



An  
Bord  
Pleanála

## Inspector's Report ABP 310641-21

---

<b>Development</b>	To erect an 18m high telecommunications structure.
<b>Location</b>	Eir Exchange, Townparks Td, Ballyhaise, Co. Cavan.
<b>Planning Authority</b>	Cavan County Council.
<b>Planning Authority Reg. Ref.</b>	21/206.
<b>Applicant(s)</b>	Eircom Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> November 2021.
<b>Inspector</b>	Brendan Coyne

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	7
5.0 Policy and Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening .....	10
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.3. Planning Authority Response .....	16
7.0 Assessment.....	17
8.0 Recommendation.....	24
9.0 Reasons and Considerations.....	24
10.0 Conditions .....	24

## 1.0 Site Location and Description

1.1. The site (0.05 Ha) is located within an existing Eircom exchange compound in the village of Ballyhaise, Co. Cavan. The site contains an existing exchange building, 2 no. 11m high wooden poles holding 5m high telecommunication antennae and 1 no. 10m high wooden pole holding telecommunication dishes. The site is accessed from its western side along The Square Road, whereby the compound is setback c. 11m from the public footpath. The site is enclosed by c. 1.8m high post and chain-link fencing. The site is screened by tall mature trees along its south-eastern boundary and a belt of trees further to the north-east. A detached single storey dwelling is located on adjoining lands to the south and a row of semi-detached dwellings (No.'s 1-8 Townparks) are located on adjoining lands to the north. A residential estate known as Woodlands is located on adjacent lands to the east of the site. Lands to the west of the site, on the opposite side of The Square Road are undeveloped. The site is located c. 80m to the north of the Town Square in Ballyhaise. A Protected Structure, Humphry's Parochial Hall (Reg. No. CV44067) is located c. 28 to the south-west of the site.

## 2.0 Proposed Development

2.1. The proposed development comprises the following;

- The erection of an 18m high monopole telecommunications support structure with associated antennae and communication dishes.
- The removal of 2 no. existing communications poles.
- All ancillary site works.

The development will form part of Eircom Ltd. existing telecommunications and broadband network.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Cavan County Council REFUSED permission for the proposed development. The reasons for refusal were as follows;

1. It is considered that the scale and design of the proposed telecommunications structure would have an adverse impact on the visual and residential amenities of the area, would set an undesirable precedent for future development of this nature, would be contrary to Objective PIO120 of the Cavan County Development Plan 2014 - 2020, which states 'masts will only be permitted within towns and villages of the County when accompanied by satisfactory proposals for dealing with disamenities and incompatible locations' and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature and scale of the proposed development in close proximity to the historic designed town square of Ballyhaise, it is considered that the proposal would result in an undue negative visual impact on the urban character and heritage of the area. The proposed development would contravene national guidance as set out in Section 4.3 of the DECLG Planning Guidelines 'Telecommunications Antenna and Support Structures' and also the objectives contained in the Cavan County Development Plan, and in particular with Objectives PIO20 and PIO125, which seek to restrict such development from towns and villages. As such, the proposal would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would be contrary to the stated objectives PLO118, PLO122 and PLO125 of the Cavan County Development Plan 2014 - 2020, in relation to reasoned justification for the proposed development in terms of co-sharing and clustering and would, therefore, be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report ABP 310641-21**

Basis for the Planning Authority's decision. Includes:

- The overall height of the proposed telecommunication structure is 19.5 meters, which includes a lighting finial.
- The proposed mast would be erected on a 5 x 5 foundation, c. 4m south of the existing building on the site.
- The site is located c. 80m to the north of The Square in Ballyhaise, which is the historic center of town.
- The Protected Structure Humphry's Parochial Hall (Ref CV44067) is located 30m to the south-west of the site.
- The site is zoned as 'Town Core' in the County Development Plan.
- Ballyhaise is a Tier 4 Town in the Settlement Framework, which is a Small Town.
- The site is bound by a detached single storey dwelling to the south (zoned Town Centre) and four pairs of semi-detached 2-storey houses to the north (zoned Whitelands).
- The site does not benefit from any substantive vegetation along its northern or southern boundaries. An ash tree is located along the front boundary wall of the site.
- Coniferous trees to the rear provide some separation from the adjacent Woodlands housing estate (situated to the east).
- Summary provided of the Agent's report submitted, detailing the rationale for the proposed development and existing telecommunication structures in the vicinity.
- The applicant has given a sufficient technical justification for the proposal in terms of Eir coverage. However, the proposed development does not demonstrate any commitment to the site from other operators.
- The proposed development has not demonstrated consistency with Objective PIO122, which relates to facilities sharing.
- The application site is an infill site between residential properties in a Town Core area.

- While the road on which the site is located may lack some of the streetscape cohesion and quality of the town square itself, it is an established residential area in which existing and future residential amenities should be safeguarded.
- At its closest point, the proposed development would be just 10.8 meters from the rear building line of the adjoining house to the south.
- The proposed development would have an overbearing impact in terms of scale and proximity on neighbouring residential dwellings and therefore would not reasonably comply with PIO122 of the Development Plan.
- The proposed landscaping falls short of providing any level of visual separation from the neighboring residential dwellings.
- The proximity of the proposed development to the town square, just 80m to the south would have an unacceptable visual impact on the historic and heritage setting of the area, which includes the Protected Structure Humphry's Parochial Hall, located 30m away.
- The proposed development would have a negative and profound impact on the town's character and setting.
- The 1996 National Telecommunication Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.
- Having regard to the planning history of the site, the principle of a mast of this scale and height has not been established at this location.
- Given the relatively sensitive location of the site against existing residential properties and its close proximity to the town square, alternative options should have been more robustly examined.
- Insufficient justification is submitted to support the proposed development at this location.
- The capacity for facilities sharing at this site or other potential sites in the area has not been sufficiently demonstrated.

- The proposed development would have an undue visual impact on the surrounding area and townscape at a location close to the town's main square.
- The proposal would have an undo impact on adjacent residential amenity.
- No appropriate assessment issues arise.
- The proposal would not have a significant effect individually or in combination with other plans for projects on a European site.

### 3.2.2. Other Technical Reports

None

## 4.0 Planning History

**P.A. Ref. 15/411** Retention Permission GRANTED in Nov. 2015 to Vodafone Ireland Ltd. to retain two existing telecommunication support poles, 11 metres and 13 metres high with antennas, and associated equipment within the Eircom exchange compound. The development forms part of Vodafone Ireland Limited existing GSM and 3G Broadband telecommunications network.

**P.A. Ref. 11/330** Retention Permission GRANTED in Jan. 2012 to Vodafone Ireland Ltd. to retain the attachment of 1 no. 0.6m radio link dish to the existing Vodafone 13m high telecommunications support structure. The development forms part of Vodafone Ireland Ltd.'s existing GSM and 3G telecommunications network.

**P.A. Ref. 09/359** Retention Permission GRANTED in Nov. 2009 to Vodafone Ireland Ltd. to retain two existing telecommunication support poles, 11 metres and 13 metres high with antennas, and associated equipment within the eircom exchange compound. The development forms part of Vodafone Ireland Limited's existing GSM and 3G Broadband telecommunications network

**P.A. Ref. 04/1271** Retention Permission GRANTED in July 2004 to Vodafone Ireland Limited, consequent on the grant of temporary permission (planning ref.99/184), to retain two support poles, 11 metres and 13 metres high and antenna that are used for mobile communications.

**P.A. Ref. 99184** Permission GRANTED in May 1999 to Eircell Ltd. to retain two support poles and antennae for mobile communications

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. **Cavan County Development Plan 2014-2020** is the statutory plan for the area. The following provisions are considered relevant:

**Zoning:** The site is zoned 'Town Core'.

**Zoning Objective:** 'Establishes the extent of the town core and identifies the most suitable location for a mix of retail, commercial, residential, cultural and social uses. The overall aim is to strengthen the vitality and viability of the town core by actively facilitating the reuse of existing buildings, as well as, brownfield and Greenfield sites. The emphasis will be on high quality urban design which does not detract from the existing urban framework'.

