



An
Bord
Pleanála

Inspector's Report ABP-309903-21

Development	30 metre high free standing communications structure (total height with antennas 30.05 metres) with its associated antennae, communication dishes, ground equipment.
Location	Eircom Exchange , Cuilbeg , Brickens, Co.Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	2154
Applicant	Eircom Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Eircom Limited
Observer(s)	None
Date of Site Inspection	30 th July 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The site is located at the existing Eir Exchange at Cuilbeg, Brickens approximately 7km west of Ballyhaunis and 9km east of Claremorris in south County Mayo. The site has a stated area of 0.0056ha and is to be located to the direct south of the existing Eir Exchange building which is a single storey galvanised detached building located c. 7m south of the Ballyhaunis to Claremorris railway tracks.
- 1.2. The N60 National Secondary Route runs in a north-south direction to the west of the proposed site and the site is accessed via an existing entrance off same roadway. At the point of access vision of the roadway travelling north is impaired due to the rising level of the road over the railway bridge. A continuous white line also exists along this section of roadway. A two-storey residential dwelling house is located c. 25 metres to the northeast of the proposed site on the northern side of the railway line. Another dwelling house is located off the N60 roadway c. 60 metres to the south west of the proposed site.
- 1.3. The site is c. 8 metres below the road level of the nearby N60 roadway and is well concealed by existing vegetation and tall conifer trees to the south and southeast. The majority of the surrounding area is comprised of agricultural lands.

2.0 Proposed Development

- 2.1. The proposed development is to comprise:
 - The construction of a 30m high free standing Delmex Del Lattice Tower of a total height with antennae of 30.5m
 - 3 no. antennae to be installed on antennae support poles
 - 3 no. Eir RRUs to be installed on the back of antennae support pole.
 - 3 no. Cabinets at the foot of the lattice tower structure. One of these cabinets is to be provided for a future other operator.
- 2.2. The application is accompanied by a planning report. The proposed development is to form part of the existing Eircom Ltd. telecommunications and broadband network. The submitted report examines site coverage, alternative site locations, co-location

options, requirements within the area, visual impacts, national and local policy and guidelines and health and safety.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued notification of a decision to refuse permission by order dated 22nd March 2021 for the following two stated reasons:

- 1. The proposed development is located near a sharp bend on a public road, with poor horizontal and/or vertical alignment. By taking access for the public road at a point where a speed limit of 100kph applies, where a continuous white line exists, where the sight visibility distances at the proposed entrance would be substandard, the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users.*
- 2. The proposed development would adversely affect the use of the National Road by traffic and would be contrary to the National Policy in relation to development on National Roads. National policy insists on the curtailing of development in order to safeguard public investment on such roads and to maintain the carrying capacity and safety of the same.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The area planner notes the MCC Broadband officer's comments who states that this development will offer a major improvement not only for Eir services but also for any other Telco services that avail of a co-location option in the future. Therefore, in relation to location the proposal is considered acceptable.
- The comments from the Roads Design Office of MCC were noted – recommended refusal based on the access which is considered a traffic hazard. Concealed entrance from site onto N60 is located at a bend in the N60 before the railway bridge.

3.2.2. Other Technical Reports

- Area Engineer, Claremorris Municipal District – No comment.
- Broadband Officer, MCC:
 - From a review of the ComReg website and the Eir mobile coverage at the location, the 4G service is regarded as Fringe which is not acceptable in the current climate. The Vodafone and Three services range from Fair to Fringe.
 - The proposal to allow co-location is a major advantage in service improvement while reducing the need for several large individual telecom structures.
 - If the information submitted is correct, then this proposed development will offer a major improvement not only for Eir services but for other Telco services to avail of co-location in the future.
- Roads Design Section, MCC – Recommended refusal for the reason stated under Section 3.1 of this report above.
- National Roads Office, MCC – the application does not raise any issues for the National Road System that needs to be addressed or conditioned by Mayo NRO.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – No response received.

3.4. Third Party Observations

- None.

4.0 Planning History

- No recent planning history on site.

5.0 Policy Context

5.1. National Policy and Guidance

5.1.1. National Planning Framework (NPF)

National Policy Objective 48 states-

'In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.'

5.1.2. Northern and Western Regional Spatial and Economic Strategy 2020-2032

Chapter 6 refers to telecommunications and broadband services and their key role in social and economic progress in the Western Region.

5.1.3. Spatial Planning and National Roads – Guidelines for Planning Authorities January 2012

Section 2.5 - Required Development Plan Policy on Access to National Roads states the following:

With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined below:

Lands adjoining National Roads to which speed limits greater than 60 kmh apply:

The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply.

