



An  
Bord  
Pleanála

## Inspector's Report ABP-310371-21

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<b>Development</b>	To erect an 18m high monopole telecommunications support structure together with antennas, dishes and ancillary works all enclosed in security fencing
<b>Location</b>	Eir Exchange, off Granard Street, Moodoge Td, Ballyjamesduff, Co Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	21131
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Ltd.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	1 <sup>st</sup> November 2021.

**Inspector**

Elaine Sullivan

## **1.0 Site Location and Description**

- 1.1. The subject site has an area of 0.0125ha, (125m<sup>2</sup>), and is located within the development boundary of Ballyjamesduff. It is located on a backland site on the southern side of Granard Street and on the western side of the town centre. The site is located to the rear of a telecoms exchange building which has a 10m high wooden pole to the front with telecommunications equipment attached to the top. Residential development directly adjoins the site to the south and west. To the east of the site there is an open area bounded by sheds and outbuildings. The site is accessed via a laneway from Granard Street which is flanked by the gable of a house to the west and by a commercial building to the east.
- 1.2. Lands to the south west of the site are mainly residential in nature with detached houses facing onto Granard Street and the houses within the Ashford Downs development of backing directly onto them. To the south west of the site is a row of commercial buildings that face onto Granard Street. The proposed 18m monopole would be located to the rear of the exchange building and to the north and north-east of existing housing.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought to erect an 18m high monopole with a 1.5m lightning filial on the top to the north of the existing exchange building. Operating equipment including antennae would be fixed to the top of the pole in two clusters. Ground mounted equipment is also proposed in two cabinets to the west of the monopole, (dimensions not supplied).
- 2.2. Planting is proposed along the western boundary which adjoins the Ashford Downs housing development. A 2.4m palisade fence in green colour would be installed along the eastern site boundary.
- 2.3. There are a number of poles currently in place on the site. These include an 8m pole with telecommunications equipment attached, a 10m wooden pole and electricity poles for overhead lines. It is not proposed to remove any of these structures.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the Planning Authority for the following 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 Development Plan 2014-2021 which states 'masts will only be permitted in towns and villages of the County when accompanied by satisfactory proposals for dealing with dis-amenities and incompatible locations' and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would be contrary to the stated objectives PLO118, PLO122 & PLO125 of the Cavan County Development Plan 2014-2020 in relation to reasoned justification for the proposed development in terms of co-sharing and clustering and would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer dated the 30<sup>th</sup> April 2021 informed the decision of the PA and includes the following,

- The subject site is zoned 'Existing Residential' in the Cavan Development Plan 2014-2020. A telecommunications structure is neither listed as 'Permitted in Principle' or 'Not Permitted' in this zone.
- The coverage issue identified by Eir for its 4G rollout has been sufficiently demonstrated. However, the ComReg map enclosed is a coverage map for

Eir only with no information provided from other network providers on their coverage needs.

- There may be alternatives, including more suitable locations, that could be identified on a more collaborative basis with other providers.
- The applicant relies on the current use & planning history of the site and its ownership of it rather than providing enough information to adequately justify the proposal in accordance with Objectives PIO18 and 25 of the Development Plan.
- The proposed monopole is in close proximity to residential development and would be in conflict with the 'Existing Residential' zoning for the site as it would have an overbearing impact on adjoining houses.
- It would also be a prominent feature on Granard Street and have a negative visual impact on the streetscape and townscape.

#### 3.2.2. Other Technical Reports

- Municipal District Engineer – No objection.
- Environment Report – No objection.

#### 3.3. Prescribed Bodies

- Irish Aviation Authority, (IAA) – There is no requirement for obstacle lighting in the structure.

#### 3.4. Third Party Observations

- No observations.

#### 4.0 Planning History

**09/516** – Planning permission granted by the PA in February 2010 for development consisting of an existing telecommunication support pole 10.5 metre high with

antenna, equipment cabinet and associated equipment within the eircom exchange compound.

**04/1415** – Planning permission granted by the PA in July 2004 for the retention of a 10.5m high support pole and antennae used for mobile communications. (Previous Planning Ref. 99/258).

