



An
Bord
Pleanála

Inspector's Report ABP-310963-21

Development	Construction of a 21-metre-high free-standing communications structure
Location	Eircom Exchange, Carrowreaghmony, Ballyglass, Co. Mayo
Planning Authority	
Planning Authority Reg. Ref.	Mayo County Council
Applicant(s)	2186
Type of Application	Eircom Ltd.
Planning Authority Decision	Permission. Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Teresa and James Murphy, Ballyglass Community Council Company Ltd. Stephanie Gilligan. P.J Murphy
Observer(s)	None.
Date of Site Inspection	7 th February 2022.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. This appeal relates to the site of the existing Eir exchange located within the village of Ballyglass, which is circa 11km to the west of Claremorris in Co Mayo. The area is characterised by mildly undulating landscape of drumlins and low hills. The appeal site which has a stated area of 0.04 hectares is rectangular in shape and is occupied by the exchange building a double height galvanised structure. There is a stone wall along the roadside boundary to the west. Mature leylandii trees adjacent to the north and south and a post and wire fence defines the boundary to the east. The Ballyglass FC soccer Club building complex and playing fields are located immediately adjacent to the north. The circular water tower is located to the south and there are two recorded monuments MA 100-020 and MA 100-020001 classified as ringfort and souterrain to the east. The ringfort survives as a circular enclosure 37m in diameter with a 60cm high bank. Internally the ground is uneven underfoot with protruding stones in a linear hollow that marks the site of a now inaccessible souterrain. The western end of the enclosure is approximately 19m from the eastern boundary of the proposed site.

2.0 Proposed Development

2.1. The proposal as set out in public notices involves permission for the construction of a 21 metre high free standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 30th June 2021 Mayo County Council issued notification of its decision to grant permission and 10 largely standard conditions were attached. Condition 9 required - Archaeological monitoring and reporting.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial planner's report sought additional information including an archaeological impact assessment, a detailed landscaping plan, clarification of site layout and access arrangements and details of fencing.

Final report recommends permission subject to conditions.

3.2.2. Other Technical Reports

Broadband Officer asserts that the proposal will offer major improvement for Eir Service but also for other telecom operators that avail of a co-location option.

Senior Archaeologist – Initial report sought an archaeological assessment and following submission of same report recommended permission subject to conditions regarding archaeological monitoring of works.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

A number of submissions to the Local Authority from the following third parties :

- Ballyglass Community Council Company Ltd.
- Peter Glynn, Carrowreaghmony, Ballyglass.
- Ballyglass Soccer Club Committee, Carrowgreahmony, Ballyglass
- Teresa and James Murphy, Carrowreaghmony, Ballyglass
- PJ Murphy, Carrowreaghmony, Ballyglass
- Joseph and Rita Nestor, Carrowreaghmony, Ballyglass
- Stephanie Gilligan and Niall Brett, Castlebar
- Charlie O Malley. Garrowreaghmony, Ballyglass

- Cllr Cyril Burke Gradogue, Ballyglass.
- Sean & Sheila Gilligan, Ballyglass.
- Claire Murphy, Carroreaghmony. Ballyglass.

Submissions raise objection to the development on a number of common grounds which I have summarised as follows:

- Negative visual impact arising from prominent location with detrimental views particularly from areas of community congregation and routine activity. Negative impact from adjacent ringfort enclosure, Ballyglass turlough soccer field and walking track and schools.
- Road safety.
- Impact on wildlife and protected species.
- Negative impact on mental health and wellbeing.
- Radiation
- Impact on evergreen trees and landscaped gardens of adjacent soccer club and adjoining landowners.
- Noise disturbance. Devaluation of property
- Mast will hamper the sustainable development of the village.
- Failure to adequately consider alternatives. Other operators in the area have better coverage due to their strategic use of masts in the general area.
- Proliferation of masts in Co Mayo.
- Overshadowing.
- Overbearing incongruous impact.
- Failure to consult with local community.

4.0 Planning History

I am not advised of any planning history on the appeal site.

5.0 Policy Context

5.1.1. Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)

These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service.

At 4.3 it is stated 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. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

5.1.2. Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12

The 2012 Circular letter set out to revise sections 2.2. to 2.7 of the 1996 Guidelines. The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites beside schools. While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying

minimum distances between telecommunications structures from houses and schools, e.g., up to 1km. Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. 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.

5.2. Development Plan

5.2.1 The Mayo County Development Plan 2014-2020 refers.

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

TC-02 - It is an objective of the Council 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.

