



An  
Bord  
Pleanála

## Inspector's Report ABP-310611-21

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<b>Development</b>	Construct a 36m mobile and broadband tower with associated equipment and works.
<b>Location</b>	Rockfield, Turlough, Castlebar, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	20/919
<b>Applicant(s)</b>	Signal Infrastructure Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Parties vs. Grant
<b>Appellant(s)</b>	Mary Doherty Susan & Paul Doherty James Potter John O'Malley Gerard O'Malley & Teresa Carney O'Malley Martin McLoughlin

Alan & Catriona Lawless  
Jimmy & Evelyn Coffey  
Rockfield Residents Association

**Observer(s)**

Seamus Meagher  
Seamus & Caroline O'Brien  
Pat McDonnell  
David Parsons  
Martin & Marion Keaveney  
Paula Conway & Ailish Walsh  
Francis & Dervilia McDonnell

**Date of Site Inspection**

30<sup>th</sup> September 2021

**Inspector**

Stephen Ward

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the rural townland of Rockfield, approximately 1.5km west of Turlough village centre and 5km northeast of Castlebar town centre. It is accessed off a narrow cul-de-sac public road which terminates approximately 150m north of the site. The N5 National Primary Road runs in a northeast – southwest direction c. 1.25km to the south of the site. The land surrounding the site is generally of typical rural character with undulating topography and mainly agricultural uses. There is an existing conifer forest at a distance of c.50m to the south of the site and there are several dispersed dwellings and agricultural buildings in the surrounding area. An existing gas network pipeline (Mayo-Galway Corrib Transmission Pipeline) runs in a northwest-southeast direction, approximately 8m to the north of the site, and there is a ‘block valve’ above-ground installation (Rockfield Station AGI) on that gas pipeline c.300m southeast of the appeal site.
- 1.2. The site is of an irregular shape and would be annexed from a larger agricultural field. It would include a winding access track (c. 3m wide x 150m long) leading to the proposed site compound. The levels of the larger field generally fall from north to south and the site levels similarly fall from the existing road (level of 48m) to the southeast towards the proposed compound location (level of 46m). The site has a stated area of 0.0672 ha. The site boundaries are notional and yet undefined, but the larger field is bounded by mature trees and hedgerows.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the erection of a 36m high lattice mobile and broadband tower and associated equipment/works. It is proposed as a multi-user site capable of meeting all operator requirements to support voice and broadband communications, including 3G and high speed 4G services and future technology rollout. In summary, the proposed development includes the following:
- Erection of 36m high lattice tower structure with headframe.
  - Construction of an access track (c. 3m wide x 150m long).

- The installation of 12 no. antennae, 8 no. transmission dishes including radio units and associated cabling/fixtures.
- Cabinets and ancillary equipment including power meters at ground level.
- Construction of a reinforced concrete plinth.
- Erection of a 2.4m high palisade fence around the compound.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by reports including a visual impact assessment and associated photomontages, coverage requirements and a technical justification, as well as details of planning policy and other constraints. These details were revised and/or expanded upon following the Planning Authority's further information request.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 2<sup>nd</sup> June 2021, Mayo County Council (MCC) issued notification of the decision to grant permission subject to 9 generally standard conditions.

Condition no. 3 requires the applicant to seek an Excavation Permit from Gas Networks Ireland and to carry out all works in the vicinity of the gas pipeline in accordance with the relevant Code of Practice.

Condition no. 4 requires the structure to facilitate other operators.

Condition no. 7 requires agreement on tree retention and piling/bank build up.

Condition no. 8 requires agreement on any proposals for lighting.

Condition no. 9 requires the removal of the structure and reinstatement of the site when it is no longer required.

## 3.2. Planning Authority Reports

### Planner's Reports

3.2.1. The initial report of the Planning Officer (January 2021) noted the receipt of 18 written submissions and recommended that additional information was required in relation to the following:

- Further visual assessment to include additional photomontages from the N5 and the local road to the southwest of the site.
- Details of any communication / collaboration with the main telecom operators.
- Details of access road construction.
- Improvements to vision at the entrance onto the public road.
- Foundation details for the tower structure.
- Details of any consultation with Gas Networks Ireland regarding the proximity to the gas pipeline.
- Location of the public water supply.

3.2.2. The Planning Authority subsequently issued a request for further information (27<sup>th</sup> January 2021) to address the issues raised in the Planner's Report. Following the applicant's response and readvertisement of the application as per Article 35 of the Planning and Development Regulations 2001 (as amended), the final planner's report (27<sup>th</sup> May 2021) can be summarised as follows:

- The applicant has responded to each of the points raised in the further information request.
- No further submissions were received.
- Additional photomontages have been submitted. While the structure will be visible from some areas, it will not be detrimental to the visual amenity of the overall area.
- All issues have been addressed adequately and the proposed development is considered acceptable.
- It is recommended to grant permission subject to conditions and this forms the basis of the MCC decision.