**99/258** – Planning permission granted by the PA in March 1999 for the retention of a support pole and antenna for mobile communications.

## 5.0 Policy Context

### 5.1. Cavan County Development Plan 2014-2020

5.1.1. Ballyjamesduff is categorised as a Tier 2 – Large Town, within the Development Plan settlement strategy.

5.1.2. The subject site is zoned 'Existing Residential', the objective of which is to, *'To promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents. The design of new dwellings shall be of high quality with good layout design and adequate private and, where appropriate, public open space and an appropriate mix of house sizes, types and tenures'*.

Telecommunications infrastructure is not specifically listed under the uses that are 'Permitted in Principle' or 'Not Permitted'. However, 'Utility Installations' are listed as 'Permitted in Principle'.

5.1.3. **Section 4.8** – Telecommunications and Information Technology – is relevant to the appeal and contains the following 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. National Guidelines

### 5.2.1. National Planning Framework – Project Ireland 2040

**Objective 24** – 'Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.'

**Objective 48** – '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.'

### 5.2.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

The guidelines also note that *'Only as a last resort ...should free-standing masts be located in a residential area or beside schools. 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. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure'*.

**4.3 – Visual Impact** - The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

**4.5 – Sharing Facilities and Clustering** – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

### 5.2.3. **DoECLG Circular Letter PL07/12**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, *'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 be additionally regulated by the planning process'*.

### 5.3. **Natural Heritage Designations**

No designations apply to the subject site.

### 5.4. **EIA Screening**

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development is not listed in either Part 1 or Part 2 of



Schedule 5, Planning and Development Regulations 2001 (as amended), which sets out the types and thresholds of development that requires a mandatory EIA. The proposal has also been assessed against the criteria outlined in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and the provisions of Article 109, (3) of the Regulations do not apply to the site.

5.4.2. Under the provisions of Article 109, (3) of the Regulations, it is noted that the site is not located within a European site, is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below.

5.4.3. The proposed development is minor in nature and scale and not require any ground works or significant construction. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case. (See Preliminary Examination EIAR Screening Form).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal respond to the reasons for refusal and include the following:

- A letter of support from Vodafone Ireland stating that they fully expect to enter into agreement to co-locate equipment onto the new structure if permitted and built. A technical justification for the structure is also submitted by Vodafone.
- The applicant states that Ballyjamesduff is a known coverage weak spot for Eir's 4G coverage. Maps taken from the ComReg website show uneven 4G coverage for Eir and Vodafone in Ballyjamesduff.
- Three other locations were considered in order to determine if existing facilities could be upgraded to improve coverage. The locations considered are,
  - i. Lisdonnish Td – Eir and Three currently transmit from an existing structure c.2.75km away. However, this structure is too far away from

Ballyjamesduff town centre to improve coverage there and was discounted.

- ii. Ballyjamesduff Water Treatment Plant – This location is c. 2.6km to the north-east of the subject site. Vodafone transmit from a 26m lattice mast at this location, which provides coverage to the east of the town. However, the coverage quality drops off between Circle K and Ballyjamesduff town centre and has been discounted on this basis.
  - iii. Ramonan Td, Granard Road – This site is located on the outskirts of Ballyjamesduff, c. 2.2km to the south-west of the subject site. All major operators transmit from the 30m mast. However, its limitations are topographical and coverage from the structure does not extend into the town centre. It was discounted on this basis.
- The proposed development is optimally located to improve the service provided by Eir and Vodafone, will drive social and economic progress in Ballyjamesduff through improved 4G connectivity.
  - Visually, the structure is slim in profile and measures only 18m in height. Its appearance is of a kind, and similar to common street lighting, flood lighting and other monopole structures found in towns and villages. Therefore, the proposal does not contravene Objectives PIO118, PIO122 and PIO125 contained in Section 4.8 of the Development Plan.
  - Eir has already co-located on the existing structures at Ramonan Td and Lisdonnish Td. Despite this Eir 4G coverage in Ballyjamesduff remains imbalanced as it transmits in a south-westerly direction and away from the village.
  - Government policy and strategy promotes improved access to digital and broadband communications in a bid to revitalise rural Ireland, promote competitiveness and facilitate ICT structures.

