



An
Bord
Pleanála

Inspector's Report ABP-310997-21

Development

Installation of an 18m monopole carrying antennas, dishes, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services.

Location

Matthews Funeral Home, Virginia Business Park, Bailieboro Road, Rahardrum, Virginia, Co. Cavan.

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

21/280

Applicant(s)

Eircom Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 10 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

The Drumlins Residents c/o Johanna White

Adam Norris & Others

Observer(s)

None

Date of Site Inspection

27th January 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on the north-western outskirts of Virginia in a position 450m to the north of the junction between the N3 and the Bailieboro Road (R178). It lies in the south-eastern corner of the junction formed by the R178 and the LS-7134, which serves an area of retail and commercial uses, known as Virginia Business Park, and Forest Park housing estate beyond. To the north-east of this junction lies the town's fire and rescue station and to the west lie several short rows of dwelling houses that are either accessed directly from the R178 or via a cul-de-sac off this regional road.
- 1.2. The site is accessed off the south-western side of the LS-7134 via the existing entrance to the grounds of Matthews Funeral Home. This site occupies a position in the northern extremity of these landscaped grounds, it has a square footprint, and it extends over an area of 0.0049 hectares.

2.0 Proposed Development

- 2.1. The proposal would entail the erection of an 18m high monopole, to which would be attached 3 antennas and 2 dishes. This monopole would be sited within a fenced and gated compound, in which an equipment cabinet would be sited.
- 2.2. The proposal would provide wireless data and broadband services to the surrounding area.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

In granting permission, the Planning Authority gave weight to the zoning of the site, the separation distances between the site and housing estates in its vicinity, and the screening afforded by existing roadside trees to the north and west of the site.

3.2.2. Other Technical Reports

Cavan County Council

- Roads Design Office: Advises that the site lies within the N3 Virginia By-pass Project Planning Referral Corridor: An advisory note to this effect is requested along with conditions relating to the siting of the proposal and the depth to which ducting would be laid.
- Area Engineer: No objection.
- Environment: No objection.

4.0 Planning History

The planning history of the wider site within which the proposal would be sited is set out below:

- **06/1589:** To construct an extension to existing facilities incorporating a two storey office block and extended factory area, also to extend existing car park, provide loading areas, relocate existing entrance and all associated site works: Permitted.
- **07/2309:** To (1) construct part single storey/part two storey extension (321.9m²) to rear of existing buildings connecting hardware store building to existing factory unit, (2) alter elevations of existing hardware store and factory unit including revised window and door locations and the introduction of parapets at eaves level (3) change use of existing factory unit to use as retail unit (4) erect 2 no. storage tunnels (5) close up existing factory entrance and form new main public entrance to premises as granted under previous planning application ref. no. 06/1589, relocate existing storage yard entrance (6) form connections to existing foul and surface water drainage systems serving the site together with all ancillary site works. The above will be used as a single hardware store/retail unit: Permitted.
- **15/0479:** (a) Change the use of part of existing dis-used factory to use as a funeral home, (b) construct an extension to north east elevation of existing building, (c) elevational changes to existing building, (d) demolish existing dis-used services building (e) block existing vehicular entrance and form new

vehicular entrance and revised driveway, (f) carry out all ancillary site development works: Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Cavan County Development Plan 2014 – 2020 (CDP), Virginia is identified as a Tier 2 large sized town. The site lies within the development boundary around this town and in an area that is zoned “industry/enterprise/employment”. The accompanying objective states that this zone “Identifies areas developed and suitable to be developed for industrial, enterprise and employment use, including all compatible activities and operations.” Tele-services are permitted in principle.

Under Section 4.8, the CDP addresses telecommunications. It states as policy the achievement of “a balance between facilitating the provision of telecommunications services, in the interests of social and economic progress and sustaining residential amenities, including public health and maintaining a quality environment. The development of telecommunications infrastructure shall be in compliance with the requirements of the DECLG Planning Guidelines ‘Telecommunications Antennae and Support Structures’ (July 1996) and any amendments or revisions and Circular Letter PL07/12 issued by DECLG (October 2012).”