### **Other Technical Reports**

- 3.2.3. Area Engineer: Email report of 21<sup>st</sup> December 2021 requests further information relating to the access road construction, sightlines at the proposed entrance, foundation details for the tower structure, and proposals for the inspection and maintenance of the structure over its lifetime. Following the receipt of further information, an email report of 26<sup>th</sup> April 2021 stated that there was no objection subject to disposal of surface water within the site, payment of a contribution (€2,500) to cover construction damage to the public road, and payment of a refundable cash deposit (€5,000) to cover further construction damage to the road.
- 3.2.4. A/Broadband Officer: The MCC Broadband Office carried out several mobile service surveys in 2017 and one of the priority blackspots identified was Turlough village and the adjacent area along the N5. This was further validated by queries and complaints from the public about poor mobile and wireless broadband services in the area. According to the ComReg mapping, 4G service in the majority of the townland ranges from poor to fair. If the applicant's Technical Justification document is correct it will be a very successful project from a service perspective. However, it was recommended that further information be sought to clarify that telecom operators are willing to utilise the structure.
- 3.2.5. A/Senior Planner: Having consulted with the A/Senior Executive Engineer in the Environment, Climate Change and Agriculture Section, no further analysis is required in relation to Flood Risk.

### **3.3. Prescribed Bodies**

No submissions were received.

### **3.4. Third-Party Observations**

A total of 18 no. third-party submissions were received. The issues raised are covered in the grounds of appeal (Section 6 of this report).

## **4.0 Planning History**

None.

## **5.0 Policy & Context**

### **5.1. National & Regional Policy/Guidance**

#### Project Ireland 2040

- 5.1.1. The National Planning Framework (NPF) acknowledges that telecommunications networks play a crucial role in enabling social and economic activity. For rural Ireland, it states that broadband is essential enabling infrastructure that affords rural communities the same opportunities to engage with the digital economy as it does to those who live in our cities and towns. National Policy Objective 24 aims to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.

#### NWRA Regional Spatial & Economic Strategy 2020-2032

- 5.1.2. Section 6.5 of the RSES deals with 'Broadband Connectivity' and highlights the importance of improving coverage in rural areas. Regional Policy Objective (RPO) 6.36 supports the roll-out of the National Broadband Plan. Section 6.6 deals with the 'Smart Region' and RPO 6.52 aims to facilitate infrastructural needs, including immediate priorities for access to ultra-fast and rural broadband initiatives.

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

- 5.1.3. These guidelines, hereafter referred to as the Telecommunications Guidelines, set out the criteria for the assessment of telecommunications structures. Section 3.2 sets out that an authority should indicate in their Development Plan an acceptance of the importance of a high-quality telecommunications service, as well as 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.
- 5.1.4. Section 4.3 outlines that the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be

taken when dealing with fragile or sensitive landscapes. The sharing of installations and clustering of antennae is encouraged, as co-location would reduce the visual impact on the landscape according to Section 4.5 of the Guidelines.

#### Circular Letter PL07/12 – Telecommunications Antennae and Support Structures

5.1.5. Issued in 2012, this Circular Letter revises elements of the 1996 Guidelines. In summary, the revisions are as follows:

- Temporary permissions should only be used in exceptional circumstances where particular site / environmental conditions apply.
- Separation distances between telecommunication structures and sensitive receptors should not be incorporated into statutory plans.
- Bonds for the removal of structures should not apply.
- A register of approved structures should be maintained.
- Clarification that Planning Authorities do not have competence to assess health and safety matters as these matters are regulated by other codes.

#### **5.2. Mayo County Development Plan 2014 - 2020**

5.2.1. The operative plan for the area is the Mayo County Development Plan 2014 - 2020, the lifetime of which has been extended in accordance with the provisions of sections 11(1)(b) and 11D of the Planning and Development Act 2000 (as amended).

##### Economic Development

5.2.2. The Economic Development Strategy recognises that in order to grow a culture of enterprise in the County and to attract new enterprise into the County, it is imperative that Mayo is an attractive place to encourage people to live, work and invest in, and most importantly that the infrastructure in the County is of high standard that allows Mayo to be competitive. In this regard there needs to be an emphasis on several key issues, including continued investment in telecommunications including high speed broadband.

## Infrastructure

5.2.3. The aim of the Infrastructure Strategy is to maintain and provide key infrastructure and to work with other agencies in the provision of infrastructure to attract new business investment and people. Objective RD-01 aims to protect the capacity and safety of the national road network and ensure compliance with the Spatial Planning and National Roads Planning Guidelines.

5.2.4. Relevant Information and Communications Technology policies/objectives can be summarised as follows:

**TC-01** Support and facilitate the delivery of high capacity ICT infrastructure, broadband networks and digital broadcasting having regard to the Government Guidelines and where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network.

**TC-02** Locate telecommunication masts in non-scenic areas, having regard to the *Landscape Appraisal of County Mayo*, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures.

**TC-03** To set up a register of approved telecommunication structures in the County to assist in the assessment of future developments, mast sharing and co-location

## Environment, Heritage & Amenity Strategy

5.2.5. Section 4 of the Plan aims to ensure that the County is developed in a manner that does not compromise the value of its natural and cultural resources. Relevant policies and objectives can be summarised as follows:

**LP-01 & LP-02** Recognise and facilitate, through the Landscape Appraisal of County Mayo, appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.

**VP-01** Ensure that development does not adversely interfere with protected views and prospects.

**NH-01** Protect, enhance, conserve and, where appropriate restore designated sites, species and other features of natural heritage value.

