



An
Bord
Pleanála

Inspector's Report ABP-311386-21

Development	Replacement of 12 metre monopole with an 18 metre monopole tower carrying telecommunications and broadband equipment, equipment cabinets and 2.4m palisade fence compound with access track.
Location	Ballymacea, Quilty, Co Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	21668
Applicant(s)	Ontower Ireland Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Paul & Martina Johnston and Others
Observer(s)	(1) Eoin Morrissey (2) Deidre & Kieran Collins
Date of Site Inspection	11 th November 2021

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.00157 hectares, is located c1.7km east of Quilty Village. The site is accessed from the L6208 and is located adjacent an existing dwelling and farm complex with access to the site through the existing farm yard. The site is elevated relative to the surrounding area. The site is part of an existing field and is located adjacent the south eastern boundary of the farm complex. There is an existing 12m high telecommunications support structure located in close proximity adjacent the north eastern boundary of the farm complex.

2.0 Proposed Development

- 2.1. Permission is sought to replace a 12 metre monopole with an 18 metre monopole tower carrying telecommunications and broadband equipment, together with associated equipment and cabinets enclosed within a 2.3m high palisade fence and compound with access track. The replacement structure is located on a different site to the existing structure but in close proximity and will be accessed through the existing vehicular access and laneway serving the farm complex and associated dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 7 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (18/08/21): The proposed development was considered consistent with Development Plan policy and National policy and acceptable in regards to visual amenity. A grant of permission was recommended based on the conditions outlined above.

3.3. Prescribed Bodies

IAA (13/07/21): No requirement for obstacle lighting.

3.4. Third Party Observations

3.4.1 91 submissions were received from residents of the local area. The issues raised in these submission can be summarised as follows...

- Visual impact, proximity to existing dwellings, no justification for proposal due to existing coverage in the area, health impacts, devaluation of property, existing mast was to be temporary and need for EIA.

4.0 Planning History

16/962: permission granted for 12m high telecommunications support structure to replace the existing.

P11/325: Permission granted for retention of a 9m telecommunication support structure.

P06/88: Permission granted for retention of a 9m telecommunication support structure.

P00/1897: Permission granted for retention of a 9m telecommunication support structure.

5.0 Policy Context

5.1.

5.1.1 Development Plan

The relevant Development Plan is the Clare County Development Plan 2017-2023.

CDP 8.43 Development Plan Objective:

Broadband Connectivity

It is an objective of Clare County Council:

- a) To work with the Department of Communications, Climate Change and Natural Resources to ensure the prompt implementation of the Rural Broadband Scheme in County Clare;
- b) To facilitate the delivery of high capacity ICT infrastructure throughout the County.

CDP 8.44 Development Plan Objective:

Telecommunications Infrastructure

To facilitate the provision of telecommunications services at appropriate locations within the County having regard to the DoEHLG 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012)'.

CDP 10.6 Development Plan Objective:

Broadband

It is an objective of the Development Plan:

To advocate for, and facilitate the extension of, broadband infrastructure throughout the County and encourage e-commerce and IT telecommunications in support of rural enterprise.

CDP 13.2 Development Plan Objective:

The appeal site is within an area classified as Settled Landscape

It is an objective of the Development Plan:

To permit development in areas designated as 'settled landscapes' that sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- Conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- Regard being given to avoiding intrusions on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:

- That the site has been selected to avoid visually prominent locations;
- That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads;
- That design for buildings and structures reduce visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

5.1.2 National Policy:

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities

Section 4.2 Design and Siting

"The design of the antennae support structure and to a great extent of the antennae and other "dishes" will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant".

Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to 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.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental.
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect.
- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive
 - 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 and lighting conditions, etc.

5.2. Natural Heritage Designations

5.2.1 None within the zone of influence.

5.3. 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 A third party appeal has been lodged by Paul & Martina Johnstown and others. The grounds of appeal are as follows...

- The existing mast meets community needs in terms of coverage for telecommunications. It is noted that there is also fibre broadband in the area with the proposal unnecessary.
- The existing mast has a significant and adverse visual impact and the proposal for a higher mast would exacerbate such. There is significant visual impact for dwellings in the immediate vicinity.
- It is stated that the Council have refused two-storey houses in the area on visual grounds however the proposal would have a more severe visual impact.
- An Environmental Impact Assessment should be carried out and provided to the objectors.
- The appellant raise concerns about health and safety of the proposed telecommunications infrastructure and in particular note the proximity of Annagh and Quilty National Schools and health impacts for residents in the vicinity.

