



An
Bord
Pleanála

Inspector's Report

ABP-310879-21

Development	To erect a 21m high monopole telecommunications support structure, together with associated equipment and ancillary site development works
Location	Eir Exchange, Ballynamona Upper, Loskeran, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21391
Applicant(s)	Eircom Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom
Observer(s)	Matty and Ann Whelan
Date of Site Inspection	7 th October 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The site is located within an Eir exchange facility / utilities property at Ballynamona Upper, Loskeran, Co. Waterford. It has a stated area of 113 sq m and accommodates existing telecommunications equipment, storage units and a wooden ESB pole with overhead powerlines.
- 1.2. A low wooden fence runs along the boundaries of the site and there are some large established trees and small shrubs present on the land and surrounding it. Access is provided via a Local Road (L611) from the site's northeast boundary.
- 1.3. The surrounding area is rural in nature with the predominant land use being agriculture. There are a small number of detached dwellings in the surrounding area. The closest cluster of these is situated at the crossroads between the L611 and R674 (Regional Road), approximately 30 metres to the northwest. Dungarvan is the nearest main town at approximately 13km to the north.

2.0 Proposed Development

- 2.1. The proposed development is for a 21.0 metre monopole telecommunications support structure on a concrete foundation, together with antennas, a dish, remote radio units and ancillary operating works. There is a lightning rod on top, which brings the overall height of the facility to 22.2 metres, approximately.
- 2.2. Operating ground equipment is proposed to be installed beside the mast on the northwest side of the existing exchange building. It is proposed to retain the existing access route from the northeast.
- 2.3. The proposed infrastructure is to provide improved, high quality 3G and 4G services for the area.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on 1st July 2021. The reason for refusal was grounded on the proposed development having the potential to have an adverse

visual and residential amenity impact on an immediately adjoining dwelling and a significant number of other dwellings on the edge of a settlement.

The Planning Authority considered the proposal to be contrary to Policy INF 24 of the Waterford County Development Plan 2011 (as varied and extended), contrary to the relevant Ministerial Guidelines, that it would set an undesirable precedent and, thus, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report forms the basis for the Planning Authority's Decision. Having examined the application and having considered the impacts of the development and the relevant policies of the Waterford County Development Plan 2011 (as varied and extended), national planning policy, the Executive Planner recommended a refusal for the reason set out in the Decision above. The Senior Planner reviewed and confirmed they agreed with the Report Recommendation, and permission was refused.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

Waterford Airport: No response received.

3.4. Third Party Observations

A total of 9 no. third party observations were received by the Planning Authority, including from residents in the surrounding area and Coiste Forbartha an tSean Phobail (a community -based development committee). The main issues raised can be summarised as follows:

- Application should be invalidated as it references a misleading address.
- Address used is contrary to the Language Act, 2003.

- The proposed mast is only 28m from the nearest part of the adjoining dwelling. There is also 10+ dwellings within 500 metres.
- The proposal would give rise to additional stress and anxiety for residents, and present a risk to young children who regularly reside in the adjoining dwelling.
- Owning the site is not sufficient justification for the proposed development.
- Proposal would impact on residents' health, devalue property in the area, have a negative impact on biodiversity, and have a negative visual impact on an important scenic route.
- The proposed monopole height is excessive and submitted photomontages are misleading as mature trees which will be removed / reduced in height are included as mitigation.
- The Construction Management Plan (Section 3.3) states that the adjoining site will facilitate the construction works. However, the landowner has not provided permission for this, nor will it be granted.

4.0 Planning History

Subject Site

Reg. Ref. 80/224: Permission granted for a telecommunications exchange (Note: No date provided on Council website when proposed development was permitted. However, the application is recorded as being submitted in 1980.)

5.0 Policy Context

5.1. Planning Authorities on Telecommunications Antennae and Support Structures issued (1996)

- 5.1.1. The *'Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures'* (1996) set out government policy for the assessment of proposed new telecommunications structures ('the 1996 Guidelines'). The Guidelines state that the rapid expansion of mobile telephone services in Ireland has

required the construction of base station towers in urban and rural areas across the country. They are an essential feature of all modern telecommunications networks. In rural areas, and in many suburban situations, because of the low rise nature of buildings and structures, a supporting mast or tower is needed.

