



An
Bord
Pleanála

Inspector's Report

ABP-310492-21

Development	Construction of a 24m mobile and broadband tower with headframe carrying telecommunications equipment, associated equipment cabinets enclosed with 2.4m palisade fence compound
Location	Casey's Garage, Turlough Road, Annalecka, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20998
Applicant(s)	Signal Infrastructure Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Curradrish Road Residents (C/O Seán Higgins)
Observer(s)	None

Date of Site Inspection

6th April 2022

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.00522 ha. and is located to the rear of a commercial garage (Casey's), on the northern side of the Turlough Road (L1719), approximately 1 km north-east of the centre of Castlebar.
- 1.2. The appeal site comprises an area of hardstanding in the corner of a surface car park, to the rear of a fenced compound associated with Casey's garage.
- 1.3. Casey's garage, the adjoining lands to the north and the lands to the front of Casey's garage are indicated as being within the applicant's control, as depicted by the blue line boundary. A right of way is indicated connecting the appeal site to Turlough Road.
- 1.4. The lands to the west of the appeal site accommodate a commercial garage/ commercial uses. An overgrown vacant site is located to the north of the appeal site. The rear garden of a residential property abuts the eastern boundary of the appeal site. The closest dwellings to the appeal site are to the north-east along Curradrish Road, and to the east along Turlough Road, the closest of which is indicated as being c. 55 metres from the appeal site (i.e. St. Michael's, Turlough Road).
- 1.5. A dry ditch is located along the eastern boundary of the appeal site. There are a number of mature trees and extensive hedgerow at this location.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - The construction/erection of a 24-metre-high mobile and broadband tower with headframe carrying telecommunications equipment.
 - Associated equipment cabinets;
 - A 2.4-metre-high palisade fence (powder coated green).
- 2.2. The appeal is accompanied by a Technical Justification report. This report notes;
 - The proposed development will allow operators to bring a significant improvement in voice and broadband services to the area, where coverage is currently poor.

- The height of the structure will allow multiple network operators (two mobile operators and a broadband operator) to deliver services to the local community.

3.0 Planning Authority Decision

3.1 Request for Further Information and Clarification of Further Information

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information.

3.1.1 Further Information was requested as follows:

- Indicate distance between site and dwellings along Curradrish Road.
- Clarify/justify extent of tree removal on site and confirm if replacement planting is proposed.
- Submit further detail of ditch where bank build up/piling is proposed.
- Submit photomontages from the entrance to The Oakes housing estate, the entrance to Whitehorse Lane housing estate and further locations along Curradrish Road.

3.1.2 Further Information (Significant) submitted on 26/03/2021:

- Revised site location plan (*Drawing No. CIG_01946-103 PA*) indicating distances between the site and the dwellings along Curradrish Road. Applicant notes that the topography of the area and the existing planting provides screening for the proposal, and that the proposal will not have a considerable impact on the Curradrish Road area.
- It is intended to trim the trees, and only if necessary to remove 2 no. trees. This will be ascertained following a ground investigation and a tree felling licence will be obtained. Revised site plan (*Drawing No. CIG_01946-105 PA*) identifies the 2 no. trees which may require removal.
- It is not possible to determine whether any bank build up or piling will be required. Full ground investigation and structural analysis is required before this

can be established. Details of this ground investigation will be provided to Mayo County Council prior to any works being undertaken on the site.

- Additional photomontages submitted as requested. Photomontage now includes images from 16 no. vantage points, increased from 10 no. initially submitted.

The Planning Authority issued a Notification of Decision to Grant Permission on the 14th May 2021, subject to 7 no. conditions.

Condition No. 2 - specified that the structure facilitate the co-location with other operators.

Condition No. 5 - required ground investigation to confirm what trees are to be removed and whether piling/bank build up is required.

3.2 Planning Authority Reports

3.2.1 Planning Reports:

3.2.2 The first report of the Planning Officer (dated 11th February 2021) includes the following comments;

- The importance of high-quality communication services is noted.
- The main issues relating to the application are considered to be, proximity to dwellings; visual impact; the removal of trees; and works proposed outside the boundary of the site.