This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

5.1.4. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities, 1996

These Guidelines set out the criteria for the assessment of telecommunications structures. Relevant sections and points to this application and appeal are summarised below:

- Section 2.3.1 Antennae

- Section 2.3.4 Other - Sites should be surrounded by safety fencing and the masts/towers should be equipped with lockable trap-doors or other anti-climbing devices. Access to the mast and equipment will be through a gate in the perimeter fence and access to the site itself will be dependent on the site location.
- Section 3.2 - An authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools.
- Section 4.2 Design and Siting
- Section 4.3 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.
- Section 4.5 Sharing Facilities and Clustering

The sharing of installations and clustering of such facilities are encouraged as co-location will reduce the visual impact on the landscape. Developers

will have to demonstrate that they have made a reasonable effort to share the use of the same structure or building with competing operators.

Where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered.

5.1.5. **Circular Letter: PL07/12**

This circular was issued by the Minister under section 28 of the Planning and Development Acts 2000-2012 to update certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996) and revises certain elements including that:

- attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease, except in exceptional circumstances.
- planning authorities should also cease specifying separation distance for such developments when making Development Plans as they can inadvertently have a major impact on the roll-out of viable and effective telecommunications network.
- planning authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the competence for health and safety matters in respect of telecommunication infrastructure. These are regulated by other codes and such matters should not be additionally regulated in the planning process.
- Development Contribution Schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

5.2. **Development Plan**

The site is governed by the policies and provisions contained in the Mayo County Development Plan 2014 to 2020. The following policies are of note:

Volume 1 of CDP:

Information and Communication Technology

- TC-01 – objective to support and facilitate ICT infrastructure subject to not having significant adverse effects on environment
- TC-02 - objective of the Council to locate telecommunication masts in non-scenic areas, having regard to the *Landscape Appraisal of County Mayo*, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures.
- TC-03 – Encourage Co-location.

Landscape Protection

- LP-01 - It is an objective of the Council, through the *Landscape Appraisal of County Mayo*, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.
- The site is in Policy area 4 'Drumlins and Inland Lowland'. This area is broadly categorised as the most robust area in terms of ability to absorb development without creating adverse impacts to landscape character. Within this framework Mast areas are likely to be widely conceived as normal and appropriate unless siting and design are poor.
- There are no identified views and prospects in the vicinity of the site on the Maps contained within the Landscape Appraisal of County Mayo (supporting documentation of the development plan). The site is located in landscape Area L south east Mayo Plains. This area is a mosaic of high-quality pasture with distinct paddocks divided by rock walls and well-maintained hedgerows. There are occasional pockets of transitional pasture and woodland scrub throughout the gently rolling drumlins.
- A search of the online MCC GIS mapviewer was also carried out and no constraints were identified.

Volume 2 of the CDP:

- Section 16 Access - No new accesses or development that generates increased traffic from existing accesses onto National Roads outside the

60km/hr speed limits of such roads shall be permitted in accordance with the provisions of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines.

In exceptional circumstances, a less restrictive approach to this policy may apply to any development accessing onto National Roads from an existing access where, it can be demonstrated that such a development will not generate increased traffic onto the National Road. In such cases the existing access may require mitigation measures and upgrading where it is found to be substandard.

- Section 55 Telecommunications - sets out development control guidance for telecommunications.

5.3. Natural Heritage Designations

- None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received in response to the to the Council's refusal of permission for the proposed development. The grounds of appeal can be summarised as follows:

- The subject site has been an established communication installation for over 20 years and the addition of the proposed structure would be an upgrade to existing infrastructure. The proposed structure would connect directly into the Exchange building using fibre cabling which in turn will provide fast speed internet broadband and mobile connectivity to Eircom networks. This fibre connection allows for less equipment requiring installation on the structure and an overall smaller structure on site.
- Once constructed the site would not see an increase in the number of persons visiting and is only to be used two or three times annually to access equipment. Therefore, the development would have no impact on traffic on the main road.

