure in recognition of the importance to the economy, while having regard to the landscape characterisation of the County and normal planning considerations as outlined in the Government Guidelines for Telecommunications Antennae and Support Structures, 1996 and the Planning Authority's Development Management Guidelines.*

Objectives include:

**Objective IN O50: Facilitation of telecommunication facilities**

*It is the objective of the Council 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 with not incurring expensive cost;*
- d) Where impacts are inevitable, mitigation features have been taken into account or in the case of European conservation sites, the facilities will only be accepted if they comply with Article 6 of the Habitats Directive, and*
- e) Protected areas – NHAs, SPAs and SACs, areas of archaeological potential and scenic importance, proximity to structures that are listed for preservation, national monuments etc. have been taken into account.*

**Development Management Standards**

**Telecommunications Antennae (Section 10.14)**

The Plan states:

**Site Selection**

*The Planning Authority will consider applications for telecommunication masts, ancillary buildings and fencing on their merits. Such developments should conform to the concept of environmental sustainability - meeting socio-economic objectives*

*while conserving natural resources upon which development depends. The Planning Authority shall adhere to The Department of Environment, Heritage and Local Government publication entitled 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities' when assessing planning Applications ...*

*Every effort should be made to distance developments from residential areas, schools, hospitals or other buildings used for residential or work purposes on a daily basis. In this regard, the Council will be guided by the DEHLG document 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities' and any revisions of that document that may be issued during the life of this development plan.*

*Any proposals for development in the areas referred to above will require the applicant to outline in detail the need to locate in a specific location and evidence of consideration of alternative sites. Every effort should be made by the developer to minimise their visual intrusion in the landscape. This will vary depending on their location.*

### ***Design***

*Due to the physical size of the mast structure and the materials used, great care will be needed to minimise the impact through discreet siting and good design. In order to minimise the impact the applicant should fully investigate the different types of masts and support structures available to fit the location on a site-specific basis. Monopole structures are preferable to lattice tripod or square type structures. The design of the antennae support structure should be simple and well finished. Support structures should be provided at minimum height while ensuring effective operation. Colours of mast structures and fencing should be in harmony with their surroundings and appropriate landscaping and screening will be required.*

## **5.2. EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations.

## **6.0 The Appeals**

### **6.1. Grounds of Appeal from Kieran Sexton & Others**

The grounds of appeal may be synthesised as follows:

- The proposal would adjoin the appellants' house and businesses. It would be an obtrusive location for the mast.
- The appellants have offered an alternative location to the applicant. The applicant's submission that an alternative site could not be found is a fabrication. There was a poor examination of alternative sites within the required coverage area.

### **6.2. Grounds of Appeal from Broadford Community Development Association**

The grounds of appeal may be synthesised as follows:

- The mast would adjoin houses either side and it would feel like it is in their front gardens.
- It would be located beside the public footpath utilised for access to main amenities in the village.
- Due to its size, it would have a detrimental effect on the aesthetics of the village, would be intimidating, overpowering and totally out of place.
- The proposal would be very different in appearance from the existing communications installation.
- The residents have had no issues with broadband whilst working from home.
- A survey from the local school indicated that respondents were very satisfied with the teaching and learning experiences which were reliant on broadband.

- The siting in the village and the visual impact would be contrary to the telecommunications guidelines for planning authorities.
- It is difficult to believe that alternative locations could not be found in areas where it would not be so visible.
- Reference is made to Objective IN 053 of the Limerick County Development Plan and the provisions in Section 10.14.2.1 relating to site selection for telecommunication antennae in support of the appeal.
- The proposal would be visually obtrusive and out of character with the village.

### 6.3. **Applicant Response**

I have no record of any response to the appeals from the applicant.

### 6.4. **Planning Authority Response**

I have no record of any response to the appeals from the planning authority.

### 6.5. **Observations**

The Observer raised concerns relating to the availability of alternative locations for the proposed development and its visual obtrusiveness and referred to a decision relating to a proposed mast in Foynes, County Limerick.

## 7.0 **Assessment**

7.1.1. I note the *Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities* published in 1996 and Department Circular Letter PL 07/12 of October 2012. The Guidelines note that location for support structures, antennae and other dishes will be substantially influenced by radio engineering factors and that, in endeavouring to achieve a balance, a number of considerations are relevant. These include visual impact, access roads and poles, sharing and clustering, health and safety aspects, obsolete structures, and the duration of a planning permission.

7.1.2. The following is noted:

With regard to visual impact, it is referenced that only as a last resort should free-standing masts be located on or in the immediate surrounds of smaller towns or villages and that, 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. It is further stated in the Guidelines: *“Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools.”* (Section 4.3)

Circular Letter: PL 07/12 made some revisions to the Guidelines. The Circular included the following:

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 additionally be regulated by the planning process. (Section 2.6)

- 7.1.3. The proposed development would be sited on a small, narrow plot between two residential properties in the village of Broadford. Furthermore, it would be sited adjoining a roadside at a principal entry and exit to the village centre. From a visual impact perspective, this structure would have a profound negative visual impact in two ways. Firstly on the adjoining houses, where it would form a dominant presence, creating an unacceptable overbearing impact on those properties by way of its scale, height, form and proximity. Secondly, the scale, height, form and siting of this structure would result in significant adverse visual impacts on the presentation of the village as one enters and exits the village on the R515. It would be a highly prominent, incongruous structure abutting the public road. The mast, together with associated antennae, could not reasonably be considered to be compatible with the uses abutting it nor would it in any way be consistent with the nature and extent of the limited, small-scale utilities on this site.
- 7.1.4. In the context of the Guidelines, it is my submission that the siting of this proposed installation is substantially in conflict with the provisions set out. It is stated therein



that only as a last resort should free-standing masts be located on or in the immediate surrounds of villages. It is further stated that only as a last resort and if alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area. I submit that there appears to have been no genuine attempt to address the issue of alternatives in this application. A third party appellant has sought to provide an option as an alternative and it appears this was not given consideration by the applicant. Furthermore, based upon third party submissions, the applicant has not demonstrated any genuine need for this telecommunications infrastructure to be developed at this location in the manner proposed.

- 7.1.5. This proposal would have a profound negative impact on the visual amenities of the residential properties of the area and the village. In this context, the proposed development conflicts with the Guidelines as they relate to the issue of visual impact. This is not a sustainable location for the telecommunications infrastructure proposed.

## 7.2. Appropriate Assessment

- 7.2.1. The site of the proposed development is located within the serviced settlement of Broadford. It is several kilometres west of the nearest European site which is the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA Site Code: 004161), whose qualifying interest is the Hen Harrier. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## 8.0 **Recommendation**

- 8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

## 9.0 Reasons and Considerations

The site of the proposed development is located within the village of Broadford immediately adjoining established residential development and abutting Regional Road R515, which is a principal entry and exit for the village. In accordance with the "*Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities*", published by the Department of the Environment and Local Government in July, 1996, it is a requirement, with regard to visual impact, that only as a last resort should free-standing masts be located on or in the immediate surrounds of villages and that only as a last resort and if alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area (Section 4.3). It is considered that the proposed development would constitute a highly obtrusive development immediately abutting established housing within the village of Broadford, would have a significant overbearing impact on adjoining residential properties, would be a visually incongruent development adjoining a principal access to the village, and would contribute substantially to the erosion of the visual amenities of residents and of the village at this location. The proposed development would, therefore, conflict with the locational requirements of the Guidelines and would, thereby, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore  
Senior Planning Inspector

22<sup>nd</sup> June 2021