The following objectives are of relevance to the current proposal:

***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’.*

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.*

5.2. National Planning Guidelines

Telecommunications Antennae and Support Structures & Departmental Circular Letter PL07/12

5.3. Natural Heritage Designations

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

5.4. EIA Screening

The proposal is for a telecommunications structure comprising a monopole with antennae and dishes. As such, it does not come within the scope of any of the classes of development that are potentially the subject of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

(a) The Drumlins Residents c/o Johanna White

- Contrary to the Planning Authority's position, local residents consider that the proposal would be visually obtrusive when viewed from local amenities, e.g. church, school, grave yard, and local hardware shops.
- Doubt pertains to the public health implications of the proposal and so local residents should not have to be subject to any risk in this respect.
- The siting of the proposal would be particularly inconsiderate towards local residents living nearby: Instead, it should be located outside Virginia.

- CDP landscape characterisation objectives appear to have been overlooked in the Planning Authority's assessment.
- Given that Virginia is served by superfast fibre broadband, the need for the proposal is questioned.
- The appellant states that she was advised by the landowner that her consent to the grant of a licence to the applicant to use the site has been withdrawn. The applicant will not therefore be proceeding with the proposal. The appellant understands that a letter from the applicant to the Planning Authority advising of these developments may have been lodged. Accordingly, she states that the application should be considered to have been abandoned and hence the Board should regard it as being withdrawn.

(b) Adam Norris & Others

- The proposal would contravene Objectives PLO118, 120 & 121 of the CDP.
- The proposal would contravene the Telecommunications Antennae and Support Structures Guidelines, which advise that only as a last resort should masts be sited in small towns and, in such circumstances, utility sites should be used.
- The address of the site incorrectly refers to "Virginia Business Park".
- The refusal of applications 20/248 and 20/265 establish precedents for the refusal of the current application, too.
- The scale and design of the proposal would adversely affect the visual and residential amenities of the area.

6.2. Applicant Response

None

6.3. Planning Authority Response

The Planning Authority advises that the case planner's report discusses the grounds of appeal cited by the appellants. With respect to appellant (a)'s reference to a

possible letter of withdrawal from the applicant, the Planning Authority has not received such a letter.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the National Development Plan 2018 – 2027 (NDP), the National Planning Framework 2020 – 2040 (NPF), Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, the Cavan County Development Plan 2014 – 2020 (CDP), which includes the Belturbet Local Area Plan (LAP), the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedural matters,
- (ii) Policy, need, and site selection,
- (iii) Landscape and visual impacts,
- (iv) Public health,
- (v) Residential amenity,
- (vi) Traffic, access, and parking,
- (vii) Water, and
- (viii) Appropriate Assessment.

(i) Procedural matters

7.2. Appellant (b) draws attention to the address of the site used by the applicant. He states that the reference to “Virginia Business Park” does not appear in the Eircode

postal address for the site and that the site lies outside the curtilage of this Business Park.

- 7.3. I note that the Eircode postal address refers to the present use of the site as “Matthews Funeral Home” and that the remainder of the address refers to Bailieboro Road, Virginia, Co. Cavan, A82 YV58. I note, too, that the address used by the applicant cites all these details and it refers to the Business Park and the townland, Rahardrum, too. The site’s planning history and zoning suggest that it may be within the “curtilage” of the Business Park. In these circumstances, I do not consider the reference to the Business Park to be misleading. Indeed, the address used to indicate the location of the site is a comprehensive one, and so of maximum assistance to the public in identifying the site.
- 7.4. Appellant (a) presents her understanding that the landowner of the site may have decided to withdraw her consent to the licenced use of this site by the applicant. She understands that, in these circumstances, the applicant may have submitted a letter of withdrawal of the application to the Planning Authority.
- 7.5. The application was submitted with a letter of consent from the landowners dated 25th February 2021. The Planning Authority has responded to appellant (a) by advising that it has not received a letter of withdrawal from the applicant. Accordingly, the application remains to be assessed and determined by the Board.
- 7.6. I conclude that the procedural matters raised by the appellants do not present any impediment to the Board proceeding to assess and determine the application/ appeals.

(ii) Policy, need, and site selection

- 7.7. The NDP has as a fundamental underlying objective the need to prioritise the provision of high-speed broadband. Likewise, Objective 48 of the NPF undertakes to “develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.” The Telecommunications Antennae and Support Structures Guidelines and Circular Letter PL07/12 sets out advice of relevance to the proposal.
- 7.8. The CDP recognises the importance of telecommunications for social and economic progress. It identifies Virginia as a Tier 2 large sized town, and it shows the site as lying within the development boundary around this town and in an area that is zoned

“industry/enterprise/employment”. The accompanying objective states that this zone “Identifies areas developed and suitable to be developed for industrial, enterprise and employment use, including all compatible activities and operations.” Tele-services are permitted in principle.