**NH-03** Implement the appropriate assessment provisions of the Habitats Directive.

5.2.6. Volume 2 of the Plan sets out planning guidance and standards for development in the county. Relevant sections can be summarised as follows:

- Section 38 'Access' outlines that road infrastructure shall allow for the safe and efficient movement of vehicles and pedestrians. Access visibility requirements are also outlined.
- Section 55 recognises the importance of telecommunications structure and outlines the criteria for assessment of such proposals. In general, developments will only be permitted where it can be demonstrated that it will not adversely impact on residential amenities, populated community facilities, or the environment.

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

The nearest Natura 2000 site is the River Moy SAC (Site Code 002298), located c. 400m to the northwest of the appeal site. There are no other Natura 2000 sites within 5km of the appeal site.

### 5.4. **Environmental Impact Assessment**

The development is not of a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Accordingly, I am satisfied that EIA or EIA screening is not required in this case.

## 6.0 **The Appeal**

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

The decision of MCC to grant permission has been appealed by 9 different third-parties. The issues raised in the grounds of appeal are generally consistent and can be summarised collectively under the headings set out in the following pages.

### Inadequate Justification

- The service deficiencies outlined by the applicant have been overtaken by local improvements, including the recent roll out of the National Broadband Plan in Turlough village. Infrastructure has already been installed and high speed fibre optic broadband will become available in Q4 2021/Q1 2022.
- The applicant's statements about support from other operators, including the alleged supporting letters, should not be accepted without written verification from the relevant companies.
- The applicant has not adequately investigated alternatives and there are other more elevated sites in the surrounding area.

### Inadequate Detail

- It was/is not possible to have complete information about the shape, size, configuration and visual impact of the development as the specific equipment/technology is yet to be decided by each operator. Therefore, as supported by recent case law, the requirement to provide sufficiently detailed 'plans and particulars' cannot be fulfilled.

### Proximity of Natural Gas pipeline and associated infrastructure

- The proposed tower would be located a mere 24m from the 650mm diameter, 85-Bar pressure pipeline and there is a significant risk that it could fall across the gas line or attract lightning strikes,
- The application has understated the proximity to the gas line and 'Rockfield Station' block valve and does not include adequate information relating to safe working measures.
- Electrical and gas-related installations should be adequately separated to prevent risk of explosion or fire hazard.
- The application has failed to identify the existing 'Castlebar feeder' gas main. The construction of the proposed feeder lines from Rockfield Station to Foxford, Swinford and Kiltimagh has the potential for the release of gas to the atmosphere close to the proposed tower.

- The application has not demonstrated that any meaningful consultation has taken place with Gas Networks Ireland.

#### Residential Amenity

- The proposed structure is too close to several residences and would be visible from within dwellings without any screening.
- The size and proximity of the structure will have a significant negative impact and will devalue properties.
- Ongoing maintenance would lead to increased traffic and noise pollution.

#### Visual Amenity

- The proposal will protrude approximately 26m above existing elements in the local landscape, will have a detrimental visual impact on the surrounds of the Turlough community, and will be visually intrusive on scenic views.
- The viewpoints chosen in the applicant's Visual Impact Assessment (VIA) do not indicate the magnitude or extent of the visual effect. The VIA also fails to address visibility from nearby ringforts and other heritage sites. Additional photomontages (produced on behalf of Rockfield Residents Association) are included in the appeal and show that the tower would form an intrusive landscape feature and detract significantly from the rural quality of the area.
- The lighting at the top of the tower further increases its visible height, particularly at night. This would detract from the 'dark sky' currently experienced at Rockfield.
- The proposal would conflict with several significant and relevant policies of the CDP.

#### Heritage/Tourism

- Archaeology and heritage are of vital importance to the area.
- The proposals would have a negative visual impact on 3 significant ringfort sites in the area and contravene Section 55.4 of the CDP (Vol. 2).

- Tourists and visitors to the area and its attractions would be unable to avoid the visual impact of the development, which would have a negative impact on community enhancement works carried out to date.

### Roads and Traffic

- Sightlines at the proposed entrance and junction with local road no. L1719 are substandard, resulting in a hazard to road users.
- The existing road condition is poor and has limited capacity, particularly for heavy construction vehicles. Further deterioration and congestion on the road network during construction is likely.
- The application includes inadequate construction details for the proposed access road and repair of the existing roads.

### Other Issues

- The proposal poses a significant flight hazard for regular flight operations.
- Concerns regarding the health risks associated with masts and the type and extent of radiating equipment used (5G or other).
- The construction could disrupt the natural habitat of local flora and fauna.
- The applicant has failed to carry out any form of consultation or communication with the local community, which is inappropriate given the serious issues and concerns that the proposed development has raised.
- Radio frequency emissions from the tower could adversely impact on livestock and horses, thereby impacting on the livelihoods of local farmers.
- The location of the supply needs to be identified to ensure that the proposed development would create no risk to the supply.
- An Environmental Impact Statement should have been provided.

## **6.2. Observations**

A total of 7 submissions were received. The issues raised in these submissions are largely covered in the grounds of appeal. However, I note that the submission from Paula Conway & Ailish Walsh (daughters of the landowner, Patrick Nolan) question

the validity of the landowner's consent letter. The submission also queries a lack of clarification on the duration of land lease/planning permission.

