



An
Bord
Pleanála

Inspector's Report

ABP-310485-21

Development	Construction of a 36 meters high lattice telecommunications tower
Location	Ard, Geashill, Tullamore, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	21/27
Applicant(s)	Signal Infrastructure Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant of Permission
Appellant(s)	Finbarr Dowling
Observer(s)	None
Date of Site Inspection	24.09.2021
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located approx. 2.8km south west of Geashill village in the eastern area of Co. Offaly.
- 1.2. It is proposed to position the telecommunications tower within a field off a local road. There is a railway line running immediately to the south of the proposed tower location, and the location is approx. 60 metres east of a vehicular bridge over the railway line. It is a rural area and there is some housing within the general vicinity. There is a tree/hedge line along the boundaries of the field. There is a gated access track running from the local road to the railway line immediately parallel to the north west of the site.
- 1.3. The site has an area of 0.0223 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for a 36 metres high lattice mobile and broadband tower, associated equipment and cabinets in a palisade fence compound, and an access track.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by:
 - a 'Planning Application' document prepared by 4Site.
 - an undated 'Eir Technical Justification' prepared by Eir.
 - a 'Vilicom Technical Justification' prepared by Vilicom dated 14.01.2021.
 - Photomontages from 10 no. views.
- 2.3. Further information was submitted in relation to roadside drainage, a revised proposal for the site entrance, detail of the proposed access lane, and a response to the two submissions received by the planning authority.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Offaly Co. Co. decided to grant permission for the development subject to 11 no. conditions including the future removal of the structure, the making available of the mast for other operators, liaison with Iarnród Éireann, lighting, construction practices, and surface water discharge.

3.2. Planning Authority Reports

- 3.2.1. Two planning authority Planning Reports formed the basis of the Council's decision. The second report concluded that, having assessed the application in conjunction with the internal reports and the policies and objectives outlined in the Offaly County Development Plan 2014-2020, it was considered reasonable to permit the development, subject to conditions.

3.2.2. Other Technical Reports

Area Engineer/Edenderry Municipal District – Following the further information response, conditions relating to, inter alia, making good of any damage to the public road, and surface water, were recommended.

Environment & Water Services – No objection subject to conditions relating to waste management and environmental nuisance.

Chief Fire Officer – No objection.

3.3. Prescribed Bodies

Iarnród Éireann – No objection in principle. Three observations are made in the interests of safety.

3.4. Third Party Observations

- 3.4.1. Two observations were received from (i) Finbarr Dowling, and (ii) Pauline Price & David Garry. All three observers are local residents. The issues raised, other than that of co-location which is cited in the grounds of appeal, are:

- Health impacts.
- Property devaluation.
- Statement of compliance from the International Radiation Protection Association (IRPA).
- Proximity to houses.
- No consultation by the applicant with residents.
- Removal of hedgerow / increase in environmental noise levels.
- Construction traffic hazard.
- Circular Letter PL 07/12 is in breach of the Constitution and is therefore not legal.

4.0 Planning History

None.

5.0 Policy Context

5.1. Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996

- 5.1.1. These guidelines, and the subsequent Circular Letter PL 07/12, are relevant to applications for telecommunications structures.

5.2. Offaly County Development Plan 2021-2027

- 5.2.1. The planning authority assessed the planning application under the 2014-2020 Offaly County Development Plan. However, that Plan has subsequently been replaced by the Offaly County Development Plan 2021-2027 which came into effect on 20.10.2021.

5.2.2. Section 5.8.1 (Broadband and Wi-Fi) and Section 5.8.2 (Telecommunications) are relevant to the planning application. Communications Infrastructure Policies and Objectives are set out in Sections 5.9 and 5.10.

5.2.3. Development Management Standard DMS 111 (Telecommunications) sets out what planning applications relating to antennae and support structures shall be accompanied by.

5.3. Natural Heritage Designations

5.3.1. The closest Natura 2000 site is River Barrow and River Nore SAC (Site Code 002162) approx. 5.3km to the south west. The closest heritage area is Raheen Lough pNHA (Site Code 000917) approx. 2.3km to the north east.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Finbarr Dowling, Ard, Geashill. The main points made can be summarised as follows:

- The proposal is within 100 metres of the appellant's house and farmyard.
- Co-location to a nearby existing mast is the obvious solution. The Council did not give any consideration to this alternative despite the Planners Report stating all submissions would be taken into consideration and the Chief Executive's final grant stating the planning authority had regard to submissions received.
- The appellant fails to see how Policy CIP-02, where it is policy to avoid an unnecessary proliferation of masts and to facilitate co-location on existing support structures, was taken into account. In the Planners Report, all the appellant's submissions are outlined except the co-location proposal.
- There is an existing mast approx. 800 metres to the north west. The benefits of using the existing mast are obvious.