- 7.9. The applicant has addressed the need for its proposal in the following technical justification for it:

As part of Eir Ltd licensing requirements and the continuing rollout of their 3G and 4G network, Eir requires a site in Virginia. The current nearest site for Eir is over 900m away and does not provide adequate service for good indoor high speed broadband or voice services in the axis and surrounding residential area. Eir’s current indoor coverage in this area is patchy and users experience missed calls and a poor quality of service when indoors. A mobile base station deployment at Virginia would greatly support Eir customers in the town and the surrounding area.

- 7.10. The applicant has identified 4 other sites in Virginia and its environs (cf. aerial photograph denoted as 5.6 in its planning statement) and explained why they were discounted as options for the proposal.

- 7.11. Appellant (a) questions the need for the proposal on the basis that Virginia has superfast fibre broadband. However, it is clear that the proposal would provide complementary wireless mobile and broadband services.

- 7.12. I conclude that the proposal would accord with national and local policies and objectives for improved mobile and broadband services. I conclude, too, that the applicant has demonstrated that this proposal would be needed and that the site has been through a selection process whereby other sites have been considered and discounted on reasonable grounds.

(iii) Landscape and visual impacts

- 7.13. Under Map 7 of the CDP, Virginia is shown as lying within Landscape Character Area 3 (LCA), known as “Lake Catchments of South Cavan”. The site is located within this overall LCA. It lies in the north-western outskirts of Virginia along the Bailieboro Road (R178) and in an area that comprises retail and commercial uses to the east in the Virginia Business Park, the town’s fire and rescue station to the north, and short rows of dwelling houses to the west, on the opposite side of Bailieboro Road.

- 7.14. The site itself is in the northern most corner of the landscaped grounds to Matthew's Funeral Home. The roadside boundaries of these grounds are accompanied by hedgerows and, in addition, several semi-mature deciduous trees, along the initial portion of the north-western boundary with the R178, and a line of mature deciduous trees, along the initial portion of the north eastern boundary with the LS-7134. Besides these trees, the presence of vertical structures, such as public lighting stands and utility poles, would assist in the assimilation of the proposal within the existing streetscape. The presence, too, of modern buildings of mainly utilitarian design in the Virginia Business Park would provide a reasonably robust townscape context for the proposal to be sited within.
- 7.15. The applicant has submitted a series of 4 viewpoints/photomontages of the proposal from along Bailieboro Road (R178) and from within the Forest Park housing estate to the south-east. These photomontages are the subject of a visual assessment, which does not record any instances of significant visual impact.
- 7.16. During my site visit, I observed that the R178 passes through a shallow cutting within the vicinity of the site. Consequently, the site is elevated above the level of this regional road, as are the dwelling houses to the south-west and the west.
- The former dwelling houses comprise a pair of cottages, which face directly onto the regional road. Viewpoint No. 2 of the submitted photomontages depicts the road user's eye view of the site from the vicinity of these cottages. The resident's eye view would be somewhat more elevated and at an acute angle over a minimum separation distance of 38m from the proposed monopole. The semi-mature trees referred to above would provide some screening of the proposal, especially when they are in leaf, and they could be expected to afford more screening with their further growth.
 - The latter dwelling houses comprise bungalows sited along a cul-de-sac. The first of these bungalows would directly overlook the proposal over a minimum separation distance of 47m from the proposed monopole. The semi-mature trees referred to above would provide some screening of the proposal, especially when they are in leaf, and they could be expected to afford more screening with their further growth. The remaining bungalows would be further

away, and they would benefit from the intervening presence of a coniferous hedgerow.

Additionally, Viewpoint No. 1 of the submitted photomontages depicts the view from the vicinity of dwelling houses to the north of the site, the ground floor levels of which approximate to those of the regional road. The minimum separation distance between these dwelling houses and the proposed monopole would be 56m and the row of mature trees referred to above would provide considerable screening of the proposal, especially when they are in leaf.

7.17. Clearly, the retention of the hedgerows and trees described above is of importance for screening purposes. These hedgerows and trees lie within the wider site that is controlled by the landowners. I consider that a condition requiring that they be fenced off for the duration of the construction phase would be in order, in a bid to ensure their retention and protection.