### 6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

### 6.4. **Applicant Response**

The applicant has responded to the points raised in each individual appeal. Consistent with Section 6.1 above, I proposed to summarise the applicant's response under themed headings as follows:

#### Inadequate Justification

- The proposal will bring significant improvement in mobile and broadband services for local and national operators and will close a large coverage gap on the N5 National Road and other local roads.
- According to the government's National Broadband Plan (NBP) mapping, there is currently a serious network deficit in the overall Turlough area and the site is within a 'target area'. Plans to introduce fibre broadband for the entire area may not be achieved for some time and will not reach all homes when introduced. Because of this, the role of telecom providers in conjunction with the government is vital to ensure that every home will avail of high-quality network connectivity to support the national broadband rollout.
- The proposed development would deliver upon the NBP by providing services to circumvent the capital cost to the state, which is in line with EU Policy where State Intervention is a last resort.
- The NBP also takes account of higher speed wireless solutions provided commercially, ensuring that state funded investment will only arise where it is clear that the market will not deliver.
- The Vilicom report has provided an extensive technical justification.
- The appeal site is the only one in the area that has become available.

- The proposal would make a positive contribution to the area by enhancing social and economic life, particularly in light of increased demand for improved connectivity and the implications of Covid-19.
- The proposal complies with the policies and guidance for the location of telecommunications infrastructure in the County Development Plan.

#### Proximity of Natural Gas pipeline and associated infrastructure

- No objection has been made from Gas Networks Ireland subject to a valid excavation permit. Correspondence is attached and the applicant would be happy to comply with the requirement for an excavation permit as a condition of any permission.

#### Residential Amenity

- Given the topography and natural screening around the site, the visual impact on surrounding dwellings will be extremely low.
- The Board has previously adjudicated on the question of deprecated property values and found that without evidence of such an impact it should not be used as a reason for refusal. It would be reasonable to assume that property values might be positively affected by improved broadband infrastructure given our reliance on such services for everyday tasks.
- Previous experiences of disturbance associated with the gas infrastructure installation are not comparable to the proposed development.

#### Visual Amenity

- The site has a low sensitivity to accommodate changes, particularly those that would introduce features that may be prominent but not substantially uncharacteristic in the context of the character and features of the area.
- The applicant's visual impact assessment predicts the effect of the proposed development from 16 viewpoints. The significance of the impact from each viewpoint is described as 'slight' and the assessment concludes that the proposal is an appropriate solution.
- There will be no impact on any protected views in the area.

- The visual impact appraisal was completed in a professional and objective manner and demonstrates views within a wide area.

#### Heritage/Tourism

- The site is not within the curtilage of any Protected Structures and is not within an Architectural Conservation Area.
- Due to the separation distances involved the proposal would not have an adverse impact on the integrity or setting of any national monuments or any other heritage assets, including the round tower and museum.

#### Roads and Traffic

- Once operational, maintenance visits to the site will occur 2-8 times a year and involve a small van. The additional traffic is unlikely to cause a substantial effect on the safety of the road.
- During the construction phase (2-4 weeks) additional vehicles will use the road and the appropriate Temporary Traffic Management Plan and safe systems of work will be put in place. This will ensure the safety of members of the public and workers during construction.
- Sightline and visibility details show that there is 83m clear vision on both sides of the proposed entrance, which is more than sufficient given the nature and type of the existing road.
- Details of the proposed access track construction have been submitted.
- There is no evidence that the construction works would result in road subsidence and the MCC engineers were satisfied with the proposal

#### Other Issues

- Only what is approved can be built and any other equipment would require a further planning permission. As the proposed equipment will facilitate several operators, there are no plans to proceed with any additional equipment.
- The applicant has been transparent about the proposed development, has complied with statutory public notice requirements, and disagrees with the assertions in relation to consultation.

- Regarding health concerns, the response includes statements of compliance from Eir and Signal in relation to the management of electromagnetic field radiation. It also refers to the legislation and guidance which establishes that such health and safety matters are regulated by other codes. The applicant has no intention of introducing 5G technology.
- The Irish Aviation Authority (IAA) was consulted as part of the planning application process. It did not consider that there is a requirement for warning lighting and concerns regarding flight paths are unwarranted.
- The Environment Section of MCC concluded that the proposed development would have no impact on the water supply. The proposal will not produce any waste that could have an impact on water supply.
- The application includes a thorough review of environmental impacts. The site is not located within any designated sites and will not negatively impact on the River Moy SAC. It is considered that no environmental impact assessment is required.
- The proposals will not have any negative impact on the health of any livestock or bloodstock in the area.

## 6.5. Other Responses

One of the appellants (Rockfield Residents Association) has responded to the other 8 appeals. The response generally summarises and supports the points raised.

Additional points can be summarised as follows:

- The MCC Broadband Officer's report does not appear to unequivocally accept the applicant's Technical Justification or support from other operators and did not mention the National Broadband Ireland (NBI) rollout of broadband in Turlough.
- The applicant's Technical Justification is outdated and should not be accepted.
- Surrounding lands may become suitable for housing development and their attractiveness for development would be seriously reduced.

- Clarification that there is no 'pig' maintenance system at the Rockfield block valve station but that there are one or possibly 2 by-pass loops, which are used to balance pressure and involves venting gas. The proposed development carries the risk of gas explosion if a gas leak were to occur at a time when the wind direction would carry a gas-air mixture towards the electrical equipment at the base of the tower or on the tower itself.
- Flora, fauna and trees may be susceptible to EMF radiation.