**Use Class:** The use class telecommunications structure is not listed under uses 'permitted in principle' or 'not permitted' under this zoning objective. The Development Plan states that non-listed uses that are proposed may be considered, if supported in the context of the proper planning and sustainable development of the area.

**Zoning of adjoining lands:** Adjoining lands to the north and east are zoned 'Whitelands' where the objectives states that 'this zone is for mixed use development outside of Town or Village Cores. This zone is to cater for the continued growth and development of Small Towns and Villages whilst recognising their main function which is to support and provide services for the local population'.

**Section 4.8 Telecommunications and Information Technology** - Relevant policies include the following:

**PIO118** To encourage the co-location of antennae on existing support structures and to require documentary evidence, as to the non-availability of this option, in proposals for new structures. The shared use of existing structures will be required where the



numbers of masts located in any single area is considered to be excessive. The Planning Authority will generally consider any location with three or more separate support structures as having no remaining capacity for any further structures.

**PIO120** Masts will only be permitted within towns and villages of the County when accompanied by satisfactory proposals for dealing with dis-amenities and incompatible locations.

**PIO121** Masts will only be permitted if supported by an acceptable 'Visual and Environmental Impact Assessment Report'.

**PIO122** Shared use of existing support structures will be preferred in areas where there are a cluster of masts.

**PIO125** To submit a reasoned justification as to the need for the particular development at the proposed location, in the context of the operator's overall plans to develop a network and the plans of other operators. To provide details of what other sites or locations were considered and include a map showing the location of all existing telecommunication structures, whether operated by the applicant or by a competing company, within 1km of the proposed site and reasons why these sites were not feasible.

**PIO126** When antennae and their support structures are no longer being used and no new user has been identified to ensure that they are removed and that the site is reinstated at the operator's expense and to the Council's satisfaction. Permissions granted will contain a bonding arrangement to this effect. It shall also be an obligation of the original operator to inform the Council if they intend to dispose of the site to another suitable operator.

## 5.2. **Relevant Government Guidelines**

National Planning Framework – Project Ireland 2040

Telecommunications and Support Structures, Guidelines for Planning Authorities (1996).

Circular Letter PL 07/12 – Telecommunications Antennae and Support Structure Guidelines, Department of Environment, Community and Local Government (October 2012).

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

- 5.3.1. The site is located c. 750m to the south-east of the Lough Oughter and associated Loughs SAC (Site Code: 000007) and c. 330m to the south of the Lough Oughter and Associated Loughs Proposed Natural Heritage Area (Site Code: 000007).

### **5.4. EIA Screening**

- 5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

## **6.0 The Appeal**

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

- 6.1.1. A first-party appeal was received from Towercom Ltd. representing the applicant Eircom Limited, against the decision made by the Planning Authority to refuse permission for the proposed development. The main grounds of appeal are summarised under the headings below;

#### **6.1.2. Justification for new structure**

- Eir's 3G and 4G coverage is almost non-existent in Ballyhaise.
- Customer complaints are high and service levels are low.
- Eir wishes to rectify its poor coverage by installing, a fit for purpose, 18m high monopole within its exchange premises at Ballyhaise.

