



An  
Bord  
Pleanála

## Inspector's Report ABP-311252-21

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<b>Development</b>	Construction of an 18-metre-high free standing communications structure with associated antennae.
<b>Location</b>	Cuillare, Belcarra, Castlebar, Co Mayo.
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	21155
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Bernice and Peter McDonnell.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	8 <sup>th</sup> February 2022.
<b>Inspector</b>	Bríd Maxwell

## **1.0 Site Location and Description**

1.1. This appeal relates to an existing Eir exchange compound site located within the village of Ballycarra, circa 7.5km southwest of Castlebar in Co Mayo. The appeal site has a stated area of 0.035 hectares and is occupied by an existing Eir exchange building. There are a number of residential properties in close proximity the closest being immediately adjacent to the north.

## **2.0 Proposed Development**

2.1. The application involves permission for the erection of an 18m high free standing communications structure with associated antennae communication dishes.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 6<sup>th</sup> August 2021 Mayo County Council issued notification of decision to grant permission and 6 standard conditions were attached.

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

#### **3.2.1. Planning Reports**

Initial Planner's report sought additional information to include details of proposed parking arrangements, justification for structure of this height details of alternative locations considered and additional photomontage views.

Final Planner's report recommends permission subject to conditions.

#### **3.2.2. Other Technical Reports**

Broadband Officer's report asserts that based on the submitted details the development will offer a big improvement not only to Eir but other operators that avail of a co-location option.

### 3.3. **Prescribed Bodies**

No submissions.

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

#### 3.4.1 Submissions from a number of third parties including:

Oliver and Emer Cass, 5 Cois Baile, Belcarra

Alan and Catherine English, 3 Cois Baile, Belcarra.

Bernice and Peter McDonnell, Culaire, Belcarra

Kathleen Gorman, 28 Whitebeam Avenue Bromley Kent.

Damien & Jayne Walsh, 1 Cois Bhaile.

John T Surdival, Ballinlass, Belcarra.

Oliver and Lorraine Surdival, Ballinlassa

Tony Cunningham, Belcarra, Castlebar, Co Mayo.

Martin and Helen O Donnell, Bridgedale House, Culaire Belcarra.

David and Cathy Cunningham, Cuillare, Belcarra.

Bridgid and Adrian Lyons, Ballinlass, Belcarra.

Linda and Barry Cuffe, Belcarra.

Seamus and Kathy Cuffe, Belcarra.

James McArdle Cuillaire, Belcarra.

Belcarra Tidy towns.

#### 3.4.2 Grounds of objection relate to:

- Proximity to residential dwellings. Negative impact on residential amenity.
- Failure to consult with the local community.
- Visual obtrusion.
- Noise and light pollution.

- Proximity to school.
- Health and Safety impact.
- Negative impact on property values.
- Traffic impact. Inadequate parking.
- Need for the structure is questioned.
- Alternative locations were not considered.
- Question the need for structure of this height. A lower structure would be more sympathetic to the village.
- Photomontage viewpoints selective and unrepresentative.
- Development is contrary to guidelines which state only as a last resort should free standing masts be located within the immediate surrounds of smaller towns and villages.
- Detrimental to the character of the village. Unfavourable to pride of place and tidy towns progress.

#### **4.0 Planning History**

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

#### **5.0 Policy Context**

##### **5.1. Development Plan**

##### **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.

### **5.3 Development Plan**

5.3.1 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.

## **5.4 Natural Heritage Designations**

The site is not within a designated area. The nearest such site is the River Moy SAC which occurs within 400m to the west of the site.

## **5.5 EIA Screening**

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.

## **6.0 The Appeal**

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

6.1.1 The appeal is submitted by Patrick N Costello, Consulting Engineer on behalf of Bernice and Peter McDonnell, Culaire, residents of the dwellinghouse located immediately adjacent to the proposed structure. Grounds of appeal are summarised as follows:

- Decision to grant permission failed to acknowledge the negative impact the proposal will have on the adjacent dwelling.
- No record of a planning history on this site.
- Construction impacts not fully considered.
- Eircom failed to address alternative sites.
- Proposal will have a negative impact on quality of life.

### **6.2. Applicant Response**

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

- Slimline monopole structure selected for this site to reduce the visual impact.
- Design and scale would not be visually obtrusive or incongruous.

- 18m height selected as no other lower height could provide the required coverage and accommodate co-location for other licensed mobile telecommunications operators.
- Views are intermittent and not detrimental to the overall amenity of the area.
- Series of photomontages demonstrate that the proposal will not have a serious visual impact on the area.
- No existing alternative sites within 2km of the search area. Nearest telecommunications structure is 5.2km from the site.
- Proposal will provide excellent 3G and 4G services to the village of Belcarra and townlands in surrounding rural area. No existing commercial structures in the area can accommodate the required height.
- Utilising the existing utilities site is in line with telecommunications guidelines.

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

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



## 7.0 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 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, 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 and the surrounding rural hinterland. 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 and it is contended that the proposed height is required to facilitate this. 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 is in accordance with national and local policy. As regards the planning history on the appeal site I note that the site is a well-established telecommunications site.

### **7.3 Visual impact, and impact on the residential and other 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 asserts that significant negative visual impact does not arise due to intermittent visibility arising from the local topography, established intervening development and landscaping. I would concur 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 18m high monopole design, the limited nature and scale of the structure, while clearly locally prominent, would not 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. As regards impact on residential amenity I do not consider that any significant negative impact on residential amenity arises. Construction impacts are limited in duration and any negative impacts arising can be appropriately mitigated by best practice construction methods. On the matter of impact on property values there is in my view no basis for the devaluation argument.

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 appropriately mitigate impacts arising.

#### **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 15th 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. 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

3. 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.

4. 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.

5. 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.

6. 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.

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Bríd Maxwell  
Planning Inspector

14<sup>th</sup> April 2022