Further Information recommended.

3.2.3 The second report of the Planning Officer (dated 12th May 2021) includes the following comments;

- Whilst the proposed mast will be visible from certain locations, noting the urban setting of the site and its location adjacent to a commercial premises, the visual impact of the proposed development is considered minimal.
- An advice note was included stating that all works should be carried out within the site boundary.

Grant of permission recommended.

3.2.4 Other Technical Reports:

3.2.5 Architects Department (dated 19th February 2021) – reference made to the location of proposed development on residentially zoned lands, whereas the Castlebar Town and Environs Plan 2008 – 2014 refers to the preferred location of such structures within industrial estates. No specific recommendation is provided.

3.2.6 Broadband Officer (dated 21st January 2021) – the proposal will offer an improvement to any operator's service.

3.3 Prescribed Bodies

None received.

3.4 Third Party Observations

6 no. observations were received by the Planning Authority. The following is a summary of the main issues raised in each third-party observation:

- Visual impact concerns.
- Impact on residential amenity.
- Health impacts.
- Ambiguity in relation to the nature and extent of the proposed development.
- Concerns regarding the structural stability of the proposed structure.
- Photomontages omit locations and are not representative.
- The proposed development does not accord with the Castlebar and Environs Development Plan 2008 – 2014, regarding the zoning of the site and policy concerning telecommunications structures.
- The proposed development does not accord with the National Planning Framework or the Regional Spatial and Economic Strategy 2020-2032.
- The proposed development does not comply with the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 and Circular PL07/12.

- No examination of alternative sites provided/locations in rural areas should be considered.
- The applicant has not demonstrated a need for the proposal/proposal is speculative.

1 no. observation was received by the Planning Authority within the statutory timeframe in respect of the significant further information received. The Planning Officer's report does not refer to this observation. The following is a summary of the main issues raised in this observation:

- Ambiguity in respect of tree removal.
- The proposal is not sited on level ground and straddles an embankment.
- Ambiguity in relation to the area which is annotated on site plan to be built up to existing tarmac ground level. This area is outside the red line boundary of the site.
- Works relating to ground investigations should be clarified prior to any grant of permission, and not after.
- No information provided regarding how upfilling works would be executed or the extent of hedgerow removal necessary to facilitate the proposal.
- Ambiguity in relation to whether piling is required, and any potential impact which deep foundation percussion works would have on adjoining property.
- Photomontage submitted is inaccurate.

4.0 Planning History

4.1 Subject Site

None.

5.0 Policy Context

5.1 National Policy

5.1.1 **National Planning Framework ‘Project Ireland 2040’:**

National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

5.1.2 **Regional, Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES)**

The weakness/absence of high-quality telecommunications infrastructure is identified as being an important issue for the region.

RPO 3.1 - Develop urban places of regional-scale through, delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth; delivering significant compact growth in Key Towns; and developing derelict and underutilised sites, with an initial focus within town cores.

5.1.3 **National Broadband Plan 2020:**

The National Broadband Plan (NBP) is the Government’s initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

5.1.4 **Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (Department of the Environment and Local Government):**

The Guidelines provide relevant technical information in relation to installations and offer guidance on planning issues so that environmental impact is minimised and a consistent approach is adopted by Planning Authorities. Visual impact is noted as among the most important considerations in assessing applications for telecommunications structures but the Guidelines also note that generally, applicants

have limited locational flexibility, given the constraints arising from radio planning parameters. The Guidelines place an emphasis on the principle of co-location.

Section 4.3 'Visual Impact', provides that, *'in the vicinity of larger towns and in city suburbs, operators should endeavour to locate in industrial estates or in industrially zoned land'*. The Guidelines go on to state that, *'only as a last resort, and if the alternatives are either unavailable or unsuitable, 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 structures 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'*.