TC-03 – Co-location

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

Landscape Policy LP-01 It is an objective of the Council, through the Landscape Appraisal of County Mayo, to recognise and facilitate 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.

5.3. Natural Heritage Designations

There are no designated sites within the immediate vicinity. The nearest such sites include

- Mountpleaseant school turlough pNHA (Site Code 001479) 400m to NE
- Slisheen Turlough pNHA (Site Code 001559) c900m to N
- River Moy SAC (Site Code 002298) 2.2km NE
- Towerhill House SAC Site Code 002179) 2km SW
- Lough Carra SPA (Site Code 004051) 5km W
- Lough Carra / Mask Complex SAC (Site Code 001774) 5km W
- Lough Carra Mask Complex pNHA. 5km W
- Cloonboorhy Lough pNHA 3km W.
- Loughbeg pNHA 5km NW

5.4. EIA Screening

6.0 The proposed development is not of a class (Schedule 5, Part 2(10) of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

7.0 The Appeal

7.1. Grounds of Appeal

6.1.1 There are four third party appeals by the following.

- Teresa and James Murphy, Carrowreaghmony, Ballyglass
- Ballyglass Community Council Company Ltd.
- Stephanie Gilligan, 23 Sion Hill Castlebar Co Mayo.
- P.J Murphy Carrowreaghmony, Ballyglass.

6.1.2 The appeals raise common issues which I have summarised as follows:

- Negative visual impact on village and scenic setting.

- Devaluation of property.
- Proposed landscaping specification will increase the visual obtrusiveness of the mast. Removal of trees on the northern perimeter of the site could further destabilise roots of leylandii in Ballyglass sports grounds.
- Screening from proposed ash trees inadequate, particularly in winter. Photos are misleading.
- Proposal is contrary to proper planning and sustainable development and detrimental to future development prospects.
- Proliferation of masts and failure to fully consider alternatives. Need not demonstrated.
- Negative impact on archaeology and cultural heritage. Uprooting of leylandii may damage archaeological sites.
- Evaluation of septic tank on the site should be completed.
- Health and safety concerns. Inadequate fencing.
- Traffic hazard insufficient dedicated parking for maintenance vehicles. Sightlines inadequate. Layby inadequate for multiple vehicles and would require use of Ballyglass Sport Centre layby.
- Failure to consult residents.
- Multiple applications by Eir. It is not clear whether all these tower are required.
- No certainty regarding other operators.
- No detail as to whether 5G technologies should or could be deployed. Health and safety concerns.
- Negative impact on wildlife.
- Noise pollution

7.2. Applicant Response

The response by Focus Limited, on behalf of the first party is summarised as follows:

- Regarding visual impact – A slimline monopole structure was selected in order to reduce visual impact. Monopole is not incongruous in a village.
- Visibility is intermittent and not detrimental to the overall amenity of the area.
- There is no evidence to support the claim that the proposal would result in property devaluation. Telecommunications connectivity more likely to support increased property value.
- Proposal will provide excellent 3G and 4G service to the village. Site represents an important component of strategic telecommunications infrastructure within Mayo and Ireland.
- Existing masts in the area were investigated to ensure that no potential site sharing opportunities were overlooked. The closest installation is 3km southwest of the site There are no existing commercial structures in the area that could accommodate the required height and space for the proposed equipment.
- Proposed structure will connect directly to the exchange building using fibre cabling which will provide fast speed internet broadband and mobile connectivity to Eircom's network.
- Site design ensures that co-location can be accommodated.
- Health and Safety issues are not a planning concern. Cumulative power output of the proposed installation falls well within IRPA Guidelines

7.3. Planning Authority Response

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

8.0 Assessment

7.1 Having reviewed the grounds of appeal I consider that it is appropriate to address the appeal under the following broad headings.

- Principle of development - Need for the development and assessment of alternatives
- Visual impact and impact on archaeology, visual, residential, and other amenities of the area
- Appropriate Assessment

7.2 Principle of Development – Need for the Development and Assessment of alternatives

7.2.1 Having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the development plan including TC-01 Information and Communication Technology and TC -02 it is considered that the provision of a telecommunications mast at the site should be considered to be acceptable in principle subject to detailed proper planning and sustainable development considerations.

7.2.2 As regards issues raised with respect to the need for the mast and the assessment of alternatives, I note that the third parties appellants question the need for additional mast and assert that the area is well served and argue that other operators display better performance based on strategic use of masts in the area. The first party sets out the need for the structure and indicates that it is necessary to ensure 3G and 4G

coverage within the village. I consider that in light of the submissions by the first party the need for the structure has been demonstrated.