- Existing telecommunications structures remote from Ballyhaise provide localised coverage but do not provide widespread coverage incorporating Ballyhaise.
- Underpinning the replacement structure requirement is Eir's need to significantly improve its 3G and 4G service provision in Ballyhaise and surrounding areas.
- The existing antenna carrying timber poles within the exchange site are too low, light and replete of fixing points to accommodate Eir's antenna.
- The proposed structure would release Eir to substantially improve its respective 3G and 4G services for community benefit from within this area of poor coverage.
- The proposed structure may facilitate site sharing and in so doing allow for the improvement of the operators' coverage and capacity beyond current levels.
- Vodafone's 4G coverage is deficient and in need of substantial improvement where that improvement may only be achieved by replacement infrastructure.
- While the proposed structure is taller than the existing timber poles on the site, by removing these existing poles the number of telecommunications structures will be decreased.
- The application site is an existing utilities site and while this will be the tallest structure developed on the site, it is still low by accepted industry standards.
- The height of the proposed structure is the minimal acceptable height to achieve Eir's local coverage requirements.
- Modern technologies require appropriate height and supporting infrastructure to function properly. It is not possible for Eir to share on the existing timber poles.
- The lack of adequate supporting infrastructure constrains local mobile phone coverage.
- Without replacement infrastructure Eir's coverage blackspots will persist.
- Comreg outdoor mobile coverage maps submitted demonstrating that Eir has poor 2G, 3G, and 4G coverage in Ballyhaise.

- While Vodafone has not committed to use the proposed structure it is noted that Vodafone 4G technology is absent in Ballyhaise. Comreg map submitted showing same.

### 6.1.3. Visual Impact

- The site is not located within a 'High Landscape Area', an Architectural Conservation Area or any 'Major Lakes and Like Environs' or 'Area of Special Interest' as identified in the Cavan County Development Plan 2014-2020.
- The proposed development is for an 18m high monopole telecommunications structure with associated equipment in an existing utilities site.
- The subject site currently contains timber telecommunications poles measuring 11m high. These poles are proposed to be removed pending a grant of permission.
- While the proposed structure is taller than the existing infrastructure on site, this is needed to accommodate additional telecommunications equipment and meet the technical requirements of the operator.
- The existing wooden poles are too low and light to carry any additional equipment and are no longer fit for purpose.
- A new, more robust and taller structure is needed to provide the high-speed coverage that is lacking in the local area.
- At 18m tall the proposed structure would be considered lower than industry standards.
- The design of the proposed structure complies with national and local policy by being at the minimum height consistent with effective operation.
- The structure will be situated in an existing exchange compound already host to telecommunications structures.
- While there will be some visual impact from the proposed structure, there is existing screening from buildings and the site is well screened from the town square by the existing building line.

- The land directly across from the site has not been developed. As such there is no direct negative visual impact within a direct eyeline.
- While there are residential buildings to the south and north of the site, the site faces onto the gable ends of these houses', therefore minimising any visual impact.
- The housing development to the rear of the site is very well screened due to existing mature vegetation.
- Precedent permission for a telecommunication structure on the site has been made under P.A. Ref. 15/411.
- Any visual impact would be acceptable when compared to the benefits that the proposed structure would bring by increasing the quality of coverage in Ballyhaise town.
- The structure's visual impact would be mitigated by the slim monopole design and the screening provided by the existing exchange building.
- The site is not located along a major road or tourist route.
- The site is set back from the road and any views of the structure would not be terminal.
- In response to Refusal Reason No.1, it is not uncommon to have telecommunications structures in towns.
- The site, while designated town core, is removed from the town square and lies on the outskirts of the town centre.
- Telecommunications infrastructure is needed in Ballyhaise to provide coverage to its residents, businesses and to social enterprise. Proximity of this infrastructure to the required coverage area is highly important.
- The site, already an existing telecommunications site, provides the most logical opportunity to upgrade telecommunications infrastructure in the town.

#### 6.1.4. **Discounted Structures**

- Eir' s improved coverage is best achieved from the subject site.

- Eir have considered other options and the upgrade of the most proximate telecommunications structures to establish if they would achieve its coverage goals.
- Map submitted showing all mobile telecommunications installations in the vicinity of Ballyhaise. Details and unsuitability of each provided as follows;
  1. Knockateery Townland. Vodafone currently transmits from a 10m timber pole at Knockateery townland, 4.7km distance from the appeal site. This site is too remote from Ballyhaise and must be discounted on this basis.
  2. Corracreeny Townland. Vodafone transmit from a timber pole structure at Corracreeny Td, some 4.4km west of Ballyhaise. This structure is too far remote to have any effect on Eir coverage in Ballyhaise. On this basis it must be discounted.
  3. Coolcanadas Townland. Vodafone, Eir and Three transmit from a 24m lattice structure at Coolcanadas townland, 3.7km distant from Ballyhaise. This site is too remote from Ballyhaise to aid Eir's coverage issues in any way. For this reason, it has been discounted.