7.18. The appellants express concern over the visual impact of the proposal upon the nearest residential properties and upon the wider visual amenities of the area, which comprises educational, ecclesiastical, and retail uses. I have discussed the nearest residential properties above. I consider that the visual impact upon them would not be inordinate. During my site visit, I observed these non-residential uses, which lie further to the south of the site along the R178 and further to the south-east along the LS-7134. While the proposal would be visible from these uses intermittently, the longer separation distances than those cited above would serve to mediate the visual impact that would arise.

7.19. I conclude that the proposal would be capable of being absorbed sufficiently within the site's streetscape/townscape context and its visual impact would not be inordinate and so this proposal would be compatible with the visual amenities of the area.

(iv) Public health

7.20. Appellant (a) expresses concern over the possible public health implications of the proposal.

7.21. Under Circular Letter PL 07/12, questions of public health posed by masts are deemed not to be material planning considerations. Instead, they are addressed by the Communications Regulator in Ireland, who is charged with upholding emission

limits as defined by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

7.22. I conclude that any implications that the proposal may have for public health are for the Communications Regulator in Ireland to address.

(v) Residential amenity

7.23. Appellant (b) expresses concern that, in addition to effecting visual amenity, the proposal would adversely affect residential amenity.

7.24. I have discussed visual impact under the third heading of my assessment. Possible impacts on residential amenity would arise from overbearance and overshadowing. However, insofar as the proposed monopole would be a streamlined structure and the proposed antennas and dishes, which would be attached to its top, would not be especially bulky, I do not consider that either of these impacts would be significant.

7.25. I conclude that the proposal would be compatible with the residential amenities of the area.

(vi) Traffic, access, and parking

7.26. The applicant has submitted a Construction Management Plan, which states that any construction phase would extend over 4 – 5 weeks. The type and duration on-site of construction vehicles is set out in a table and the applicant undertakes to agree on parking arrangements for workers with the Funeral Home. During the operational phase, only minimal traffic would be generated by the periodic visits of maintenance crews. Access to the site would be via the existing site entrance to the Funeral Home off the LS-7134.

7.27. The Roads Design Office advises that the site lies within the N3 Virginia Bypass Project Planning Referral Corridor and so the following measures are recommended:

- A minimum of 6m should separate the proposal from the wall along the nearside to Bailieboro Road (R178),
- Ducting should be laid at a minimum depth of 1.2m below that of the adjacent regional road surface levels, and
- Drawings should depict the above ducting in detail.

These measures were conditioned by the Planning Authority.

7.28. I conclude that the proposal itself would raise no traffic, parking or access issues. I conclude, too, that, as the site lies within the N3 Virginia Bypass Project Planning Referral Corridor, the measures requested by the Road Design Office should be incorporated in any permission.

(vii) Water

7.29. Under the OPW's flood maps, the site is not the subject of any identified flood risk.

(viii) Appropriate Assessment

7.30. The site lies on the outskirts of Virginia. It does not lie in or beside any European site. I am not aware of any source/pathway/receptor route between this site and such sites in the wider area. Accordingly, under the proposal, no Appropriate Assessment issues would arise.

7.31. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines and Circular Letter PL07/12 and the Cavan County Development Plan 2014 – 2020, it is considered that, subject to conditions, the proposal would be an appropriate land use under the industry/enterprise/employment zoning of the site within which tele-services are acceptable in principle. Existing landscaping and the setting of the Virginia Business Park would allow for the proposal to be assimilated into the local townscape and it would be compatible with the visual and residential amenities of the area. Access and parking arrangements would be satisfactory, and no water or Appropriate Assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) A minimum separation distance of 6 metres between the proposal and the adjacent boundary wall fronting onto Bailieboro Road (R178) shall be achieved.</p> <p>(b) All ducting for the proposal shall be laid at a depth of 1.2 metres below the surface level of the adjacent Bailieboro Road (R178).</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to comply with requirements arising from the site's location within the N3 Virginia Bypass Project Planning Referral Corridor.</p>
3.	<p>Details of the proposed colour scheme for the telecommunications support structure, antennae and dishes, and new ancillary structures 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>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public</p>

	<p>holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The construction of the development shall be managed in accordance with the submitted Construction Management Plan, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs adjacent to the site which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>

Hugh D. Morrison
Planning Inspector

11th February 2022