



An  
Bord  
Pleanála

## Inspector's Report ABP-310197-21

---

<b>Development</b>	Construction of a communications structure.
<b>Location</b>	Bawnboy Eircom Exchange , Kilsob, Bawnboy, Co Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2188
<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 Ltd
<b>Date of Site Inspection</b>	26 <sup>th</sup> June 2021
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1.1. The site is located at Eir Exchange, Kilsob, Bawnboy, Co Cavan, which is in the village centre. The site is located to the side and rear of an adjoining bungalow and to the side of an adjoining two storey dwelling. A public house, and other dwellings are on the opposite side of the road, which area is identified in the County Development Plan as town core. The site is designated whitelands, i.e. lands adjoining the town core. The N87 which runs through the village is to the north and separated from the site by the Bawnboy River which flows through the village.
- 1.1.2. There is an existing exchange building on the site, set well back from the public road and with little visibility from the road. The area to the front of the exchange is hard surfaced but it's use is not clearly defined on the ground. It has the appearance of being associated with the adjoining dwelling to the north, since the side of the dwelling has windows and doors opening onto this area. Closer to the front of the exchange, but not fenced off, there is a grassed area. It is proposed to erect the mast in this area.
- 1.1.3. The site is given as 0.03ha.

## 2.0 Proposed Development

- 2.1.1. The proposed development is the erection of a 15m high freestanding communications structure with its associated antennas, communications dishes, ground equipment and all associated site development works.

## 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 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 report agrees that long range views are intermittent and not terminating from any angle. This is achieved by the topography, intervening buildings and existing vegetation which provides the site with some visual advantages.

The proposed development will have significant local visual impact in this small village context, particularly against adjoining/opposite properties. Being located 20m, 24m to the rear of the nearest houses and 50m opposite an existing B&B.

The site is located within the Lough Oughter and Associated Loughs SAC, Lough Oughter Complex SPA and Cuilcagh – Anierin Uplands SAC. the nearest 7.6km west.

The applicant has not adequately demonstrated the availability or non-availability of alternative suitable sites; and has not demonstrated the availability or non-availability of co-location and sharing of infrastructure on alternative site locations

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

Environment report – groundwater protection scheme – regionally important aquifer with extreme vulnerability.

Bawnboy \_010 water body classed as good ecological status; no likely significant effects on the environment; no objection.

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

- 3.3.1. Third Party Observations on the file have been read and noted. The issues raised are similar to those raised in the observation on the grounds of appeal.

### 4.0 **Planning History**

None given.

### 5.0 **Policy Context**

- 5.1.1. Cavan County Development Plan 2014-2020, extended, is the operative plan.

Relevant provisions include:

The site is within Bawnboy, 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'.

**PIO122** Shared use of existing support structures will be preferred in areas where there are a cluster of masts.

**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 were 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. The relevant points to this case are summarised below.

- 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 3.2).

- In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions (Section 4.3).
- 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).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

### **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 Cuilcagh Anierin Uplands SAC (site code 000584) located c 5km 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 focus + limited, on behalf of Eircom.

6.1.2. The grounds of appeal includes:

- A slimline monopole structure was selected for this site in order to reduce visual impact. The monopole structure is nondescript and not dissimilar to a lamp standard of traffic light pole which are commonplace in villages in Ireland.
- The 15m height was selected to provide a signal over the surrounding area and to have the potential to become a share facility. No lower could provide the required coverage and accommodate co-location.
- The structure would only offer intermittent views.
- Guidelines cited.
- Photomontages provided.
- ABP 308491 cited.
- ABP 307962 cited
- Maps showing need for coverage and the improved coverage which would be made available are provided.
- It would not be possible to secure an alternative site that satisfies the requirements of Cavan CDP.
- When investigating this area for coverage the applicant's first step was to ensure that there was no suitable existing infrastructure in proximity to the search area. Co-location on an existing structure is always preferential to installing new infrastructure from a planning viewpoint. There are no telecommunications installations within 2km of the search area, (PLO125). The nearest structure is 4.5km from the proposed site location. The closest,

3km distance, would not provide required coverage due to the distance, limited available height on structure and lack of space for new equipment.

- The site has been an installation for over 20 years. The proximity to the exchange building allows fibre connection and allows for less equipment.
- Eircom share all existing structures with licensed operators.
- Telecommunications connectivity is regarded as the fourth utility after water electricity and gas. Indoor reception remains insufficient. With more people working from home the proposed upgrade will allow much needed enhanced provision in the village and surrounding area.
- Reports quoted: Vodafone Connected Futures, Association for Community and Comprehensive Schools.
- ABP 08.234771.
- Photomontages are provided.

## **6.2. Planning Authority Response**

6.2.1. The planning authority has responded to the grounds of appeal, including:

- The issue of visual amenity and impact on the local context, being houses and businesses located within the immediate vicinity (ie. within a 10m radius) of the proposed mast should be further considered. The photomontage submitted illustrates the impact from only one vantage point and not the impact on the closest houses.
- In addition the planning authority considers that siting and layout of the proposed mast on the site at the closest point to the existing adjacent dwelling houses has not adequately explored the option of locating the mast further back into the site which is 38.5m in length. This option would result in reducing the impact on the village streetscape and loss of visual amenity to the residents in closest proximity.

## **6.3. Observations**

6.3.1. An observation on the appeal has been received from Sheila McKirenan & Others enclosing a number of photographs in which the location of the proposed structure is



indicated. A hoist is used in some to depict the proposed height of the structure.

Observers are concerned at:

- No public consultation
- Close proximity to population and school.
- Health implications
- The associated antennas Eir intends to add.
- Visual impact on natural landscape of village located in the heart of the Marble Arch Global Geopark.
- Visual impact on Keepers Arms B&B
- Impact on residences listed.

6.3.2. Photographs are provided with a hoist at the approximate location and height to illustrate the potential impact.

## 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 within the area covered by the Bawnboy land use map, in the area 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, 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. In support of the application and reiterated in the appeal are the following:
- Maps showing need for coverage and the improved coverage which would be made available are provided.
  - A statement that it would not be possible to secure an alternative site that satisfies the requirements of Cavan CDP.
  - That when investigating this area for coverage the applicant’s first step was to ensure that there was no suitable existing infrastructure in proximity to the search area. There are no telecommunications installations within 2km of the search area. The closest, at 3km distance, would not provide required coverage due to the distance, limited available height on structure and lack of space for new equipment.
  - The proximity to the exchange building (an installation for over 20 years) allows fibre connection and allows for less equipment.

- 7.3.7. In my opinion neither the application documentation, nor the grounds of appeal provide evidence of the need to locate the mast within the settlement. The maps provided, which show a 2km radius, within which there is no alternative existing structure, also demonstrate that there are large areas of land within that radius, which are not within the settlement and which would not therefore conflict with the guidelines.
- 7.3.8. The site is in a sensitive location, near residential buildings and other town centre uses. There are less sensitive areas in the vicinity of the settlement where a mast could be located. In my opinion the presence of the exchange building is not sufficient justification for the choice of location.
- 7.3.9. 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.
- 7.3.10. The proposed development is therefore 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 village, 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.

---

Planning Inspector

9<sup>th</sup> August 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.