Section 4.3 also notes that *'some masts will remain quite noticeable in spite of the best precautions and that the following considerations may need to be taken into account:*

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental*
- *Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect*
- *There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.'*

5.1.5 Circular Letter PL 07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the 1996 Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It advises Planning Authorities to:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Reiterates advise not to include monitoring arrangements on health and safety or to determine planning applications on health grounds;
- Future development contribution schemes to include waivers for broadband infrastructure provision

5.1.6 Circular Letter PL 03/2018

Circular Letter PL 03/2018, dated 3rd July 2018 provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013, and specifically states that the wavier provided in the Development Contribution, Guidelines for

Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

5.2 Development Plan

5.2.1 The Mayo County Development Plan 2014 – 2020 is the relevant development plan.

The Draft Mayo County Development Plan 2021-2027 is **currently at Material Amendment stage** and is due to be adopted in July 2022, coming into effect 6 weeks after.

The provisions of the Mayo County Development Plan 2014 – 2020 relevant to this assessment are as follows:

TC-01 –support and facilitate ICT infrastructure subject to not having significant adverse effects on environment.

TC-02 - locate telecommunication masts in non-scenic areas, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures.

LP-01 – facilitate development in a manner that has regard to the character and sensitivity of the landscape.

Section 55 of Volume 2 - sets out development control guidance for telecommunications.

The appeal site is located within Policy Area 4 (Drumlins and Lowlands) in the supporting document, 'Landscape Appraisal of County Mayo'. These areas are recognised as comprising working landscapes, contain the vast proportion of Mayo's population and all major road and rail infrastructure.

The appeal site is not identified as being affected by any designated routes or views on Map 4 'Scenic Routes and Protected Views' of the Landscape Appraisal of County Mayo.

5.2.2 Castlebar and Environs Development Plan 2008 – 2014 (extended in accordance with Section 11A of the Planning and Development Act 2000, as amended) is the relevant Plan for Castlebar.

The Castlebar and Environs Development Plan 2008 – 2014 is **currently under review**. A Draft Plan is due to be published in June 2022.

The appeal site is zoned 'Existing Residential Infill' in the Castlebar and Environs Development Plan 2008 – 2014, with a stated objective *'to protect, preserve, improve and develop existing residential areas; to provide for appropriate infill residential development; to provide for new and improved ancillary services and to provide for facilities and amenities incidental to those residential areas'*.

Telecommunication structures are not listed as being 'permitted in principle', 'open for consideration' or 'not permitted' within this zoning.

Section 15.2 of the Plan provides that *'it is an objective of the Development Plan that uses, other than the primary use for which an area is zoned, may be permitted provided they do not conflict with the primary use. Uses, which conflict with the primary use will not be permitted'*.

The provisions of the Castlebar and Environs Development Plan 2008 – 2014 relevant to this assessment are as follows:

EO 2 - promote the enhancement of telecommunications infrastructure.

PUP 10 - support the roll out of broadband.

PUP 11 - take into consideration: - a) the visual impact of the telecommunications equipment. b) the co-location of antennae on existing support structures. Planning permission will only be granted where it can be demonstrated that no other support structures are useable. c) the safety aspect of locating such structures within the vicinity of land where the public presently gather or reside.

5.3 Natural Heritage Designations

The appeal site is not located within or close to any European Site.

5.4 EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1 Grounds of Appeal

This is a third-party appeal on behalf of Curradrish Road Residents, C/O Sean Higgins, against the decision of Mayo County Council to grant permission for the proposed development. The grounds of appeal can be summarised as follows:

- The applicant has not demonstrated the requirement for the proposed development at this location, save for reference to 'improved' coverage to parts of the town. The appellant contends that coverage at Curradrish Road is already more than satisfactory.
- The applicant has not provided any evidence that co-location on existing structures has been explored or that other sites were examined.
- The applicant has recently been granted a telecommunications structure 4 km from the site therefore the proposed mast is of limited effect.
- A grant of permission would lead in a proliferation of similar structures.
- Under ABP Ref. PL.16.305050, the Board held that the applicant had not provided evidence of the need for the proposed telecommunications structure at that particular location nor had evidence of possible locations for co-location been provided.
- The proposed development is speculative in nature, the applicant has not demonstrated that the area in the vicinity of the site is devoid of mobile broadband services and only one provider has expressed an interest to locate services on the proposed structure.
- The proposed development does not comply with the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 or

Circular PL07/12 in relation to the location of telecommunication structures, the sharing of installations and sites, and may lead to the proliferation of such development.