- It is proposed to erect a mast beside two family homes when a workable and cheaper solution is available within a few hundred yards. Both sites are adjacent to the railway track and so broadband services to the trains would not be affected. Even if the mast was not available the appellant does not consider it fair that a site beside two houses should be picked when large open spaces are available. More consideration was given to the gate and entrance than the siting of the mast.

6.2. Applicant Response

The main points made can be summarised as follows:

- The site is designed to support 3G and 4G broadband communications for multiple operators including future technology rollout. The proposed development will bring significant improvement in the provision of mobile and broadband data services to the area and close a large coverage gap on the R420 regional road and other local roads.
- The applicant's response states that the appellant has appealed on five grounds: location of the proposed structure, health considerations, co-location, property devaluation, and a statement of compliance from the IRPA.
- Location of the proposed structure
 - The site is actively required in the area by a number of providers and operators. The current Eir site at the old train station is no longer fit for purpose and does not provide adequate network service in the area. The development will replace the existing Eir structure which no longer has the capacity to meet growing network requirements, and, at present, does not come close to meeting requirements.
 - The site is within a rural setting with a number of houses relatively close by. There is a high amount of forestry in the area, and it is adjacent to the Portarlinton to Galway railway line. The general topography is relatively flat. Despite this a below standard network availability exists in the area.

- The site is in an area of low sensitivity. The impact of the proposal will be low. A visual impact appraisal demonstrated this low impact and it will not cause disruption to properties in the vicinity, including the appellants’.
- Health considerations
 - A statement of compliance from Eir has been submitted. This states it is aware of its requirements in relation to management of radiation and is committed to management of risk. All equipment is designed to meet standards and best practice. The 1996 Telecoms guidelines and Circular Letter PL 07/12 states planning authorities should be primarily concerned with the appropriate location and design of structures and do not have competence for health and safety matters. The industry is heavily standardised and policed to ensure operators always operate within safety limits.
- Co-location
 - It is the policy of Eir to co-locate where possible. In this case there is not an option to co-locate due to no suitable structures within the area. Eir plan for this site to replace their existing site at CIE Geashill. The existing site cannot offer the same coverage footprint as the proposed structure. The new structure would further improve coverage in the area and provide additional coverage to surrounding townlands that currently do not have any indoor service due to the increased antenna height. It would also improve coverage on the rail line, the R420, and third class roads.
 - Maps are provided showing the existing Eir indoor coverage footprint in the area without either the proposed (Cellnex Geashill) or existing (CIE Geashill) structures as it is hoped to replace CIE with Cellnex, predicted Eir indoor coverage footprint with Cellnex (and not CIE), and a coverage comparison map.
 - In order to provide an effective and sustainable network to the area there is a requirement to build this new structure in this specific location. Co-location is not a possibility. Justifiable reasons why a new structure is required have been provided.

- Vilicom, a telecommunications consultant, produced a detailed technical justification for the site. The nearest mobile site is CIE Geashill which provides limited services to the target area due to its distance from the majority of the target area, the low height of the structure, and surrounding clutter. Other mobile sites in the area are too far to provide adequate coverage to the target areas, or already have infrastructure in place.
- A table is provided outlining the reasons why seven existing sites within 10.8km have been discounted. Reasons are distances to the target area, low height of the existing structure, and surrounding clutter. Co-location has been very much investigated, but it is not feasible. The Eir and Vilicom technical justifications should also be referred to.
- Property devaluation
 - The Board has adjudicated on such matters in the past and has found that, without evidence, it should not be used as a reason for refusing a development. It could be assumed property values might be positively affected by an improvement in communication infrastructure. A UK study showed that, on average, house prices increased by 3% when broadband speeds doubled.
 - This part of Offaly has been identified under the National Broadband Plan as requiring state intervention so it can be concluded that the service is necessary.
 - It is considered that these concerns are unfounded.
- Statement of Compliance
 - The equipment is designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). As the licensing authority, ComReg is responsible for ensuring that operators comply with their licence conditions relating to non-ionising radiation.

- The applicant's response is also accompanied by documentation, photomontages, layout plans, and elevation drawings which were previously submitted to the planning authority during the planning application process.

6.3. **Planning Authority Response**

- 6.3.1. The planning authority respectfully requests the Board supports its decision to grant permission.

6.4. **Observations**

None.

6.5. **Further Responses**

None sought.