7.2.3 As regards mast sharing and co-location I note that the submissions of the first party indicate that the proposed new structure will accommodate site sharing. I note that no specific demonstration of discussions with other operators with regard to their needs or any firm commitment in this regard is demonstrated. I note that maximising the potential for mast sharing and co-location remains a significant pillar of national and local planning policy.

7.2.4 As regards alternative structures considered it is outlined that there are no alternative structures within the necessary 1/2km range of the settlement. I cannot verify the technical circumstances and requirements in these matters; however, I consider that based on the evidence provided the proposal seeks to optimise the location and siting of the structure and to maximise the potential for future mast sharing and co-location which accords with national and local policy.

7.3 Visual impact, impact on archaeology and impact on the amenities of the area

7.3.1 The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 as noted, state that visual impact is one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations. The Guidelines recommend that great care be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

7.3.2 I note that the Guidelines recommend 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. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

7.3.3 The first party discounts significant negative visual impact on the basis of intermittent visibility arising from the local topography, established intervening development and landscaping. I would accept the assertion of the first party that visibility per se is not in itself objectionable and the provision of a slimline monopole structure would not be out of character within a village setting and these have become a customary type of infrastructure within any given settlement. The question is whether the structure would be visually dominant and obtrusive.

7.3.4 Having considered the matter in detail I consider that based on the monopole design, the limited nature and scale of the structure, while clearly locally prominent, would give rise to a significant negative visual impact. I note the series of photomontages provided which seek to demonstrate the visual impact of the proposed structure. Having reviewed the site context I consider that the proposed mast does not detract from the character of the established townscape or the character of the area. Proposed landscaping scheme with native species will further mitigate visual impact. As regards impact on residential amenity I do not consider that any significant negative impact on residential amenity arises. As regards impact on development potential within the village I do not consider that this proposed mast would hinder proper planning and sustainable development of the village and indeed the provision of modern communications infrastructure would support growth of the village. On the matter of impact on property values there is in my view no basis for the devaluation argument. As regards the questions raised with respect to a septic tank on the site this is not relevant to the current appeal and any enforcement issues are a matter for the local authority.

7.3.5 As regards impact on adjacent recorded monuments SMR MA100-020 and MA100-020001 classified as a rath and souterrain I note the findings of the Archaeological Impact assessment by Moore Group which concluded that direct effects associated with the groundworks for the infrastructure would have a low potential to impact on

previously unrecorded archaeological features. In relation to visual impact, it is asserted that the rath and souterrain site has experienced a visual degradation of its original context and character with the development of the plating pitches, the existing exchange building, and the water tower. The magnitude of impact on the setting of the rath and souterrain is considered to be moderate where the effect though noticeable is not such that the integrity of the site is compromised, and which is reversible. It was concluded that the proposed development will have a moderate, cumulative, adverse effect on the setting of the recorded monuments in the immediate vicinity. I consider that these findings are reasonable. I note that it is recommended that archaeological monitoring of works to mitigate impact.

7.3.5 On the issue of health and safety, notwithstanding the debate and the issue of proximity to homes, schools, workplaces or public access, the current national Guidelines provide that an installation is considered safe where it complies with the appropriate international standard ICNIRP Guidelines. ComReg has the primary responsibility for the monitoring and enforcement of health and safety issues. The DoEHLG Guidelines require submission of a statement of compliance with planning applications as a link to the planning system and the application includes a statement of compliance.

7.3.6 As regards traffic safety I acknowledge the limited parking available fronting the site however in light of the nature of the development significant traffic would not arise. As regards construction traffic a suitably designed traffic management plan would address this issue.

7.4 Appropriate Assessment

7.4.1 On the matter of Appropriate Assessment having regard to the nature of the development and the separation distance to any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with any other plans or projects on a European site.

8.0 RECOMMENDATION

Grant Permission subject to conditions.

Reasons and Considerations

Having regard to National Planning Framework, the Mayo County Development Plan 2014, the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, the existing telecoms infrastructure on the site, the established use of the site for telecommunications purposes, the scale and design of the proposed development, it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and current Mayo County Development Plan 2014-2020 as extended, and would therefore, be in accordance with the proper planning and sustainable development of the area.

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 8th day of June 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) Provide arrangements acceptable to the planning authority for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

3. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. When the telecommunications structure and ancillary structures are no longer required, they shall be removed, and the site shall be reinstated at the operator's

expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.

Reason: In the interest of protecting the landscape.

5. 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.

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

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

7. The construction of the development shall be managed in accordance with a construction management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

Bríd Maxwell
Planning Inspector

12th April 2022