- The impact of the proposed development on residential property on Curradrish Road has not been addressed in the documentation submitted by the applicant.
- The photomontages are generally of poor quality. Particular concerns raised regarding the impact of the proposal on the properties on Pontoon Road, Curradrish Road and Turlough Road.
- The proposed development is visually obtrusive and is not compatible with the prevailing land use zoning for the site.
- The proposed development, due to its scale and mass, would be an obtrusive feature within the landscape and would constitute overdevelopment of the site, which is zoned for low to medium density infill development. The proposed development would seriously injure the amenities of property in the vicinity and would depreciate the value of property.
- The proposed development is ambiguous in relation to construction and screening aspects, the applicant's response to the Planning Authorities Further Information request regarding the removal of trees and piling is vague and there are concerns that this would impact adjoining property and result in the devaluation of property.
- The proposed development does not accord with Objective NPO07 of the National Planning Framework or Objective RPO 3.1 of the applicable Regional Spatial and Economic Strategy 2020-2032. The proposed development would render the site less attractive for residential development.
- The proposed development does not accord with the Castlebar and Environs Development Plan 2008 – 2014 as the site is zoned 'Existing Residential Infill', the development strategy/policy for which seeks to protect such areas from insensitive development and the avoidance of development which breaks the skyline. Additionally, the proposed development does not accord with Section 5.11, Objective RHO 3 and Objective RHO 5 (which concern the visual amenity of residential areas); Section 9.7 and Objective NEP 13 (which concern

landscape character); Section 10 and more specifically Objective PUP 10 (which deals with telecommunications), given the existing availability of mobile broadband in the area.

- Regarding land use compatibility, the Castlebar and Environs Development Plan 2008 – 2014 provides that uses which conflict with the primary use will not be permitted.

6.2 Applicant Response

The applicant's response includes a number of reports and technical documents and generally reiterates points raised in the initial planning application, in addition to responding to the specific points raised by the appellant. I have summarised the applicant's response under the following headings:

Justification for proposal

- The proposed development is designed to support 3G and 4G broadband communications, next generation technology for multiple operators, and will bring significant improvements in the provision of mobile and broadband to this area of Castlebar.
- The proposed structure is actively required by Eir. The area in and around Castlebar is considered to be a coverage blackspot and voice and data services are limited to non-existent. Without a site in north Castlebar, the area will continue to have inadequate mobile voice and data services.
- The National Broadband Plan has identified this part of Mayo as requiring state intervention to expand the availability and competitiveness of broadband.
- Regarding the recently permitted telecommunications structure (i.e. PA. Reg. Ref. 20/919) and the suggestion that the coverage maps submitted under the current application are a duplication of what was submitted under PA. Reg. Ref. 20/919, the coverage plots have been completed from an objective stand point so as to establish if a structure is required.

Justification for site selection

- A search ring was devised to identify network blackspots. Several locations were analysed to pick an ideal location within the target area, including existing telecom structures within 1 km of this area. There are no industrial zoned lands within the search ring.
- An examination of 6 no. existing sites was undertaken, including Castlebar ESB site, located 1.1 km from the appeal site. Co-location on these sites is discounted on the basis of being too far from target coverage and due to the inadequate size of the structures on these sites. Additionally, none of the 6 no. sites are in the ownership of Cignal Infrastructure and as such the applicant has no authority to carry out any extension or replacement works or to lodge a planning application for development at these sites.