6.2. Applicant Response

6.2.1 Response by the applicant Ontower Ireland Limited.

- The visual impact of the proposal would not be significant with the site of low sensitivity and increase in scale considered modest. The applicant has included an assessment of a number of viewpoints in vicinity (15) with visual impact assessed as slight from all. The proposal is also for a monopole structure and will be mitigated by existing topography, structures and vegetation.
- The issues of refusal of two-storey dwellings is not relevant and not a comparable development to the proposed development.
- The applicant clarifies there is no plans for 5G with the proposal to improve 3 and 4G coverage in the area. The appellant reiterates the technical justification with issues concerning coverage in the area in particular within houses. The appellant refers to the technical justification report submitted with the application.
- The proposal is designed to be in compliance with the Guidelines of the International Non-Ionising Radiation Protection and ComReg Standards.

6.3. Planning Authority Response

6.3.1 Response by Clare County Council.

- The Planning Authority request that the Board uphold the decision to grant. The submission identifies that the Board have permitted redevelopment of existing mast sites at three other locations in Clare (references cited) that are largely similar in circumstances to this proposal being on a site with existing infrastructure.

6.4. Observations

6.4.1 Observations have been received from...

Eoin Morrissey, Seacrest, Ballymackea, Quilty, Ennis, Co. Clare.

Deidre & Kieran Collins, Tromore East, Quilty, Ennis, Co. Clare.

The observations can be summarised as follows...

- The observations support the grounds of appeal and state that the proposal would have an adverse visual impact, effect the environment and public health, is not in line with planning rules for the area and the applicant has not demonstrated adequate need for the proposal.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Appropriateness of the location, technical justification, health impact

Visual Impact

7.2 Appropriateness of the location, technical justification:

7.2.1 The proposal entails the replacement of an existing 12m high telecommunications support structure with a new 18m high telecommunications support structure. The third party appeal raises concern regarding the necessity of the proposal from a technical point of view with existing coverage in the area for mobile and broadband indicated as being good in quality. The location of structure relative to existing dwellings and two national schools is noted in terms of health implications.

7.2.2 I would note that the application includes a detailed technical justification for the proposed development indicating that there are service/coverage deficiencies in the area the proposal is set to address (3G and 4G coverage) and provide a structure that will facilitate multiusers/co-location. The report includes details of other sites/infrastructure in the area and outlines how such do not all for the coverage required in the target area. I am satisfied based on the information submitted that there is sufficient technical justification for the proposal and for the siting of such at this location. The proposal entails upgrade of an established site used for telecommunications infrastructure and the use of such is appropriate as it mean the necessity for a greenfield site/or additional location for infrastructure is avoided.

7.2.3 The issue of health impact is raised in relation to existing residents in the area and the location of two schools approximately 1km from the site. I would first reiterate that the site is a long standing location for telecommunication infrastructure and principle of such development at this location is established and acceptable. In relation to health impact I would note that subject to the proposed infrastructure being installed, operated and maintained so that there is compliance with the international standards relating to emission of non-ionising radiation, the safety standards under ComReg and relevant guidance, standards and legislation no issues with regard to risk to public health from a planning perspective should arise.

7.3 Visual Impact

7.3.1 The appeal site is an elevated location relative to the surrounding area, however the proposal entails replacement of an existing telecommunication structure of 12m in height with an 18m high structure. The structure is not located in a landscape classified as being of outstanding natural beauty. I would be of the view that the replacement structure would not have a significantly different visual impact in the area over the existing structure on site. The proposal is also for a monopole structure and not a lattice structure, which is consistent with National guidance on design and siting. The structure will be visible in the local area, however such is not a significantly altered visual impact given the established nature of the site. In terms of views in the wider area and long range, the structure would not be highly visible given its slender profile, intervening topography, structures and vegetation. I am satisfied that the proposal would not be a prominent or obtrusive feature in relation to scenic routes or views and prospects in the county.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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 other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions

10.0 Reasons and Considerations

Having regard to the provisions of the Clare County Development Plan, 2017-2023 and the DOEHLG Section 28 Statutory Guidelines; “Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. As soon as the proposed structure is operational the existing 12m structure it is to replace shall be decommissioned, removed from its site and such reinstated to its former use (agricultural).

Reason: In the interests of orderly development.

3.

(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures.

Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

4. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

6. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of public safety.

7. Details of the proposed colour scheme for the telecommunications structure, ancillary structures 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.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

9. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Senior Planning Inspector

17th November 2021