#### 6.1.5. **Compliance with Development Plan Policy / Guidelines**

- The proposed development would drive social and economic progress in Ballyhaise through improved Eir 3G and 4G connectivity while remaining sympathetic to residential amenities and the general landscape character.
- The proposed monopole structure is slim in profile and measures only 18m high.
- The proposal would not have a terminal, negative visual impact.
- The proposal is not dissimilar to common street lighting, flood light structures and other monopoles located in towns and villages nationwide.
- The proposed structure is accessed from a public road and is positioned remote from the town square.
- The proposal would not contravene Objective PIO118 of the Cavan County Development Plan 2014-2020.
- Co-location of antennae is not possible on existing structures.

- Existing structures are either too distant or fail to deliver coverage into the target coverage by reason of topography, structure height and distance.
- There will be less than three telecommunications structures on the site as, two existing timber poles will be removed.
- The proposed structure would be sited in an existing telecommunications site and there is no existing suitable structure to share on due to the advancements in modern telecommunications technology.
- The location in an exchange offers screening through the exchange building on the site and the other buildings in the surrounding area.
- While the proposed structure is taller than the existing structure on the site, this is to meet the operators' technical requirements. These requirements cannot be met by locating on the existing timber poles.
- Within Ballyhaise there are no mast clusters apart from the structures located in the application site.
- Existing free-standing structures are either too remote or situated within a topography that limits coverage reach to deliver balanced 4G connectivity to Ballyhaise town centre.
- There are no suitable site sharing options within a 1km radius.
- Eir (formerly Meteor) has already co-located on the existing structure at Coolcanadas Townland.

#### 6.1.6. **Compliance with relevant Government Policy / Guidelines**

- The proposal seeks to facilitate connectivity, broadband rollout and the strengthening of rural Ireland, in accordance with the National Planning Framework.
- The proposal complies with National, Regional and Local policy by providing high quality network coverage to a local community.
- Without the proposed development, the local community will continue to suffer without essential coverage.

- The proposal will facilitate remote working as well as providing coverage to local homes, businesses and local roads.
- Reference made to previous planning appeals whereby An Bord Pleanála overturned the Local Authorities decision to refuse a telecommunications proposal. Case references include ABP Ref.'s PL04.309019 and PL20.309385.

## 6.2. Planning Authority Response

The Planning Authority's response is as follows;

- The site of the proposed development is zoned Town Core, which is the area of the town identified in the County Development Plan as the most suitable location for a mix of retail, commercial, residential, culture and social uses.
- Town Cores have a pivotal role in the overall vitality and vibrancy of Cavan's towns, fulfilling not just a commercial role but a range of complementary uses that make such places attractive areas to visit, recreate, live and work.
- The Planning Authority's decision to refuse permission is informed by the Planning Guidelines for Telecommunications Antenna and Support Structures (1996) which requires that "only as a last resort should freestanding masts be located within the immediate surrounds of smaller towns and villages".
- It is not clear that all options have been examined, including the option of a new site in a less sensitive location if the same technical criteria could be met.
- It is the Planning Authority's opinion that the potential for the co-location and sharing of telecommunications structures should not be confined to existing Comreg sites.
- A new site may be more optimal in terms of physical context, relationship with adjoining land use, technical coverage or where there is scope to reduce or rationalize the overall number of masts in a particular catchment.