Impact of proposal

- Noting the topography of the area and the existing natural screening, the visual impact of the proposal will be low. The photomontages have been created using the latest technology and provides an accurate assessment of the proposal's appearance.
- Only the top of the proposed structure will be visible from The Oaks housing estate and Whitehorse Lane. Similarly, along Curradrish Road, despite the close proximity of the site, given the presence of natural screening and the topography of the area, and the fact the proposal is located to the rear of houses, the visual impact of the proposal will be low. The photomontages indicate that the proposal will not be visible from some of the more remote locations on Curradrish Road and Turlough Road. The structure will not appear overly dominant in the landscape. The impact significance at the 16 no. viewpoints is deemed to be 'slight' in each case, meaning, 'causing noticeable changes in the visual or landscape character without affecting its sensitivities'.
- The height of the structure and compound size are the minimum to ensure functionality for transmission and future requirements.
- Regarding the de-valuation of property, An Bord Pleanála has previously adjudicated on this issue and found that such a position is without evidence and

should not be used as a reason for refusal of permission. Property values may increase due to improved communication infrastructure.

Compliance with prevailing policy

- The proposed development complies with the Mayo County Development Plan and National Guidelines on telecommunications.

Impact on health

- The proposal is designed to be in compliance with the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). ComReg is the licencing authority for the use of radio frequency in Ireland and is responsible for ensuring compliance with licence conditions relating to non-ionising radiation. Circular Letter: PL 07/12 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.

6.3 Planning Authority Response

None Received.

7.0 Assessment

7.1 I consider the main issues in the assessment of this appeal are as follows:

- Principle of Development.
- Technical Justification/Appropriateness of Location.
- Impact on Residential Amenity.
- Impact on Visual Amenity.
- Other Issues.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The appeal site is zoned 'Existing Residential Infill' in the Castlebar and Environs Development Plan 2008 – 2014 (as varied and extended). Telecommunication structures are not listed as being 'permitted in principle', 'open for consideration' or 'not permitted' within this zoning. I note that the Castlebar and Environs Development Plan 2008 – 2014 provides that, '*uses other than the primary use for which the area is zoned may be permitted where they do not conflict with the primary use*', and that, '*uses which conflict with the primary use will not be permitted*'. I note that the stated objective for the applicable zoning refers to the development and improvement of existing residential areas and, to provide for new and improved ancillary services. I also note the policy contained in both the Mayo County Development Plan 2014 – 2020 and the Castlebar and Environs Development Plan 2008 – 2014 which supports the provision of telecommunication infrastructure, subject to certain caveats. I consider that the proposed development, comprising telecommunication infrastructure, is compatible with residential development, that the proposed development would not prevent the site being developed for residential use in the future, and do not therefore consider that the proposed development would conflict with the primary use for which the site is zoned. Accordingly, I consider the principle of the proposed development to be acceptable at this location.

7.3 Technical justification/Appropriateness of Location

7.3.1 The grounds of appeal include that the applicant has not submitted sufficient justification for the proposed development at this location, that coverage at Curradrish Road is already sufficient and that co-sharing of existing sites was not considered.

7.3.2 I note that extensive documentation has been submitted by the applicant attesting to the requirement for the proposed development at this location in order to address specific service/coverage deficiencies in this area of Castlebar and the surrounding area. I have also verified the existing level of mobile coverage for this area using ComReg's coverage maps and note that for a number of providers, including Eir, the area is identified as having 'fringe coverage' for 3G and 4G services. Disconnections are likely to occur in areas with fringe coverage according to ComReg's website.

7.3.3 As part of the site selection methodology, the applicant details how a search ring was used to identify network blackspots and existing telecom structures within 1 km of this area were examined in terms of their feasibility to accommodate the proposal. In terms of the consideration of alternative sites where the applicant could co-locate on an existing installation, details of existing telecommunication installations in the wider area were examined as an alternative to the provision of new telecommunications structure on the appeal site. The applicant has provided details of 6 no. existing sites/installations in the area for the purpose of co-location and has discounted these sites on the basis of being either too far from target area and/or due to the inadequate size of the structures on these sites. The applicant also states that these sites are not in the ownership of the applicant and therefore the applicant could not extend these sites to accommodate the proposal. Within the target area, the applicant states that there are no industrial zoned lands and as such I consider that the proposal is being located adjacent to a residential area/on residentially zoned lands as a last resort. Having regard to the forgoing, I consider that the applicant has evaluated alternative sites for the purpose of co-locating the structure, that the basis for discounting these sites is reasonable and that the justification for the proposed site is acceptable.