- The proposal would also be consistent with previous Board decision Ref. PL18.241306 which allowed for use of an existing entrance from a national road.
- The site is located within a coverage blackspot and therefore development of same is necessary. A mast at this site would provide excellent 3G and 4G services to the surrounding area, along the N60 and a number of townlands in the vicinity.
- It would not be possible to secure an alternative site that satisfies the requirements of the development plan.
- Co-location on existing masts in proximity to the Began Cross area was examined however as can be seen from the Comreg Site Viewer there are no existing telecommunication installations within 2km of the search area.
- The proposed development would allow for co-location in the future and for multiple other operators to share the same mast.
- A slimline monopole type structure was selected for the site in order to reduce visual impact. The pole would be not dissimilar in design of a lamp standard or traffic light pole which are common place in villages in Ireland.
- The 18m height was selected as no other lower height could provide the required coverage and accommodate colocation in the future.
- Views of the structure would be intermittent and would not be detrimental to the amenities of the surrounding area – submitted photomontages demonstrate.
- There is a much greater demand for these services/high quality broadband as a result of the Covid pandemic.

6.2. Planning Authority Response

- None received.

7.0 Assessment

7.1. Having inspected the site and examined the application and appeal details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Location and Technical Justification
- Access and Traffic Safety
- Appropriate Assessment

7.2. Location and Technical Justification

Location and Visual Impact

- 7.2.1. The proposed development is to be located immediately adjacent to an existing Eircom Exchange in a rural location of County Mayo. Justification for the mast at this location is presented in both the application documents and again in the appeal statement submitted. In support of the proposal at this location, Eir confirms that this site would provide coverage to its customers living in and visiting the area. Failure to progress this installation is stated to threaten the provision of future technologies to its network subscribers.
- 7.2.2. Policy TC-01 of the operative County Development Plan (CDP) seeks to support and facilitate ICT infrastructure subject to not having significant adverse effects on environment. The proposed development is to be located on an existing utilities site and is located in a Policy 4 Area (Drumlins and Inland Lowland) as defined under the Landscape Appraisal of County Mayo, which forms part of the operative CDP and is not within any scenic area. A residential dwelling house is located c. 25m to the north east of the proposed site, on the northern side of the railway tracks. The planning authority did not raise any concerns with regard to the visual impacts of the proposed development. The Board should note that there appears to be several discrepancies in the description of the type of mast and height to be provided and the location of same contained within the submitted appeal statement. The applicant refers to a 18m high structure of a slimline monopole type within a town location under the section relating to 'Visual Impact'. This reference is incorrect and at complete odds with the current proposal which is a c. 30m high lattice type structure. I have assessed the current appeal in accordance with the drawings submitted with the

application and the description of the project in the remaining sections of the submitted first party appeal report and original application submission. Following an examination of the photomontages submitted as part of the application, while I acknowledge that the c.30m high lattice tower will be visible from several points in the local vicinity, including on the N60 approach road, given the positioning of the mast at a ground level c.8 metres below the public road level (at railway line level) and also the screening provided in the form of tall conifer trees along the southern boundary of the site, I would consider that these factors mitigate any significant visual impacts. The surrounding area being of an undulating terrain with intermittent vegetation, is fairly typical of the type of landscape in Policy 4 area. The site is not a designated scenic area, and I would consider reasonably falls within the category of non-scenic within the meaning of TC-02 which provides for the siting of masts in non-scenic area. While I accept that the mast will be visible in near distance views and from the nearby residential properties, in the context of its strategic role in the provision of infrastructure and the local and national policies that support such development, I would not consider it an unreasonable intrusion on the local landscape.

Security Fencing

- 7.2.3. Section 55.5 of Volume 2 of the operative CDP states that '*Antennae compounds shall be securely fenced with anti-climbing devices. Landscaping around compounds may be required*' in addition Section 2.3.4 of the Telecommunications and Antennae Support Guidelines reiterates this point. I note that the current application does not include any proposal for secure fencing around the proposed mast structure or the associated cabinets and other infrastructure. If the Board are minded to grant permission I would suggest that a condition is included to address this oversight.

Technical Justification and Co-Location

- 7.2.4. Policy TC-03 of the operative CDP outlines the Council's policy in relation to assisting co-location and maximizing the potential for future mast sharing. The applicant has submitted a site coverage map which illustrates the extent of the coverage blackspot around the proposed site and therefore presents justification for the proposed location. As part of my assessment, I have reviewed ComReg's online

Outside Coverage Map¹ for the subject area and note that Eirs 3G network coverage for the area is generally 'Good' with some areas of 'Fair' coverage, the 4G network however appears to have large areas of 'Fair' to 'Fringe' coverage, confirming the applicant's case for a mast in the area. I note also that there are pockets of coverage within the area where there are higher instances of 'Fringe' coverage. In this regard, given the significant demand on mobile network and broadband services, I am satisfied that there is a clear need for improved services in this general area. I also note Mayo County Council's Broadband Officer's comments on the proposal in which he recognises the constraints in the area and also acknowledges that the proposal's capacity for future co-location of service providers on the proposed mast would be a major advantage and would reduce the need for other large individual telecom structures in the area.

