



An
Bord
Pleanála

Inspector's Report

ABP-310372-21

Development	Replacement of a telecommunications support structure and attached equipment with a proposed new lattice tower support structure (overall height of 25.5 metres) carrying replacement equipment and the addition of new telecommunications antennas, dishes and associated equipment, together with new equipment cabinets, fencing and landscaping.
Location	Eir Exchange, Drumalt, Arvagh, Co Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	21128
Applicants	Eircom Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Eircom Ltd.
Observer(s)	Arvagh Area Childcare Company
Date of Site Inspection	24 th November 2021
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Eir Exchange, Drumalt, Arvagh, Co Cavan. The Eir Exchange site is a small site located between two roads, the R198 Cavan road and the Gowna (Granard) road (L2507). The forked junction between these roads is occupied by a landscaped bed and some evergreen trees, a health centre, the subject site and a former national school now in use as a preschool.
- 1.1.2. There is a line of poplar trees along part of the preschool boundary with the Gowna road and another line along part of the boundary with the Cavan road as well as a group of evergreen trees. The preschool shares a boundary with the subject site and play equipment is located close to the boundary.
- 1.1.3. The site is currently occupied by a small building, with a flat roof and a telecommunications support structure stated to be 10.5m high with omni antenna – overall height 13,3m. The land falls from north to south; with the site being below the level of the Cavan road and above the Gowna road. Some ivy covered trees/bushes screen the Cavan road boundary. Access to the site is from the Gowna road
- 1.1.4. The site is given as 0.046ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the replacement of a telecommunications support structure and attached equipment with a proposed new lattice tower support structure (overall height of 25.5 metres) carrying replacement equipment and the addition of new telecommunications antennas, dishes and associated equipment, together with new equipment cabinets, fencing and landscaping. The structure being replaced is a narrow timber pole, with a metal rod above. The proposed structure will be located c4.5m from the road boundary with the Cavan road.
- 2.1.2. The application is accompanied by a letter from Towercom. Towercom manage an existing mast network in Ireland and facilitate the co-location of multi-operator infrastructure to a wide range of clients including national mobile operators, national and local broadband providers, national broadcasters and national and local

emergency services for both the public and private sector. Towercom reduce the demand and proliferation of telecommunications structures throughout the country.

- 2.1.3. Figs 3 to 9 of the application document show existing facilities in the area and the existing coverage and predicted coverage for Eir mobile, and the existing coverage for Three Ireland 4G and Vodafone 4G.
- 2.1.4. The proposed development is designed as a multi-operator lattice structure to accommodate antennae and transmission dishes for the purpose of improving the coverage and capacity of mobile telecommunications and broadband services in Arvagh and surrounding areas.
- 2.1.5. A letter from Eir mobile is attached to the application.

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 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

3.2.2. The planning report includes:

3.2.3. The coverage issued identified by Eir for its 4G rollout has been sufficiently demonstrated particularly in the ComReg maps enclosed. This is a coverage map for Eir mobile, Vodafone and Three Ireland only. There may be alternatives, including more suitable and optimal locations, that could be identified on a more collaborative basis with the other providers. The site is already developed for utilities accommodating the Eircom Exchange network and with several previous planning approvals for telecommunications masts up to a height of 10m. the proposed development will be structurally capable and made available to other operators for the purposes of co-location of infrastructure. It considers that the applicant relies on the planning history of the site, and its ownership of it, and has not provided enough information to adequately address Objectives PI018 and 25 of the Development Plan in relation to justification and co-location. The proposed development is significantly different in terms of scale and visual impact from that previously approved on the site, and therefore the application must be determined on its own merits.

3.2.4. The site is zoned whitelands – part of this zoning objective is to ensure that new developments do not detract from the topography, views and landscape of the towns or villages and their surrounds. The assessment is that the proposed development would not achieve this. The positioning of a 25.5m high structure at this location would represent a substantial change on the landscape at this location. It would have an overbearing impact, at relatively close proximity, to a number of dwellings and business premises. It would not be consistent with the zoning objective. It is 65m from the dwelling to the north and 50m from the childcare facility to the east. It would be a prominent feature and have negative impacts on streetscape / townscape of this general location. By virtue of its scale and height and design would have a negative impact on the visual catchment, in particular on the dwellings within 100m radius, the local townscape and the entrance to the town.