## 6.2. Planning Authority Response

A response from the PA was received on the 25<sup>th</sup> June 2021 and includes the following,

- The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996, states that ‘only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns and villages....’.
- The monopole would be 10m and 30m from the building lines of the closest dwellings, (west and south).
- The site is zoned ‘Existing Residential’ and is directly overlooked on two sides by residential development. Part of the zoning objective is to ensure that any new development would have a minimal impact on the established residential amenity of the area.
- The proposed development would not achieve this and would be likely to have an overbearing impact on a number of existing dwellings.
- The site immediately adjoins the town core and would be a prominent feature on Granard Street which would have a negative visual impact on the streetscape and townscape at this general location.
- It is considered that the proposed development would injure the residential and visual amenities of the area.

### 6.3. Observations

- A response from the IAA was received on the 25<sup>th</sup> June 2021. They have no comment to make on the appeal.

## 7.0 Assessment

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings;

- Principle of Development
- Requirement for the Development
- Visual Impact
- Impact on Residential Amenity

- Appropriate Assessment

## 7.2. Principle of Development

The subject site is zoned 'Existing Residential' and is located within the development boundary of the Tier 2 town of Ballyjamesduff. The zoning objective for the site does not specifically list telecommunications infrastructure under the uses that are 'Permitted in Principle' or 'Not Permitted'. However, 'Utility Installations' are listed as 'Permitted in Principle'. I am satisfied that the proposed development can be considered under the 'Utility Installations' use and that the proposal can be assessed on this basis.

Furthermore, I note that there is a 10.5m telecommunications support pole in place was previously permitted on the site and is currently in place. Therefore, the principle of 'Utility Installation' development has been established on the site.

## 7.3. Requirement for the Development

7.4. The applicant has justified the proposed development on the basis that it will significantly improve Eir's 4G service provision in Ballyjamesduff and in particular to the east of the town, where it is lacking. It is also stated in the application that use of an existing utility site will also allow for significant efficiencies for Eir by allowing them to release the synergies associated with locating the wireless mast infrastructure and underground fibre cable with the existing telecommunications exchange unit. The applicant has also stated that the proposed infrastructure would be shared with another provider.

7.4.1. Three alternative locations in proximity to the town were considered by the applicant. All of these locations currently house telecommunications infrastructure and were discounted as they were either too far away to improve the service or there were geographical constraints that would interrupt the signal.

7.4.2. The ComReg Coverage maps for the area show that 4G service provided by all operators to the west and south of Ballyjamesduff is categorised as 'very good', which means that there a '*Strong signal with maximum data speeds*'. However, the

4G coverage within the town and on the eastern side, is not as strong and is shown as 'good', which is defined as '*Strong signal with good data speeds*'.

- 7.4.3. I am satisfied that the applicant has considered alternative sites that are already in use in the area and that the proposed monopole would allow for co-location, which is in accordance with the Telecommunications Guidelines. It is also evident that the proposed development would improve the existing 4G service to Ballyjamesduff. However, the wider implications of the infrastructure in terms of its visual impact on the town and the wider area and on nearby residential amenity must also be considered.

## 7.5. Visual Impact

- 7.5.1. Objective PIO 121 of the Cavan CDP states that masts will only be permitted if supported by an acceptable 'Visual and Environmental Impact Assessment Report'. A visual impact report was not included with the application and the issue of visual impact has not been significantly addressed in the grounds of appeal.
- 7.5.2. The subject site is located on a backland site adjoining the town centre of Ballyjamesduff. The town was originally a market town and is orientated around the central intersection / market square. Buildings along the main streets are low-rise in scale, mainly comprising two or three storeys. On the occasion of the site visit, the town centre was busy and the main streets were characterised by independent, small-scale businesses. Chapter 13 of the Cavan Development Plan notes the importance of the historical layout of the town centre and seeks to maintain its unique and historic character.
- 7.5.3. I acknowledge that the proposed development would improve the current 4G services in the town, which would also be of benefit to local businesses and employment providers. However, I would also be concerned that the visual impact of the proposal would have a detrimental to the character and setting of the historic town and would have an overbearing impact on the town centre.
- 7.5.4. The proposed 18m high monopole would be clearly visible within the low-rise streetscape of the town centre. It would be visible from the town square and from Market Street to the north-east and from Granard Street to the south of the site.