7.2.5. The applicant's state that alternative sites were considered and co-location on existing structures also was examined however none were found to meet the operators service provision obligations, nor would they satisfy the requirements of the MCC CDP and therefore were deemed unsuitable. I have examined the ComReg Site Viewer² which shows the location of existing masts in the surrounding area. The closest multi-mast location to the proposed site is located c. 3.5km to the southwest. This site hosts Eir, Vodafone and Three infrastructure, however the range strength (e.g. Good to Very Good) of the Eir coverage at this location does not appear to stretch to the northeast to the current site and surrounding area in a sufficient manner.

7.2.6. I am satisfied that the appellant has been proactive in assessing suitable, existing alternative support structures / base stations and sites locally. I therefore note and accept as reasonable the applicant's motivation that whilst other mast infrastructure exists in the general area, these locations already serve specific areas within the established cellular network and cannot be used to cover the black spot of coverage located locally around the subject site. In addition I note that the current proposal would also provide the option for future co-location for other providers on the

¹ <https://coveragemap.comreg.ie/map>

² https://siteviewer.comreg.ie/#site/THREE_MY0039/53.7650495916/-8.8357407864/1/Site%20THREE_MY0039

proposed 30m mast, thus reducing the need for future separate individual structures within the area.

7.3. Access and Traffic Safety

- 7.3.1. Both of the planning authority's reasons for refusal relate to traffic hazard. The first relates to sight visibility at the proposed entrance and also the fact that the access for the public road is at a point where a speed limit of 100kph applies and where a continuous white line exists. The second reason for refusal states that the development would adversely affect the use of the National Road and would be contrary to national policy. The appellant states that there would be no impact on existing traffic using the N60 national secondary route. They state that the subject site has been an established communications installation site for over 20 years and that the addition of the mast structure would be an upgrade to the existing installation. Once constructed the upgraded installation would not see an increase in the number of persons visiting the site and is only to be used two to three times a year to access equipment.
- 7.3.2. I note that no concerns were raised by either the TII or the National Roads Office regarding the proposal. Section 16 of Volume 2 of the CDP addresses access and states that *'No new accesses or development that generates increased traffic from existing accesses onto National Roads outside the 60km/hr speed limits of such roads shall be permitted in accordance with the provisions of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines'*. This section then goes on to state that *'In exceptional circumstances, a less restrictive approach to this policy may apply to any development accessing onto National Roads from an existing access where, it can be demonstrated that such a development will not generate increased traffic onto the National Road'*. While I acknowledge the concerns of MCC Roads Design Section and the fact that the existing entrance does provide access onto the N60 national secondary road at a point where visibility to the north is partially restricted due to the presence of the railway bridge and also that a continuous white line exists at this location, I note the projected post development traffic is stated to be in the order of a few visits per annum and therefore I do not consider this to constitute a significant intensification of the existing entrance nor would I consider the proposed development will have any adverse impact on the carrying capacity and safety of the N60. Given the minimal amount of maintenance

and future site visits which would be required for such a development I would not consider this to be a significant issue or one that would merit refusal.

- 7.3.3. Notwithstanding the above, I note that the proposed telecommunication structure may provide for the opportunity for co-location for other providers in the future and given that this may increase the number and frequency of visits to the site I would suggest that if the Board are minded to grant permission, that a condition be attached to limit the extent to which the development can be altered in the future without a prior grant of permission. This would then allow for any future uses on site to be fully assessed.
- 7.3.4. The issue of construction traffic can be dealt with by condition. Accordingly having regard to the flexibility allowed within the operate CDP and the nature of visiting traffic proposed to the site, including the limited number of visits proposed per annum, I do not consider the development would constitute a traffic hazard. In view of the foregoing, I do not consider there is sufficient basis to uphold the reasons for refusal based on traffic hazard.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, its location in the rural area, and the separation distance to any European site, 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. I recommend that permission be granted for the proposed development based on the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the national and regional policy, the Mayo County Development Plan 2014-2020, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12 and the nature and scale of the proposed development within an existing

and established Eircom telecommunications exchange, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities and character of the area or of property in the vicinity and would assist in the provision of essential telecommunications coverage to the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and with the appeal, 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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and suitable fencing to restrict access to the site to authorised personnel 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 and public health.

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 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. 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.

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

Reason: In the interest of public health.

6. The proposed mast and all associated antennae, 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, including details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance during construction. Details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste shall also be outlined in this plan.

Reason: In the interests of public safety and amenity.

Máire Daly
Planning Inspector

10th September 2021