## **7.0. Assessment**

### **7.1. Introduction**

7.1.1. Having regard to the documentation submitted in connection with the application and the appeal, including all the appeals and observations, and having inspected the site, I consider that the main issues for assessment are as follows:

- The principle of the development
- Visual Impact
- Traffic
- Proximity to gas infrastructure
- Residential amenity

### **7.2. The principle of the development**

7.2.1. The proposal is for a multi-user telecommunications structure that would host antennae and dishes to improve the 2G, 3G and 4G network coverage and capacity in the surrounding area. This is clearly supported by national, regional and local planning policies which seek to improve telecommunications infrastructure in rural areas in the interests of improved connectivity and economic development.

#### Need and Justification

7.2.2. The application includes a Technical Justification report prepared by Vilicom, which can be summarised as follows:

- The design of the proposed structure will facilitate several operators at a height above the tree clutter, thus extending the coverage service in areas including the N5 road and R310 road corridors, the Manulla to Ballina train line, and other local roads.
- The proposal will also provide an enhanced choice of network and greater market competition.
- A large site-selection consideration is to future-proof the site against local clutter clipping and to enable a viable multi-operator site.
- Due to the location of existing sites and other physical factors, coverage in the area is poor for voice and mobile broadband services.
- The nearest existing site is c.4.5km away at Breaffy, which does not provide adequate proximity or line of sight. Seven other sites in the area were considered and discounted for similar reasons.
- Coverage prediction plots have been mapped and show that service will be greatly improved following the deployment of the proposed site.

7.2.3. I have reviewed ComReg's online Outside Coverage Map for the area and I consider that the following ratings generally apply for various service providers.

<b>Service Providers</b>	<b>4G Coverage</b>
48, Eir, GoMo, Lycamobile, Tesco, Three, Virgin Media	Fair / Fringe
An Post, Clear, Vodafone	Fair / Fringe / Good

7.2.4. The outside coverage in the area can therefore generally be described as fair/fringe. It should also be noted that these maps do not account for indoor/transit coverage, the quality of which would be expected to be significantly reduced. Accordingly, I would accept that the existing coverage for the area is below standard and this would appear to have been widely publicised in the media in recent years. The MCC Broadband Office has also effectively confirmed the existence of a coverage 'blackspot' in the area.

- 7.2.5. The applicant's maps compare the indoor/in-car and outdoor coverage for the area with and without the proposed development. This demonstrates that the proposed development would result in significant coverage improvements for both indoor/in-car and outdoor scenarios.
- 7.2.6. The key issue raised by the appellants relates to the justification of the proposed development in light of the impending rollout of fibre broadband to the area under the NBP. I have reviewed the NBI website ([www.nbi.ie](http://www.nbi.ie)) and note that the site is located within the 'Castlebar' zone. The status for this area is 'Network Build In Progress' and the anticipated date for connection is given as 'January 2022 – March 2022'. However, it should be noted that Turlough village effectively forms the eastern extremity of the Castlebar area. The area to the east of Turlough is within the 'Manulla' zone, which has a status of 'Survey Pending' and an anticipated connection date of 'January 2025 – December 2026'. In this context, it is important to note that the application predicts that the proposed development would provide significant improvements within this Manulla area, significantly in advance of any anticipated NBP improvements.
- 7.2.7. I have also reviewed the government's NBP 'Interactive Map', which outlines the target areas for State intervention (in 'amber') and the area where commercial operators are/plan to deliver services (in 'blue'). It is clear that the area surrounding the appeal site includes both 'State intervention' and 'commercial operator' areas. The map provides a detailed breakdown of coverage for the premises within each townland. For example, within the Rockfield townland (34 premises), it is stated that 59% (20 premises) will be covered by the NBP Intervention, while 41% (14 premises) will be covered by commercial operators. Accordingly, it is clear that a combined approach is needed with commercial operators supporting the NBP, even within those areas covered by the NBP.
- 7.2.8. In conclusion, I consider that there are significant coverage deficiencies in the area and the applicant has reasonably outlined that the proposed development would provide significant improvements. And while I acknowledge that the NBP will provide coverage to parts of the surrounding area, I do not consider that it will address all of the coverage deficiencies and that additional supporting infrastructure will be required such as that currently proposed. Accordingly, I am satisfied that a justification has been established for improved services in the area.

### Mast-Sharing and Alternatives

- 7.2.9. I note that the Development Plan and the Telecommunications Guidelines encourage the co-location of antennae on existing support structures and masts. They acknowledge that sites will be chosen in the interests of good quality coverage taking into account topography, population, and other criteria, and accept that in some instances it may not be technically possible to share facilities. I have reviewed the ComReg Site Viewer, which shows the location of existing masts in the area, and I note that the nearest site is the existing installation at Breaffy House Resort, c. 4.5km to the south of the appeal site. The applicant outlines that this and other sites in the wider surrounding area are unable to provide signal to the target coverage areas, mainly due to the excessive distance and physical factors. I consider this to be a reasonable conclusion given the significant distances involved.
- 7.2.10. Apart from the potential for using existing structures, the applicant's response to the appeal indicates that the appeal site is the only that became available in the area. The appeal argues that there are more suitable elevated sites in the area. However, I would be concerned about the visual impact of any such elevated sites, and I consider that the proposed location should be assessed on its merits.
- 7.2.11. Accordingly, I am satisfied that the applicant has been proactive in assessing suitable alternative locations and that there are no suitable existing structures for sharing within the 'target' area surrounding the appeal site. I consider that the applicant's motivation for the construction of a new mast is reasonable and that it provides for future co-location of other operators, thus reducing the need for further separate structures in the future. And while I acknowledge the concerns raised in the appeal about the veracity of the support letters from other operators, I do not propose to question the *bona fides* of the applicant, nor do I consider that such support would be critical to the assessment of this case.