- It is the Planning Authority's view that the decision should not rely on the existing use of a site, in this case an Eircom exchange building or the previous planning permission on the site P.A. Ref. 15/ 411. This permission was to retain 2 existing telecommunication support poles 11m and 13m high, where the current proposal would be materially different in height.
- Given the site's location within a built-up area and in a zone where there is an intention to safeguard town center uses, the site's legacy as an exchange building is not a sufficiently robust reason to grant the proposed development
- The proposed development would have a separation distance of just 10.8m from the gable of a third-party dwelling, which would constitute an overbearing impact on an existing residential dwelling.
- The site directly faces an undeveloped land bank zoned 'Town Core'.
- The proposed development is close to the town's historic square.
- While the proposed development would be removed from the immediate setting of the square, it is likely that it would be perceived from it, at least partially, at a relatively short distance of 90 meters.
- The proposed development would reduce the quality of the streetscape at this location.
- The Planning Authority is not satisfied that the proposed development is consistent with the objectives of the Development Plan and national planning guidelines.

## 7.0 **Assessment**

7.1. The main issues for consideration are the 2 no. reasons for refusal as cited by the Planning Authority. These are addressed under the following headings;

- Impact on Visual Amenity,
- Impact on Residential Amenity,
- Justification for the Proposed Development,
- Appropriate Assessment.

These are addressed below.

## **7.2. Impact on Visual Amenity**

- 7.2.1. The Planning Authority refused permission for the proposed telecommunications structure on the grounds that its scale and design would have an adverse impact on the visual and residential amenities of the area, would set an undesirable precedent for future development of this nature and would be contrary to policy objective PIO120 of the Cavan County Development Plan 2014 - 2020, which states that 'masts will only be permitted within towns and villages of the County, when accompanied by satisfactory proposals for dealing with dis-amenities and incompatible locations'. The appellant contests this reason for refusal, as detailed in Section 6.1 above.
- 7.2.2. The site is zoned 'Town Core' in the Cavan County Development Plan 2014-2020. The zoning objective is 'to strengthen the vitality and viability of the town core by actively facilitating the reuse of existing buildings, as well as, brownfield and Greenfield sites. The emphasis will be on high quality urban design which does not detract from the existing urban framework'. The use class 'telecommunications structure' or similar is not listed under uses 'permitted in principle' or 'not permitted' under this zoning objective. The Development Plan states that non-listed uses that are proposed may be considered, if supported in the context of the proper planning and sustainable development of the area. Having regard to the planning history of the site, as detailed in Section 4.0 above, the Planning Authority has established precedent by previously granting permission for telecommunications structures at the subject site. Most recently, planning permission was granted in Nov. 2015 to Vodafone Ireland under P.A. Ref. 15/411 for the retention of two telecommunication support poles, 11 metres and 13 metres high with antennas and associated equipment within the Eircom exchange compound. On this basis, I am satisfied that the proposed development is acceptable in principle at this location.
- 7.2.3. With regards visual impact, Policy PIO121 of the Cavan County Development Plan requires that "masts will only be permitted if supported by an acceptable 'Visual and Environmental Impact Assessment Report'". A telecommunications structure is not a type of development listed in Schedule 5 Part 1 or Part 2 of the Planning and

Development Regulations 2001 (as amended), which sets out types of development for which a mandatory or sub-threshold Environmental Impact Assessment Report is required. As such an Environmental Impact Assessment Report is not required for the proposed development. The Grounds of Appeal Report submit provides a visual impact assessment of the proposed development, as summarised in Section 6.1.3 above. I am satisfied this adequately addresses the visual impact of the proposal in accordance with the requirements of Policy PIO121 of the Development Plan.

7.2.4. The site itself comprises an existing Eircom exchange compound, located c. 80m to the north of the Town Square in Ballyhaise. The site is clearly visible from the adjoining public road. Some tall mature trees are planted along the south-eastern boundary which screen the site when viewed from the south-east in the Woodlands estate. The proposed structure will be located c. 4m to the south of the existing exchange building and will have a height of 18m with a lighting finial rising 1.5m on top, providing an overall height of 19.5m. The proposal will remove 2 no. 11m high timber telecommunications poles located along the northern boundary. These telecommunications poles hold 5m high antennae rising over, providing an overall height of 16m. The existing 1 no. 10m high wooden pole holding telecommunication dishes located c. 2m to the south-east of the exchange building will remain.