3.2.5. Re. health concerns, appendix II of the guidelines includes an agreed statement on health and safety aspects, agreed by the Department of Health and Transport,

energy and Communications with the Department of the Environment for inclusion in the Guidelines. No proven link was established between the low level non-ionising radiation associated with these installations. Operators are required to comply with the International Commission of Non-Ionising Radiation Protection Agency (ICNIRP), and emissions standards are required to comply with relevant standards; public health is not a valid reason to refuse.

3.2.6. Other Technical Reports

3.2.7. Area Engineer – no objection.

3.2.8. Environment – no objection.

3.3. **Prescribed Bodies**

3.3.1. Irish Aviation Authority - no requirement for obstacle lighting.

3.4. **Third Party Observations**

3.4.1. Third Party Observations on the file have been read and noted. Issues raised are similar to those raised in observations to the Board.

4.0 **Planning History**

15/10 – permission granted to Vodafone Ireland Ltd to retain existing development consisting of a support of a telecommunications support pole 10.5m high with antennae, equipment cabinet and associated equipment within the Eircom Exchange compound. The development forms part of Vodafone Ireland Ltd's existing GSM and 3G Broadband telecommunications network used for mobile communications purposes (previous 09/194).

09/194 – permission granted to Vodafone Ireland Ltd for the retention of a 10.5m high support pole and antenna. This development is used for mobile communications purposes (previous 04/1643). The development forms part of Vodafone Ireland Ltd's existing GSM and 3G Broadband telecommunications network.

04/1643 - permission granted to Vodafone Ireland Ltd for the retention of a 10.5m high support pole and antennae.

99/220 - permission granted to Eircell Ltd to erect support pole and antenna for mobile communications.

5.0 Policy Context

5.1. Development Plan

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

Relevant provisions include:

Arvagh is a Tier Four (Small Towns) settlement –

Specific zoning objectives have not been identified for these small towns and villages. However a map outlining the development boundary for each has been produced and a town core has been identified. It is important that the retail and service function of each small town and village remains within the traditional town core and residential development close to it. This will create the compact urban form that is the most sustainable.

5.1.2. The site is within the settlement of Arvagh, 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.

5.1.3. 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'.

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 where 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. Of relevance:

- 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 which might give rise to local concerns (Section 3.2).
- 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).
- Only as a last resort should free-standing masts be located in a residential area or beside schools.
- 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 protected sites are Cordonaghy Bog (site code 000978) pNHA (south east), Bruse Hill (site code 000002) (north east) and Lough Naback (site code 001449) (south west), all in the range of 3.5 to 4km straight line distance from the subject site.
- 5.4.2. The nearest Natura sites are Lough Oughter and Associated Loughs SAC (site code 000007 and Lough Oughter and Associated Loughs SPA (site code 004049) located c10km straight line distance 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. Towercom have submitted the appeal, on behalf of Eir (Eircom Limited), the grounds includes:

- The Eir Exchange currently accommodates Vodafone on an existing 10.5m high wooden pole with omni antenna attached (overall height 13.3m to top of antenna). However, by virtue of its lightweight design, this structure is designed as a single operator structure and would not be capable of supporting new operators, such as Eir Mobile, who have provided their support and technical requirements for this location, and additional equipment by other operators. Furthermore with the proposed new structure there is an opportunity for future equipment to co-locate for multiple operators.
- Re visual impact – two photomontages were produced from selected viewpoints: eastern approach to site along the R198 approx. 110m from the site; and western approach to site along the R198 approx. 100m from the site. The inclusion of the photomontages is useful to determine the significance of the visual impact on the surrounding area. They demonstrate that the proposed development would not have an adverse impact on the visual and residential amenities of the area.
- There has been a telecommunications support structure on the property for many years. There is precedent for infrastructure and utilities in the locality.

The surrounding natural environment will assist in screening the proposed development.

- The development is the minimum height necessary to ensure sufficient radio coverage for multiple operators, the location at an established utilities property with an existing exchange building and vertical structures such as nearby streetlights and electricity poles mean that the siting is the most suitable location within the local context. The existing exchange building and surrounding extensive mature trees and vegetation will help screen the structure from view.
- Given the increased height and size there would be some visual impact from the proposed structure within the surrounding area. The views are likely to be intermittent due to the level of existing natural screening, topography, existing buildings and proposed landscaping. Where the structure will be visible it will generally be seen protruding over rooftops and through natural screening, existing buildings and general visual clutter.
- Taking account of the suitability of the site from a technical perspective they consider the magnitude of impact on the visual amenities of the area would be acceptable.
- A lattice tower is the preferred method of support and height, structurally capable of supporting the loads of both equipment and environmental loads without movement. They are considered the most suitable of multi-user telecommunications support structures and the most appropriate design. Works access safety for the lifetime of the structure is also a consideration when selecting the proposed lattice tower, given it is the easiest and safest structure.
- The height is required to accommodate multiple telecommunications equipment from operators and to see above the tall, dense foliage in the area. The proposed structure would future proof the site and provide sufficient height for other operators to co-locate.
- The nearest existing telecommunications sites include:

- Vodafone – 600m northwest on a rooftop that will provide very little coverage in surrounding areas.
- Three Ireland 2 wooden poles at Castlepoles east of Arvagh c2km from the site. Coverage would be severely limited due to the reservoir close by, a hill to the west will prevent coverage in this area.
- Vodafone, Three Ireland and Eir Mobile are located on a lattice tower approx. 3.5km northeast. Although there is good coverage it does not provide the same level of coverage in the village of Argagh as the proposed installation. The tower is designed to provide coverage to the east of Arvagh and due to hills and general terrain does not provide coverage to the village.
- The main objective for the future operators of this structure would be to provide indoor voice and data services to the homes, businesses and roads located in the area. The proposed installation must be located in reasonable vicinity to the area it is intended to serve.
- The proposal for a more substantial structure capable of co-location, at an established utilities property meets the balance between facilitating the delivery of improved telecommunications infrastructure and the protection of the built and natural environment.
- They cite a recent Board decision (308818) to permit a 24m lattice tower at Croom, Co Limerick.

6.2. Planning Authority Response

The planning authority have responded to the grounds of appeal, including:

- 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. The support structure should be kept to the minimum height consistent with effective operation.’

- The site is zoned whitelands – part of this zoning objective is to ensure that new developments do not detract from the topography, views and landscape of the towns or villages and their surrounds. The assessment is that the proposed development would not achieve this. The positioning of a 25.5m high structure at this location would represent a substantial change on the landscape at this location. It would have an overbearing impact, at relatively close proximity, to a number of dwellings and business premises. It would not be consistent with the zoning objective.
- It would not integrate into the appearance of the area.
- The planning history of the site, which permitted a smaller 10.5m wooden monopole does not provide sufficient justification for this development.

6.3. Observations

6.3.1. An observation on the appeal has been received from Arvagh Area Childcare Company, which includes:

- The land surrounding comprises businesses and residential properties.
- The natural screening that is mentioned is from trees that are approximately 15m high adjacent to the roadside and a number of them have been windblown in the past and back onto the creches playground do will need to be topped to reduced their height for safety reasons; and will not offer cover for a 25.5m high tower.
- Photos to demonstrate impact on the creche are attached.
- The photos provided in the appeal do not fairly demonstrate the visual impact.
- The mast will not 'generally be seen protruding over rooftops and through natural screening' it will be at the bottom of their playground and protruding on the corner of a busy and very much have visual impact.
- It is not on the outskirts of the town. It is beside a creche, preschool and afterschool.
- They are registered with TUSLA and have responsibility under the Children First Act 2015. They are concerned that multiple users will have access to the

mast which backs onto a creche where young children are playing. Anyone coming into contact with the children are Garda vetted.

- Parents of children attending will have health and welfare concerns which will affect their business. They are a not for profit community creche and support the local community offering affordable childcare. They employ locally and run a CES providing training and work experience for people to assist them to get back to work. If parents choose to go elsewhere it will affect their income and may lead to redundancies.
- They don't see the value of the precedent without details.
- The proposal has caused a lot of concern among staff and parents.

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 Arvagh 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 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 in residential areas of beside schools which might give rise to local concerns.
- 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.
 - 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.
 - The proximity to the exchange building allows fibre connection and allows for less equipment.
- 7.3.7. This site, beside a creche/playschool/afterschool, gives rise to local concerns.
- 7.3.8. I agree with the assessment of the planning authority that there may be alternatives, including more suitable and optimal locations, that could be identified. There are less sensitive areas in the vicinity of the settlement where a mast could be located. The presence of the exchange building is not sufficient justification for the choice of location.
- 7.3.9. In my opinion neither the application documentation, nor the grounds of appeal provide evidence of the need to locate the mast within the settlement and adjacent to a creche/playschool/afterschool facility and other town centre uses.

7.3.10. The proposed development is 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 settlement of Arvagh beside an established pre-school facility, 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

2nd December 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.