### Location

- 7.2.12. I note that the Development Plan (Section 55.3) outlines general criteria for the location of telecommunication antennae, including the proximity to residential areas, schools, rural houses and smaller towns and villages, and the potential for location in forested areas in rural areas. The Telecommunications Guidelines states that only as

a last resort should masts be located within or in the immediate surrounds of smaller towns or villages, or in a residential area or beside schools.

7.2.13. I note the proximity of the appeal site to Turlough village and the presence of dwellings in the surrounding area. However, I am satisfied that the proposed location is not within or in the immediate surrounds of the Turlough village and is not within a 'residential area'. The proposed development would be located beside a forested area in a rural location, which I consider to be generally consistent with Development Plan guidance.

### Conclusion

7.2.14. Having regard to the above, I consider that the proposed development would be consistent with national, regional and local planning policy to support telecommunications infrastructure in this rural area. I have considered the applicant's justification for the proposed development and I am satisfied that the proposed development would support the NBP rollout and that reasonable attempts have been made to share or co-locate the proposed development with other structures. In the absence of a suitable site for sharing and the particular coverage deficiencies in the area, notwithstanding the NBP rollout, I would have no objection to the principle of the proposed development at this location.

## 7.3. Visual Amenity

7.3.1. CDP Objective TC-02 seeks to locate telecommunication masts in non-scenic areas, having regard to the *Landscape Appraisal of County Mayo*, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures. The CDP Landscape Appraisal of County Mayo sets out four Principal Policy Areas (shown on Map 3A Landscape Protection Policy Areas) and a Landscape Sensitivity Matrix (Figure 3), which outlines the suitability of certain classes of development within each policy area. The appeal site is in Policy Area 4 – Drumlins and Inland Lowland, the area of lowest landscape sensitivity. The landscape sensitivity matrix indicates that "Communication Masts" have low potential to create adverse impacts on the existing landscape character and that such development is likely to be widely conceived as normal and appropriate unless siting and design are poor. The adjoining road is not a designated 'Scenic Route' and the

site is not affected by any views to be preserved as identified in 'Map 4' of the Development Plan. There are no protected structures or national monuments in the vicinity of the site, but I acknowledge that such features are present in wider area and are important heritage assets for the Turlough area.

- 7.3.2. The applicant's visual impact analysis is based on a variety of viewpoints in the surrounding area. The original application included assessment from 10 viewpoints on the surrounding local roads. The further information response included 5 additional viewpoints, including 2 points along the N5 road. Finally, the assessment in the appeal response is based on 16 viewpoints on the surrounding local roads. The assessments contend that the sensitivity of the viewpoints is generally 'moderate' and that the quality of the impact will be 'neutral' i.e. will neither enhance or detract from the visual/landscape character. They conclude that the significance of the impacts will be no more than 'slight' i.e. causing noticeable changes in visual/landscape character without affecting its sensitivities. I have also considered the photomontages and concerns submitted by the appellants about the visual impact on the landscape character and heritage assets of the area.
- 7.3.3. Following a site visit and examination of the file drawings and images, I would acknowledge that the proposed c.36m high structure would be visible from several points in the local vicinity. I consider that the proposed location is relatively isolated at a significant distance from the vast majority of public vantage points, and particularly those which those which are frequently used (i.e. the Turlough road/village and the N5). I also note that the undulating topography and mature vegetation in the surrounding area helps to screen the proposed development and ensure that the visual impact of the development is generally limited to intermittent/partial views. I consider that these factors would mitigate any significant visual impacts.
- 7.3.4. The surrounding area, being of an undulating terrain with intermittent vegetation, is fairly typical of the type of landscape in Policy 4 area. The site is not a designated scenic area, and I would consider that it reasonably falls within the category of a 'non-scenic' area where masts should be accommodated in accordance with objective TC-02 of the CDP. While I accept that the mast will be visible in near distance views, I consider that, in the context of its strategic role in the provision of infrastructure and the local and national policies that support such development, the

proposed development would not have an unreasonable or unacceptable impact on the local landscape. I have also considered the impact of the proposed development on the archaeological and architectural heritage assets in the surrounding area. Again, I consider that the significant separation distance and intervening features would ensure that there would be no unacceptable visual impacts on recorded monuments or protected structures.

- 7.3.5. Regarding the impact of the proposed lighting, I note that the proposed site is not located within close proximity of the Mayo Dark Sky Park at Ballycroy/Nephin. The site is, however, within c. 1km of the built-up area of Turlough village and its associated lighting. In this context I do not consider that the limited lighting associated with the proposal would significantly detract from the visual amenity of the area or the quality of the night sky.