7.2.5. The site is not located within any designated area such as a 'High Landscape Area', 'Major Lakes and Lake Environs' or 'Area of Special Landscape Interest', as detailed in Appendix 4 Map 8 of the Cavan County Development Plan. There are no designated scenic views of the site. The site is not located within an Architectural Conservation Area.

7.2.6. Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines (1996) sets out guidance with regards visual impact and requires that;

'only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location'.

Having regard to the context of the site near the edge of the town and the existing established use of the site which comprises a site developed for utilities (i.e. an existing Eircom exchange), and nature of the proposed development which involve the removal of 2 no. existing 16m height telecommunication poles, it is my view that the proposed 19.5m high telecommunication structure would not have a significant negative impact on the visual amenity and character of the surrounding area. The removal of 2 no. existing 16m height telecommunication structures and their replacement with 1 no. 19.5m high telecommunication structure would be a reduction in the number of telecommunication structures on the site. The removal of the 2 no. existing 16m height telecommunication structures along the northern boundary would improve the visual amenity and outlook of the dwelling on the adjoining site to the north. The location of the proposed 19.5m high telecommunication structure would be close to the existing 1 no. 10m high telecommunication structure to be retained, when viewed from the public road to the front. Such development would consolidate the location of telecommunication structures on the site and thereby, to an extent, improve the visual impact of the exchange compound. Furthermore the tall mature trees along the south-eastern boundary of the compound would minimise the visual impact of the proposal against the skyline when viewed from the public road.

- 7.2.7. Longer range views of the site are intermittent and not terminating from any angle, which is achieved by intervening buildings, the site's position off The Square Road, tall mature trees along the south-east boundary and woodland to the north-east. Lands directly opposite to the west are undeveloped. It is my view that the monopole design of the structure is an acceptable design type in a town location and would not detract from the visual amenity, urban character and heritage of the area. However, given the exposed nature of the Eircom exchange compound as viewed from the public road, I consider it appropriate that in the event of a grant of permission a condition should be imposed requiring the applicant to submit a comprehensive landscape plan for the western boundary of the site incorporating shrub and boundary hedgerow planting, to ameliorate the impact of the proposed development and existing exchange compound on the adjoining streetscape. Given the existing established context of the site, it is my view that the proposed development would not adversely impact the architectural integrity of the adjacent Protected Structure, Humphry's Parochial Hall (Reg. No.

CV44067), located c. 28 to the south-west of the site. It is my view that the proposed development would not set an undesirable precedent for future development of this nature, as put forward by the Planning Authority. On this basis, I recommend that the appeal should succeed in relation to the Planning Authority's first reason for refusal with regards impact on visual amenity and undesirable precedent.

### **7.3. Impact on Residential Amenity and Public Health**

7.3.1. As detailed above, the Planning Authority refused permission for the proposed development on the grounds that its scale and design would have an adverse impact on the residential amenities of the area. The nearest residential dwellings are located c. 4.6m to the north and c. 5.4m to the south of the site as outlined in red. Having regard to the proximity of the proposal to these dwellings and the issue of public health, I refer the Board to Circular Letter PL 07/12, issued by the Dept. of Environment, Community and Local Government on the 19<sup>th</sup> Oct. 2012 re. the Telecommunications Antennae and Support Structures Guidelines which 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’.

Having regard to the above, I consider the proximity of the proposed development to adjacent residential dwellings and its possible impact on public health is not a planning issue. I am satisfied that the operator's compliance with general public exposure limits will be covered by the terms of the operator's licence. 7.3.2. With regards noise, I do not consider the proposed development would generate any undue noise during its operational phase. As such, given the nature of the proposed development and its requirement to comply with other regulatory codes, it is my view that the proposed development would not adversely impact on the residential amenity of adjacent residential dwellings.