7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the Planning Reports, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with the Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996
- Compliance with the Offaly County Development Plan 2021-2027
- Co-Location
- Appropriate Assessment

7.1. Compliance with the Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996

- 7.1.1. The 1996 Guidelines, and the subsequent Circular Letter PL 07/12, set out national policy for development of the type proposed. Issues of co-location contained within the Guidelines are addressed under Section 7.3 of this Assessment.
- 7.1.2. The Guidelines note that rural areas tend to have larger 'cells' i.e. the coverage area of one transmitter/receiver base station, than urban areas because the capacity of the network required in urban areas is much greater than rural areas. Coverage rather than capacity is the critical requirement in rural areas and the Guidelines acknowledge that higher masts are usually required in rural areas to support antennae. The proposed structure, at 36 metres in height, fits into the typical 20-40 metres high support structures/masts noted in the Guidelines. The proposed structure is a tripod lattice tower, which is identified in the Guidelines as the most usual support structure.
- 7.1.3. Visual impact is among the more important considerations, according to the Guidelines, though it is noted that in most cases there will only be limited flexibility as regards location. In rural areas forestry plantations are suggested. Notwithstanding that there are some mature trees in the wider area, the subject site is not a forest plantation. However, the proposed mast would generally only be visible intermittently and it is not along a major road or a tourist route, as referenced in the Guidelines. I do not consider the mast intrudes overly on general views of the area. These types of structures are relatively common in rural areas, and I do not consider the development would be visually incongruous or unduly obtrusive.
- 7.1.4. Section 4.4 of the Guidelines state that an access road may sometimes cause greater visual impact than the actual installation. I do not consider that is the case with the proposed development. The proposed access road is approx. 120 metres in length. It runs close to the tree/hedgerow boundary of the subject field and would be largely hidden from public view. The splayed entrance area and drainage detail submitted as part of the further information response was acceptable to the planning authority's Area Engineer who had recommended the further information be sought in this regard.
- 7.1.5. Having regard to the foregoing, I consider that the proposed development would not be inconsistent with the provisions of the Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996.

7.2. Compliance with the Offaly County Development Plan 2021-2027

- 7.2.1. Although the planning authority assessed the planning application under the 2014-2020 Offaly County Development Plan, that Plan has been replaced by the Offaly County Development Plan 2021-2027 which came into effect on 20.10.2021.
- 7.2.2. Section 1.6 (Statement outlining compliance with Section 28 of the Planning and Development Act 2000 (as amended)) of the Plan states that Chapter 5 (Economic Development Strategy) recognises the importance of achieving a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and protecting residential amenity and environmental quality. It is stated the Council will have regard to the Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996, and Circular Letter PL 07/12, in assessing development proposals.
- 7.2.3. Chapter 5 considers that improved connectivity and broadband offers the potential to ensure the rural area of the county remains and strengthens as a living and working community. Access to high speed broadband is essential for economic growth, sustainable development, social inclusion, and an enhanced quality of life, and it states that the Council will continue to support the delivery of ICT infrastructure in conjunction with service providers. The Plan recognises that there is a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential amenity, visual amenity, and the natural and built environment.
- 7.2.4. With the current application, impact on residential amenity has been raised as a concern as there are two houses within approx. 100 metres of the proposed telecommunications tower. The planning authority did not express any concern in relation to impact on residential amenity. While the proposed tower is likely to be intermittently visible from the residential properties, I do not consider the impact to be such that permission should be refused on residential amenity grounds. Natural vegetation and built fabric in the general area would reduce views of the structure. The site is in an area classified as 'Low Landscape Sensitivity' in Figure 4.22 (Landscape Classification Areas in County Offaly) in the Plan. Therefore, I do not consider the proposed structure would have any undue impact on the visual amenity of the area. There is nothing of significance in the area in terms of the natural environment and I consider that the proposed tower would be sufficiently distant from the nearest

protected structure, (RPS No.35-24 (Ard House)) approx. 320 metres to the north east on the opposite side of the local road, that there would be no adverse impact on that protected structure having regard to distance and the extent of natural vegetation. Therefore, I consider the proposed development would strike an appropriate balance between facilitating telecommunications infrastructure and protecting residential and visual amenity, and the natural and built environment, as set out in Enterprise Policies ENTP-40 and ENTP-43.

7.2.5. I consider the application meets the requirements of Development Management Standard DMS-111 in that a reasoned justification as to the need for the development at the proposed location has been provided, as have details of other sites considered but discounted (primarily because of the distance from the target area). Co-location/site sharing is addressed in Section 7.3. DMS-111 also requires proposals to mitigate the visual impact on the proposed structure and access roads etc. In this case I consider that the existing natural vegetation is sufficient to mitigate visual impact in this low sensitivity area.

7.2.6. Having regard to the foregoing, I consider that the proposed development would be consistent with the provisions of the Offaly County Development Plan 2021-2027, and it would be in accordance with the proper planning and sustainable development of the area.

7.3. Co-Location

7.3.1. Notwithstanding that the applicant's response to the grounds of appeal contains a response to all issues raised by the appellant in the original observation to the planning authority, and is a copy of the applicant's further information response in this regard, the grounds of appeal is effectively based on one issue, that of co-location, and specifically why the development is not located on the existing telecommunications tower at CIE Geashill, approx. 800 metres to the north west of the proposed tower. Co-location is addressed in this section.