5.1.2. Section 4.3 of the Guidelines refers to visual impact and states 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 locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations which should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

5.1.3 The Guidelines state that the approach will vary depending on whether a proposed development is in:

- a rural/agricultural area;
- an upland/hilly, mountainous area;
- a smaller settlement/village;
- an industrial area/industrially zoned land; or
- a suburban area of a larger town or city.

The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

5.2. Circular Letter PL07/12

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

5.3. Local Planning Context

5.3.1. Waterford County Development Plan 2011 - 2017 (as varied and extended)

The appeal site is zoned 'Agriculture', which seeks *"to provide for the development of agriculture and to protect and improve rural amenity"*. Utilities Structures are not listed in the Development Plan zoning matrix. However, Footnote No. 4 states that *"uses not covered in the Land Use Matrix above may be allowed in accordance with the written provisions of the County Development Plan"*.

Section 10.39 of the Development Plan ('Telecommunications') states that in considering an application for telecommunications equipment and their support structures, the Council will have regard to the Planning Guidelines for Telecommunications Antennae and Support Structures, DoEHLG, 1996, and the Planning and Development Regulations 2001 (as amended). Telecommunication infrastructure will not be favourably considered in:

- Residentially zoned areas;
- Areas designated as visually vulnerable or on a scenic route; or

- In locations which may affect air traffic into Waterford Regional Airport as indicated by the Airport Control Zones contained in Appendix A6 Waterford Regional Airport and Business Park Masterplan.

Furthermore, prospective applicants need to demonstrate:

- Reasonable efforts have been made at co-location and sharing with other users on existing or proposed sites in the vicinity of the proposed mast;
- In instance where co-location is not an option, the Council will need to be satisfied that the installation of the proposed mast is of strategic importance;
- Regard should be had to locating masts in industrial areas where the impacts would be less significant;
- The Council shall require justification for the height of the mast proposed; and
- The Council may require a Visual Impact Statement. Telecommunication infrastructure shall generally be favoured in agricultural/greenbelt lands or on other land uses which the Planning Authority may deem suitable.

Policy INF 24: *“The Council will facilitate proposals for the provision of telecommunication masts, antennae, underground infrastructure and ancillary equipment subject to normal planning considerations having regard to the DoEHLG publication ‘Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities’ (1996).”*

Objective INF 13: *“It is the objective of the Council to facilitate developers and utility providers in meeting the requirements for utility services such as telecommunications, gas and electricity. Pre-planning application discussions with providers of telecommunication and ESB structures are encouraged.”*

Objective INF 11: *“It is the objective of the Council to encourage the clustering and co-location of telecommunication masts, antennae or ancillary equipment and more favourable consideration will be given to their location near existing similar type structures.”*

5.4. **Natural Heritage Designations**

There are no designated European sites within the vicinity of the subject site. Helvick Head to Ballyquin Special Protection Area (SPA) (Site Code 004192) is located approximately 2.1km to the east.

5.5. **EIA Screening**

- 5.5.1. The proposed development, which is for a telecommunications support structure, including ancillary equipment, is not a class of development for which EIA is required.

5.6. **Grounds of Appeal**

- 5.6.1. A First Party Appeal against a Decision to Refuse Permission has been lodged by Entrust Limited on behalf of the Applicant (Eircom Ltd). The main grounds of appeal are as follows:

- The Applicant outlines the site selection process and discounted options considered in the lead-up to making the planning application. The other sites that were considered are shown on an aerial map and identified as Discounted Options 1, 2 and 3.
- During the alternative sites assessment, it was determined that there were no suitable structures or masts identified which would be capable of providing both the required transmission links and level of 3G and 4G coverage required.
- As part of the technical justification for the proposed development two maps are provided at Figure 2 ('Existing Indoor Service Coverage Without') and Figure 3 ('Predicted New Indoor Coverage With'). The improvement is shown in blue in Figure 3 and it is anticipated that the existing problems of missed calls, poor quality of service and patchy indoor service currently experienced in the area will be significantly improved on foot of the proposed development.
- The proposed development would not seriously injure the visual amenity or residential amenity of the area. Any visual impact is likely to be intermittent due to the topography of the area and existing natural screening. Also, given the proposed monopole location it would not form an obtrusive feature within

the surrounding area, and is a good balance between environmental impact and operational considerations.