#### **7.4. Justification for the proposed development**

7.4.1. The Planning Authority refused permission for the proposed development on the grounds that it would be contrary to the objectives PIO118, PIO122 and PIO125 of the Cavan County Development Plan 2014 - 2020, in relation to reasoned justification for the proposed development. The appellant contests this reason for refusal, as detailed in Section 6.1 above.

7.4.2. The applicant has submitted with the grounds of appeal a report setting out a detailed rationale for the proposed development at the subject site. This is detailed in Section 6.1 above and summarised as follows;

- Eir's 3G and 4G coverage is almost non-existent in Ballyhaise.
- Comreg outdoor mobile coverage maps submitted demonstrating that Eir has poor 2G, 3G, and 4G coverage in Ballyhaise.
- The proposed development would improve Eir's coverage and 3G and 4G service provision in Ballyhaise and surrounding areas.
- Without replacement infrastructure Eir's coverage blackspots will persist.
- Existing telecommunications structures remote from Ballyhaise do not provide coverage incorporating Ballyhaise.
- The existing telecommunication timber poles carrying antenna are unsuitable
- The proposed structure would facilitate site sharing and in so doing allow for the improvement of other operators' coverage and capacity beyond their current levels.
- While Vodafone has not committed to use the proposed structure it is noted that Vodafone 4G technology is absent in Ballyhaise. Comreg map submitted showing same.
- It is not possible for Eir to share on the existing timber poles.
- While the proposed structure is taller than the existing timber poles on the site, by removing these existing poles the number of telecommunications structures will be decreased.
- The proposed development is using an existing utilities site

- The proposed telecommunications structure is low by accepted industry standards.
  - The height of the proposed structure is the minimal height acceptable to achieve Eir's local coverage requirements.
- 7.4.3. Further to the above, the applicant has submitted a map submitted showing the location of all mobile telecommunications installations in the vicinity of Ballyhaise and details of the unsuitability of each, as detailed in Section 6.1.4 above.
- 7.4.4. Having regard to the above, I consider the applicant has submitted a reasoned justification for the proposed development in compliance with the requirements of Policy PIO125 of the Development Plan.
- 7.4.5. The co-location of antennae on the proposed structure and non-availability of other suitable structures within 1 km of the site would be in accordance with Policy PIO118 of the Cavan Development Plan which seeks 'to encourage the co-location of antennae on existing support structures and to require documentary evidence, as to the non-availability of this option, in proposals for new structures' and and Section 4.5 of the Guidelines on Telecommunications Antennae and Support Structures in relation to sharing facilities.
- 7.4.6. Having regard to the above, I consider the applicant's justification for the proposed telecommunication structure is acceptable and in accordance with National Policy Objective 24 of the National Planning Framework - Project Ireland 2040 which seeks 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'. Ballyhaise town is designated a Tier Four Small Town in the Cavan County Development Plan with a population under 1,000 in the 2016 Census, as per the Development Plan. Such enhancement of mobile and broadband telecommunications would promote economic development, improve personal security, enhance social inclusion and provide considerable advantage to home and business users in Ballyhaise town and surrounding area. On this basis, I recommend that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, 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.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the National Planning Framework, the Cavan County Development Plan 2014-2020, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.
----	---



	<b>Reason:</b> In the interest of clarity.
2.	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  <b>Reason:</b> In the interest of visual amenity.
3.	Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.  <b>Reason:</b> In the interest of public health.
4.	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.  <b>Reason:</b> In the interest of the visual amenities of the area.
5.	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.  <b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.
6.	When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.  <b>Reason:</b> In the interest of visual amenity.
7.	The developer shall allow, subject to reasonable terms, other licensed mobile telecommunication operators to co-locate their antennae on the proposed mast.  <b>Reason:</b> In order to avoid the proliferation of telecommunication structures in the interest of visual amenity.

8.	<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. 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.</p> <p><b>Reason:</b> In the interest of public safety.</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 traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains.</p> <p><b>Reason:</b> In the interests of public safety and amenity.</p>
10.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal.</p> <p>The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory reinstatement of the site.</p>

---

Brendan Coyne  
Planning Inspector

18<sup>th</sup> November 2021