#### **7.4. Traffic**

- 7.4.1. It is proposed to alter the existing field entrance to provide a new access track to the proposed development from the adjoining cul-de-sac road. The existing entrance consists of a south-facing agricultural gate and there is a grass verge between the gate and the edge of the road carriageway. The adjoining road is narrow and of a winding alignment. It is proposed to relocate the entrance to the south and provide a new west-facing entrance directly onto the adjoining road.
- 7.4.2. Table 9 of the Development Plan (Vol. 2) sets out access visibility requirements for developments (other than residential). The requirements are based on the 'design speed (kph)' of the relevant road. In this case the planning authority has not clarified the 'design speed' for this road and, accordingly, the visibility requirements have not been clarified. However, the planning authority is satisfied that the development is acceptable subject to conditions. The applicant has submitted proposals showing the availability of 83m sightlines in each direction. I would acknowledge that the revised arrangement would be a significant improvement on the existing entrance, and I would have no traffic hazard objections considering the limited level of existing and proposed traffic and the likely low 'design speed' of the road.
- 7.4.3. I note the concerns raised in the appeal in relation to the proposed entrance, road safety, road capacity and road stability. However, I would accept the applicant's

argument that the construction phase will be for a limited duration, which would have minimal impacts on traffic movements. Regarding the capacity and stability of the road, I would consider that any construction traffic is unlikely to significantly exceed the loads and intensity that a rural road such as this would be accustomed to (e.g. heavy agricultural vehicles) and I am satisfied that a Construction Traffic Management Plan would satisfactorily address any concerns. I would also accept that the operational phase of the development would involve a negligible extent of additional traffic for maintenance purposes. Accordingly, I have no objection to the proposed development from a traffic perspective.

## **7.5 Proximity to gas infrastructure**

- 7.5.1. The appellants raise serious concerns about the proximity of the proposed development to the existing gas pipeline and the associated 'block valve' station. At its closest point, the pipeline would appear to be c. 8m from the proposed works, while Rockfield Station is c. 300m southeast of the site. And while the appeal states that existing/potential feeder gas mains to Castlebar and other towns have not been shown by the applicant, I am satisfied that the applicant has adequately shown the nature and extent of development in the vicinity of the site.
- 7.5.2. In terms of the proposed construction works, I note that the closest works to the pipeline involve the construction of the access road at a separation distance of c. 8m. These are relatively minor works involving excavation to a maximum depth of 600mm, with small soakaway trenches extending to a further depth of 1.5m. The groundworks associated with the tower compound are c. 20m from the pipeline and would involve excavation to depths of c. 1.3m for the concrete foundation and c. 1.5m for the soakaway trench. The applicant has submitted correspondence records of 'detailed collaboration' with Gas Networks Ireland (GNI), which outlines that no excavation may take place within a 14m wide wayleave without a valid Excavation Permit and that all work in the vicinity of pipelines must be completed in compliance with the 'Code of Practice 2015'.
- 7.5.3. I acknowledge that the correspondence records on file refer only to 'forthcoming works' and that the full extent of the discussions with GNI are not clear. However, I am satisfied that the applicant has appropriately engaged with GNI and I consider that the suggested procedures regarding the Excavation Permit are reasonable.

Having regard to the limited extent of the proposed works and the distances from the pipeline, I do not consider that construction impacts on the existing gas infrastructure would be likely, and I have no objection subject to compliance with GNI procedures and standards.

- 7.5.4. The appellants also raise concerns about potential hazards at operational stage. However, I consider that the concerns largely relate to the existing gas infrastructure and that concerns about potential interactions with the proposed development are based on an unlikely set of circumstances involving lightning strikes, gorse fires and wind conditions. I acknowledge that the Bellanaboy gas terminal site is a 'Seveso Site' which, because of the presence of dangerous substances in sufficient quantities, is regulated under the 'Major Accidents' Directive. However, this designation does not extend to the associated pipelines and I am satisfied that both the existing and proposed infrastructure will be satisfactorily addressed through the relevant health and safety codes. Accordingly, I do not consider that the proposed development warrants refusal on the basis of health and safety hazards associated with the existing gas infrastructure.

## **7.6 Residential Amenity**

- 7.6.1. I have previously addressed the visual impact of the proposed development on the surrounding landscape and heritage assets. In relation to visibility from existing dwellings, I note that closest dwelling to the tower (c.100m to the west) is stated to be in the ownership of the site provider. There is a neighbouring dwelling on higher ground to the north at c. 150m, a group of 3 dwellings to the south at c.250m, and otherwise dwellings are in excess of 350m from the appeal site. I have considered the proximity and visibility of the proposed structure, and while I acknowledge that it will be visible from some of the surrounding properties, I consider that the significant separation distance and topographic/vegetative screening will ensure that there will be no unacceptable overbearing visual impacts.
- 7.6.2. I have also previously outlined that the extent of construction and operational maintenance activity associated with the proposal will be minimal. Accordingly, I do not consider that any traffic, noise or other disturbances associated with the

development would significantly detract from the residential amenity of properties in the area.

- 7.6.3. I would accept the applicant's argument that broadband connectivity is an increasingly important factor in terms of residential amenity and property values, and that the proposed development would provide enhancements in this respect. Notwithstanding this however, I do not consider that the proposed development would seriously detract from the residential amenities of properties in the area by reason of visual impact or otherwise. In the absence of explicit evidence to support the matter, I do not consider that the proposed development would adversely affect the value of property in the vicinity.