- There are no Archaeological Sites or Monuments recorded on the National Monuments Service, Protected Structures or buildings within an Architectural Conservation Area, next to the site.
- The site does not fall within any designated protected landscape areas, including any NHA, SPA, SAC, National Park, Special Amenity Area, Scenic Routes or Views.
- The potential for visual impact has been assessed in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition), 2013, and a series of photomontages have been prepared. The visual assessment of the proposal indicates that there would be no significant visual impact on nearby sensitive receptors, such as neighbouring properties, cultural assets, local roads and public rights of way / walking routes. There are predicted to be 'no significant visual impacts' as a result of the proposal.
- No potential health or noise impacts are predicted.
- Reference is made to national and regional planning guidance documents, and local government circulars, and supporting policies contained within same.
- The Waterford County Development Plan 2010 – 2017 is referenced and various supporting policies and objectives are cited.

5.7. Planning Authority Response

- None received.

5.8. Observations

- 5.8.1. A third party observation has been received from Matty and Ann Whelan, who reside in the dwelling that is approximately 30/35m to the northwest. The observation supports the Planning Authority's Decision to refuse permission.

5.8.2. In summary, the concerns raised in relation to potential residential amenity impact, visual impact, the proximity of the proposed development to the observers' home and that the photomontages do not accurately represent the proposal and are of poor technical quality.

6.0 **Assessment**

The main planning considerations relevant to this appeal case are:

- Residential Amenity
- Site Selection (Alternatives Considered)
- Appropriate Assessment

6.1. **Residential Amenity**

6.1.1. It is acknowledged that the proposed telecommunications facility may cause some potential impact on the local environment by virtue of its height and potential for visual intrusion. Sites such as this, located close to existing dwellings, are accepted as being particularly sensitive from a visual and residential amenity perspective, as referenced in Section 4.3 in the 1996 Guidelines.

6.1.2. The Applicant has prepared a Visual Impact Statement to assist in the visual assessment of the proposal. This, together with the submitted technical drawings, is sufficient, in my view, to make a determination of the potential residential impact that could be experienced by the site's receiving environment due to the proposed development. Having physically visited the site, and completed a visual inspection up close, and from the surrounding vicinity, I consider the photomontages to be an accurate depiction of how the proposed development would appear as if it were constructed.

6.1.3. An area of land designated as 'Visually Sensitive' is situated to the north and west of the site, respectively. The designation states that that the distinctive character of the area has some capacity to absorb a limited range of new development while sustaining its existing character. The appeal site, however, is not within this designation itself. Also, it is not located along a 'Scenic Route' or subject to the 'Visually Vulnerable' designation, as according to the Scenic Landscape Evaluation Map of the Development Plan (Appendix A9).

- 6.1.4. Whilst I acknowledge the proposed structure would be more visible than the structure(s) it would replace, including the existing ESB electricity pole and ground-level equipment, I consider that it would not be so visually disruptive to the degree that it would seriously injure the visual and residential amenity of the surrounding area. The proposed development would take up a relatively small footprint and is enclosed by existing, mature coniferous trees. The proposed monopole adopts a slender appearance and is not located on high ground, such as on a ridgeline – which could lead to it being more visually apparent – or within a sensitive environmental location or landscape.
- 6.1.5. The proposed monopole structure would have a grey muted colour (CL 3093W), which is typical of telecommunications infrastructure seeking to assimilate with the typical sky colour in Ireland. The Applicant has offered to paint the monopole in a Dark Green Fir finish (RAL 6009); and has invited the Board to apply a condition to this effect. However, I do not think this would result in the mast being any less visually apparent given the site is not located in forested or woodland area, where such a colour might be more appropriate.
- 6.1.6. Planning Circular PL07/12 recommends that Development Plans should avoid including any policies that have minimum separation distances between telecommunication installations, schools, and residential dwellings. The nearest school, and church, is approximately 1.5km to the southwest, which are Scoil Baile Mhic Airt and the Church of the Nativity of Our Lady, respectively. The road between the appeal site, and school and church, is meandering and there are trees and hedgerows present along the route. Therefore, any visual impact upon these receptors is likely to be intermittent and fleeting due to the presence of natural vegetative screening, the undulating topography of the area, and distance from the appeal site.
- 6.1.7. In summary, the proposed development would not present as overly dominant or be an overbearing feature in its receiving environment. Therefore, I consider it to be acceptable from a residential amenity and visual impact perspective.
- 6.1.8. The planting and future management of landscaping at the site would be beneficial, however, particularly in the context of the site's proximity to existing houses to the northwest. This would help soften the appearance of the development, particularly

at ground level. Therefore, if a Grant of Permission is issued, the preparation of a landscape plan should be required under condition, prior to the commencement of development.