7.3.4 The grounds of appeal also include that the proposed development does not comply with the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 or Circular PL07/12 or the Mayo County Development Plan 2014 – 2020 and Castlebar and Environs Development Plan 2008 – 2014 in relation to the location of telecommunication structures. I note that the Guidelines provide that in situations where, and only as a last resort, alternative sites are either unavailable or unsuitable, and the site is within a residential area, masts and antennae should be designed and adapted for the specific location, with the support structures kept to the minimum height consistent with effective operation and the structure should be monopole, rather than a latticed tripod or square structure. Regarding the appropriateness of the appeal site for the proposed development, the site is commercial in nature, the buildings on the site are large and have an industrial appearance and as such I consider that the site has the capacity to absorb the proposal. I also note that the proposal is situated to the rear of the site, behind the buildings and this provides a degree of screening for the proposal, with the fenced

compound being completely screened from view from the public road. Furthermore, I note that the design of support structure is a monopole structure, as recommended by the Guidelines for such locations. The applicant states that the height of the structure and compound size are the minimum required to ensure functionality and that there remains a requirement to position telecommunication transmission and receiving equipment above obstructions.

7.3.5 I note that the height of the proposed structure allows for other providers to co-locate onto the structure. Should the Bord be minded to grant permission for the proposed development I recommend that a planning condition should be attached requiring the applicant to facilitate other operators to co-locate onto the structure.

7.3.6 Based on the information submitted, I consider that there is a technical justification for the proposal at this location. I am also satisfied that the appeal site is appropriate for such a development and that the proposed development accords with the provisions of the Mayo County Development Plan 2014 – 2020, the Castlebar and Environs Development Plan 2008 – 2014 and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in relation to the location of installations within urban areas.

7.4 Impact on Residential Amenity

7.4.1 The appellant raises concerns in relation to the impact of the proposal on the residential amenity of properties in the vicinity of the appeal site, and in particular the properties on Curradrish Road.

7.4.2 Circular PL07/12 recommended that development plans should avoid the inclusion of minimum separation distances between telecommunications structures, schools and residences. I note the separation distances between the proposed structure and the dwellings along Turlough Road and Curradrish Road, with the closest dwelling on Turlough Road being c. 55 metres from the site and the closest dwelling on Curradrish Road being c. 60 metres from the site. I consider these separation distances to be adequate to ensure that there would be no significant overbearing or visual intrusion arising from the proposed development and as such I am satisfied that the proposed

development would not result in significant negative impacts on the amenity of residential property in the vicinity of the appeal site.

7.4.3 Regarding the proximity of the proposed structure to the amenity area of the property to the east, I note that the proposed monopole will be located c. 5 metres from eastern site boundary, with associated cabinetry located c.1.5 metres – 3.5 metres from the eastern site boundary. Noting the distance concerned, the presence of dense vegetation at this location and the part of the adjoining property where this interface occurs, that being the middle part of the garden, I do not consider that the proposal would result in significant negative impacts on the amenity space of this property.

7.4.4 Regarding the potential for construction related impacts arising from the proposed development, I consider that the submission of a construction management plan, including measures addressing intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste should be submitted prior to commencement of development. Should the Bord be minded to grant permission for the proposed development a condition requiring same should be attached.

7.5 Impact on Visual Amenity

7.5.1 In terms of visual impact, I note that the appeal site is located in an urban area where telecommunications and other utility structures are common. The appeal site is developed for commercial use and the site of the proposed structure is to the rear of existing buildings on the site. The proposed ground compound and the lower part of the telecommunications structure will be screened by the buildings on the site. Trees located along the eastern boundary, of which it is proposed to potentially remove two, also provide a degree of screening.

7.5.2 The appeal site is located within Policy Area 4 (Drumlins and Lowlands) in the 'Landscape Appraisal of County Mayo', a supporting document of the County Development Plan. These areas are recognised as comprising working landscapes. I note that the appeal site is not identified as being affected by any designated routes or views and as such I consider the landscape sensitivity to be low to such development.