## **7.7 Other Issues**

### Health Impacts

- 7.7.1. The appeal raises concerns about the health implications of the proposed development as a result of electromagnetic radiation and the potential effects of other technologies. The concerns not only relate to humans, but also to animals, flora, fauna and trees. In this respect I would highlight that the 1996 Telecommunication Guidelines advise that applications should not be determined on health grounds. The updating 2012 Circular reiterates that advice by stating that Planning Authorities should be primarily concerned with the issues of location and design and that health and safety matters should be regulated by other codes. And while this advice relates primarily to effects on humans, I consider that it can be equally applied to flora and fauna and I do not propose to raise any objection on health grounds.

### Flightpaths

- 7.7.2. It does not appear that the Irish Aviation Authority has commented on the proposed development. However, I am satisfied that flightpaths can be appropriately protected through the attachment of a condition requiring warning lights.

### Consultation

- 7.7.3. I note the concerns raised in the appeal regarding the lack of appropriate and meaningful consultation with the local community. However, I note that the Planning

Authority was satisfied that the applicant complied with statutory obligations regarding public notice through the erection of site notices and the publication of newspaper notices. There is no requirement for the applicant to engage in any further consultation and I have no objection in this regard.

#### Water Supply

- 7.7.4. In response to the Planning Authority's further information request the applicant has submitted details of the location of the water supply c. 140m to the southwest of the proposed works. Having regard to the significant separation distance involved, I am satisfied that there will be no impact on the water supply as a result of the proposed development.

#### The extent of the development

- 7.7.5. Concerns have been raised that the details shown in the application may be subject to change depending on operator specifications, and that additional equipment may be attached to the structure without planning permission. I consider that the proposed equipment shown on the application drawings and details is adequately representative of the proposed development. The equipment is only a minor element of the overall structure and I consider that any change in the equipment specification would have a negligible effect. Accordingly, I consider that the plans and particulars submitted are adequate to assess the proposed development. It is open to the Board to attach conditions to any permission that would limit the development to the specifications submitted and to effectively remove any exempted development provisions for the attachment of additional equipment.

#### Legal Consent

- 7.7.6. I note the questions raised by the daughters of the landowner regarding the validity of the letter of consent for the applicants to make the application. However, in the absence of explicit evidence to the contrary, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended).

## 8.0 Appropriate Assessment

- 8.1. The nearest Natura 2000 site is the River Moy SAC, which is located c. 400m to the northwest of the appeal site. There are no other Natura 2000 sites within 5km of the appeal site. The appeal site is mainly separated from the River Moy SAC (i.e. the Clydagh River) by intervening agricultural lands.
- 8.2. There are no surface water features on or immediately adjoining the site that would provide a direct pathway between the development and the River Moy SAC to the north. There is a network of streams c. 30m to the south of the site, but they drain in a southern direction towards the Castlebar River, which then runs c. 3km eastwards to meet the Manulla River (also part of the River Moy SAC). Other potential pathways would be via groundwater and air.
- 8.3. In terms of potential impacts, I consider that the construction stage has the potential to result in the release of sediment and other pollutants to watercourses/groundwater that may be hydrologically linked with the Natura 2000 network. There is also the potential for the emission of dust etc, which could be linked via an air pathway. However, having regard to the limited extent and duration of the proposed works, together with the significant separation distance and hydrological buffer that exists between the appeal site and the Natura 2000 network, I do not consider that there is any likelihood of significant effects in this case.
- 8.4. At operational stage, I consider that any potential for effects is limited to any impact on the quantity and quality of surface water to the surrounding drainage network and the water quality of the River Moy SAC. The applicant has included surface water collection and disposal proposals, which are an integral part of the proposed development and have not been included to mitigate any impact on the Natura 2000 network. Having regard to the limited extent of the proposed works and the significant hydrological buffer and assimilative capacity between the appeal site and the Natura 2000 network, I do not consider that there is any likelihood of significant effects in this case.
- 8.5. Having regard to the above preliminary examination, it is concluded that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in

combination with other plans or projects on a European site. No mitigation measures have been relied upon in reaching this conclusion.

## **9.0 Recommendation**

I recommend that permission should be granted, subject to conditions, for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Mayo County Development Plan 2014-2020, the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and the associated Circular Letter PL 07/12, the existing pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not compromise the capacity and safety of the road network, and would not be likely to cause significant effects on the River Moy SAC or any other Natura 2000 sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 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 9<sup>th</sup> 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. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

**Reason:** In the interest of the visual amenities of the area.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the proposed mast.

**Reason:** In order to avoid the proliferation of telecommunications structures in the interests of visual amenity.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. 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 amenities of the area.

6. The proposed structure and all associated antennae, equipment and fencing shall be demolished and removed from the site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer. Reinstatement shall include the grubbing out of the access road created in association with the development permitted herein. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before removal works commence.

**Reason:** In the interest of orderly development.

7. The construction of the development shall be managed in accordance with a Construction Traffic 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 the timing and routing of construction traffic to and from the construction site, associated directional signage, proposals to facilitate the delivery of abnormal loads to the site, and to measures to obviate queuing of construction traffic on the adjoining road network.

**Reason:** In the interests of public safety and residential amenity.

8. The transmitter power output, antenna 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.

9. 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

10. No excavation works shall take place within the Gas Networks Ireland wayleave unless consent is granted by Gas Networks Ireland in the form of a valid Excavation Permit. All works shall be carried out in accordance with the Gas Networks Ireland Code of Practice for Working in the Vicinity of the Transmission Network (October 2015).

**Reason:** In the interest of public safety.

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Stephen Ward  
Senior Planning Inspector

3<sup>rd</sup> November 2021