6.2. Site Selection (Alternatives Considered)

- 6.2.1. The Development Plan seeks to facilitate the provision of telecommunication masts, antennae, underground infrastructure and ancillary equipment, subject to normal planning considerations having regard to the DoEHLG publication '*Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities*' (1996).
- 6.2.2. I have consulted the Comreg Outdoor Coverage Map for 4G coverage (high speed data / broadband) for the Ballynomona Upper / Loskeran area. Eir's coverage for the appeal site is recorded as 'fringe' and the surrounding area to the west is 'fair', which means drop-outs, weaker signals and disconnections are likely to occur in these locations. To the east, the quality of coverage is weaker again, and the 4G Outdoor Coverage Map notes that large areas have 'no coverage'. 3G coverage (data) for the area is marginally better, but also does not provide for an optimum level of service. The appeal site, and its immediate surrounds, currently has access to a 'fringe' level of 3G coverage only, whilst areas to the east and west, respectively, are recorded as 'fair'.
- 6.2.3. The *Telecommunication Guidelines and Planning Circular PL07/12* encourages co-locating antennae on existing support structures and requires documentary evidence of the non-availability of this option for proposals for new structures. It also states that the shared use of existing structures will be required where there is an excessive concentration of masts located in a single area.
- 6.2.4. Telecommunication facilities are encouraged to primarily locate within existing industrial estates, or industrially zoned land, in the vicinity of larger suburban areas or towns, insofar as this is possible. There are no industrial estates in the vicinity of the appeal site, or the surrounding area, however. There is also a general absence of other taller structures in the vicinity, which could potentially be used to accommodate the new, proposed development.

- 6.2.5. The Applicant states that their intention is to always try and co-locate on an existing telecommunications structure as a first choice (if an appropriate existing structure exists). They submit that has been done on many other hundreds of its sites within the Eir Radio Network, including at two nearby telecommunications structures, which are approximately 2.6km to the north, east of Moonbrack, and 8.6km south of Mountstuart Road. The Applicant, however, submits that there are no existing telecommunications masts in the vicinity of the appeal site, which can accommodate the necessary equipment to deliver the required level of service. Due to the physical distance and intervening vegetation, with many high trees which block signals between the existing Eir sites and Ballynamona Upper, the Applicant cannot meet their wireless broadband and data objectives without installing a new structure at Ballynamona Upper. A new structure, therefore, is being proposed at the existing telephone exchange in Ballynamona Upper (i.e. the appeal site).
- 6.2.6. I am of the view that the Applicant has completed a thorough review of alternative telecommunication sites in the vicinity of the site, as is required by the national guidelines and County Development Plan. It would not be possible to provide the requisite level of improved 3G and 4G coverage in the Ballynomona Upper / Loskeran area, without the installation of a new telecommunications mast in the area.
- 6.2.7. Therefore, and having regard to the above, I consider the proposal to be consistent with Section 10.39 of the Development Plan, and the 1996 Guidelines, which require telecommunications providers to demonstrate that reasonable efforts have been made to co-locate and share with other users on existing, or proposed sites, in the vicinity of the proposed mast.
- 6.2.8. The Applicant also states that the proposed development has been designed to accommodate a second operator. This would allow another service provider to co-locate on the monopole, which is consistent with the guidance provided in the 1996 Government Guidelines and Objective INF 11 of the County Development Plan.

6.3. **Appropriate Assessment**

Given the nature and scale of the development proposed, which is for a telecommunications support structure and ancillary works on a site that accommodates an existing telephone exchange building and ancillary equipment,

and the absence of any hydrological connection and separation distance from the nearest Natura 2000 site (which is the Helvick Head to Ballyquin SPA approximately 2.1km away), it is considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site and there is no requirement for a Stage 2 Appropriate Assessment.

7.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to the provisions of the *Waterford County Development Plan 2011 (as varied and extended)*, particularly Section 10.39 'Telecommunications' and Objectives INF 24 and INF 13, and the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12); 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 result in a significant negative residential or visual impact on the surrounding vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1	<p>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.</p> <p>Reason: In the interest of clarity.</p>
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2	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

Ian Boyle
Planning Inspector

19th October 2021