7.5.3 The applicant has submitted photomontages from locations up to c. 1km from the appeal site and I consider these photomontages to be representative and accurate. The visual impact assessment submitted by the applicant concludes that the impact significance in the case of each of the 16 no. viewpoints is deemed to be 'slight', meaning, 'causing noticeable changes in the visual or landscape character without affecting its sensitivities'.

7.5.4 I note that the proposal will be intermittently visible in the surrounding landscape from a number of locations, however, having regard to the developed nature of the landscape in the vicinity of the appeal site, the presence of natural screening, the undulating topography of the adjoining area and to the design of the proposed structure, comprising a monopole, I am of the view that the overall visual impact of the proposal would be satisfactory in the context of the visual amenities of the area.

7.6 Other Issues

7.6.1 The site layout plan indicates an area where it is proposed to 'built up to existing tarmac ground level' and the applicant states that such works will be subject to further ground investigations. I note that the development description contained in the public notices did not refer to these works and the area concerned is not within the red line boundary of the site. Based on the indicated topographical levels on the site plan, the area concerned appears to be 0.2 metres lower than the surrounding area. The extent of the area to be built up is unclear from the site plan and no site sections were submitted with the planning application drawings. The Planning Authority attached a condition requiring details to be submitted in relation to what if any piling/bank build-up was required on completion of ground investigations. This condition was not a 'pre-development' requirement nor was any time frame for the submission of such information stipulated in the condition. Noting the location of these works on the boundary with third-party property, the ambiguity in relation to the extent of these works and whether these works would entail the infilling of a ditch, I do not consider it appropriate that such works should be agreed as part of a planning condition, prior to being fully assessed. If the Bord are minded to grant permission for the proposed development, I recommend that a condition is attached linking the development permitted to the development description contained in the public notices.

7.6.2 Regarding development contributions, I note that the grant of permission issued by Mayo County Council did not include a condition requiring the payment of a development contribution. I note that telecommunications structures are not specifically referred to in the Castlebar Development Contribution Scheme 2004. The Development Contribution, Guidelines for Planning Authorities, published in 2013 by the then Department of Environment, Community and Local Government, as updated by Circular Letter 03/2018, provides that planning authorities are required to include waivers for broadband infrastructure (masts and antennae) in their development contribution schemes so as to contribute to the promotion of, economic activity. Having regard to the forgoing, I do not consider it necessary to attach a condition requiring the payment of a development contribution in respect of the proposed development.

7.6.3 The appellant contends that the proposed development would result in the devaluation of properties in the vicinity. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.6.4 Whilst not raised in the appeal, I note that the issue of the health impacts of the proposed development was raised in observations to the Planning Authority. In respect of issues concerning health and telecommunications structures, Circular Letter: PL 07/12 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'*. Accordingly, I consider that this issue is outside the scope of this appeal.

7.7 **Appropriate Assessment**

7.7.1 Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is

considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

8.1 Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

9.1 Having regard to:

- (a) The DOEHLG Section 28 Statutory Guidelines; Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012,
- (b) The Mayo County Development Plan 2014 – 2020,
- (c) The Castlebar and Environs Development Plan 2008 – 2014 (as extended and varied),
- (d) The location of the site outside any area of scenic or landscape designation within the development plan for the area,
- (e) The nature and scale of the proposed telecommunication structure,
- (f) The demonstrated need for the telecommunications infrastructure at this location,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning

and sustainable development 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.	<p>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 26th March 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The development hereby permitted shall restricted to that as described in the public notices.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>The developer shall provide and make available at reasonable terms, the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.</p> <p>Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.</p>
5.	<p>Within six months of the cessation of the use of the telecommunications structure, all structures shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the Planning Authority as soon as practicable.</p>

	Reason: In the interest of protecting the landscape.
6.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
7.	<p>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.</p> <p>Reason: In the interest of public safety</p>
8.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
9.	<p>The construction of the development shall be managed in accordance with a construction management plan which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Ian Campbell
Planning Inspector

19th May 2022