7.3.2. The Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996, states that 'in order to avoid an unnecessary proliferation of masts, owners ... would be expected to facilitate co-location of antennae with other operators' and state that planning authorities should encourage co-location on existing support

structures and masts in certain circumstances. It is noted that sharing of masts will give rise to higher and stronger structures. The sharing of facilities is also noted in the Guidelines as a way of reducing the visual impact on the landscape.

- 7.3.3. Development Management Standard DMS-111 of the County Development Plan 2021-2027 requires written evidence of site-specific consultations with other operators with regard to sharing sites and support structures, and the Council must be satisfied that a reasonable effort to share installations has been made.
- 7.3.4. The Planning Application document submitted with the planning application states the site has been designed as a multi-user site capable of meeting Eir operator requirements as well as other operators. It states the site 'is actively required ... by a number of telecom providers or mobile operators ...' The current CIE Eir site, which is cited as being 15 metres in height, 'is no longer fit for purpose and does not provide adequate network service in the area'. The proposed configuration 'provides space for interested operators on the site that will be co-located on the antenna support structure'.
- 7.3.5. A letter was submitted with the planning application from Eir which expressed interest in locating equipment on the proposed structure, 'to provide improved mobile and wireless broadband coverage to the south of Geashill'. The letter also states that Eir 'prefer to site share on existing structures ... thereby eliminating the need for an independent site'. An Eir Technical Justification document was submitted which states that Eir require a site on Cellnex Geashill (the proposed development. Cellnex acquired Cignal in 2019) to replace Eir's existing installation at CIE Geashill because 'the existing site cannot offer the same coverage footprint as this new proposed structure'. Maps are provided showing the existing Eir indoor coverage footprint in the area without either the proposed or existing structures, predicted Eir indoor coverage footprint with the proposed tower (and not CIE), and a coverage comparison map.
- 7.3.6. The Vilicom Technical Justification document submitted states that the proposed structure can accommodate three network operators and one broadband provider. The CIE site is described as providing limited service to the target area because of distance, low height, and surrounding clutter. Other mobile sites are too far away to provide adequate coverage to the target coverage areas or already have infrastructure

in place. The locations of some of these have been shown on a ComReg map submitted with the application.

- 7.3.7. The observation received by the planning authority from Finbarr Dowling raised, among other issues, the issue of co-location on the existing tower, at CIE Geashill, rather than construction of a new telecommunications tower. Further information was sought, inter alia, requesting the applicant to comment on the issues raised in the third party observations received. In relation to co-location, it was stated that it was not an option as there are no suitable structures within the area. The proposed site will replace Eir's existing CIE Geashill structure which cannot offer the same footprint coverage. Other mobile sites in the area are too far to provide adequate coverage to the target areas, or already have infrastructure in place. The second planning authority Planning Report stated there was no objection to the proposed development having assessed the further information response in relation to the issues raised in the third party observations.
- 7.3.8. Having regard to the foregoing, and specifically to the issue raised in the grounds of appeal relating to the use of the CIE Geashill telecommunications tower in lieu of the proposed tower, I consider the applicant has established that the existing tower location would not provide the coverage to the target area that the proposed location would. I also consider the applicant has demonstrated that other support structures in the wider area are not suitable. I note that the proposed structure will provide co-location opportunities as encouraged in national and Council policy.
- 7.3.9. Therefore, I consider that the proposed development would not be contrary to national and Council policy with regard to co-location.

7.4. Appropriate Assessment

- 7.4.1. The closest Natura 2000 site is River Barrow and River Nore SAC (Site Code 002162), approx. 5.3km to the south west. The Natura 2000 Special Protection Areas (SPAs) designation relates to birds and, given the 36 metres height of the proposed structure, this designation may be more relevant. However, the closest SPA to the proposed telecommunications tower is Slieve Bloom Mountains SPA (Site Code 004160) approx. 9.3km to the south west of the proposed site. Given the distance, I do not

consider the proposed structure would be likely to have any effect on the qualifying interests (hen harrier) of the SPA.

- 7.4.2. Therefore, having regard to the nature and scale of the development proposed and to the nature of the receiving environment, remote from and with no hydrological or ecological pathway 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 planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Offaly County Development Plan 2021-2027 and the Telecommunications Antennae and Support Structure Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in 1996 and updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Offaly County Development Plan 2021-2027, and would not seriously injure the residential or visual amenities of 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, as amended by the further plans and particulars submitted on the 21st day of April 2021, 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. The proposed tower and all associated antennas, 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.

3. The developer shall liaise with Iarnród Éireann in relation to the position of any crane required during the construction phase. In default of agreement the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of public health.

4. 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 a 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.

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. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

7. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenity of the area.

Anthony Kelly

Planning Inspector

10.11.2021