Having visited the site and the surrounding area, it is my view that the proposed monopole would visually dominate the town centre and surrounding streetscape by virtue of its nature and scale. This would have a detrimental impact on the character of the historic market town and would be an inappropriate form of development. Although the 4G service would be improved by the proposal, I note that the town currently has a 4G service that is categorised by ComReg as 'Good'.

- 7.5.5. Furthermore, the Cavan Development Plan does not support masts within towns and villages and I am not convinced that the applicant has submitted satisfactory proposals for dealing with the dis-amenity of the proposal in this incompatible area as required by POL 120 of the CDP. It is also of note that the application does not propose to remove any of the existing poles within the site, one of which currently has telecommunications equipment mounted on it. This would also lead to a proliferation of equipment which is not in accordance with the Telecommunications Guidelines.

## **7.6. Impact on Residential Amenity**

- 7.6.1. The subject site is located in close proximity to residential development. The proposed monopole would be located 30m to the rear of a detached house facing onto Granard Street. The residential development of Ashford Downs is located to the east of the site with the side garden of No. 63 Ashford Downs directly adjoining the western site boundary. Although No. 63 does not face directly onto the subject site, the proposed monopole would be c. 15m from the front corner of the house and would directly adjoin the side garden. I note that the application only included a layout plan of the site itself and did not include a wider site plan that showed its proximity to adjoining buildings or contiguous elevations.
- 7.6.2. Having visited the site, I am satisfied that the proposed development would have a significant impact on the residential amenity of the adjoining properties by virtue of its nature and scale and proximity. The 18m monopole would have an overbearing impact on the existing houses when viewed from their attendant private open space.
- 7.6.3. On balance, whilst it is acknowledged that the improvement of telecommunications infrastructure is supported by national guidance, the justification for the proposed development does not quantify the impact the proposal would have on the town

centre in terms of its visual impact and on the adjoining residential development in terms of its overbearing impact.

## **7.7. Appropriate Assessment**

- 7.7.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.7.2. The proposed development is for an 18m monopole with pole mounted telecommunications infrastructure and supporting ground mounted infrastructure. The development site is within an established utility compound and does not require any ground works, new access roads or water connections.
- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.7.4. The closest European sites are Lough Sheelin SPA, (Ref. 004065) which is c. 7km to the south-west of the site. There is no direct hydrological connection from the subject site to the designated site and they are at some remove from each other.
- 7.7.5. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development and the location of the site in a developed utility compound with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise, and it is not

considered that the 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 planning permission be refused for the development.

## **9.0 Reasons and Considerations**

1. Having regard to the nature and scale of the proposed development for an 18 metre telecommunications monopole and associated infrastructure within the town of Ballyjamesduff, it is considered that the proposed development would result in a significant and negative visual impact on the town centre and the wider area. It would also be contrary to national guidance as set out in section 4.3 of the Department of the Environment and Local Government Planning Guidelines 'Telecommunications Antennae and Support Structures' (1996) and in particular with Objective PIO120 of the Cavan Development Plan 2014-2020 which seeks to restrict such development from towns and villages. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the Department of the Environment and Local Government Planning Guidelines 'Telecommunications Antennae and Support Structures' (1996) and the height, scale and location of the proposed development in close proximity to residential development, it is considered that the proposed development would have an overbearing impact on the adjoining houses and would be visually obtrusive when viewed from the attendant open space of the houses. The proposal would therefore have a negative impact on the existing residential amenity, would not be in accordance with the 'Existing Residential' zoning for the site and would be contrary to the proper planning and sustainable development of the area.



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Elaine Sullivan  
Planning Inspector

8<sup>th</sup> November 2021