



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311522-21

---

<b>Development</b>	Erection of a 21m high telecommunications monopole.
<b>Location</b>	Eir Exchange, off Lord Edward Street, Ballymote, Co. Sligo.
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	21269
<b>Applicant(s)</b>	Eircom Ltd (t/a eir)
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refused Permission
<b>Type of Appeal</b>	First Party Appeal
<b>Appellant(s)</b>	Eircom Ltd (t/a eir)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> November 2021
<b>Inspector</b>	Susan Clarke

## 1.0 Site Location and Description

1.1. The site is located at the Eir Exchange, off Lord Edward Street in Ballymote in County Sligo and measures 0.029ha. The rectangular shaped site is located approximately 55m to the rear of Lord Edward Street behind the Post Office. The main street of Ballymote is formed by Lord Edward Street and O'Connell Street, which both rise and meet in front of Emlaghfad Church (a designated Protected Structure) and the Post Office. The site is accessed via an existing private entrance off Lord Edward Street. There is an existing 10m high timber pole currently on site with an aerial attached.

The immediate area is characterised by a mix of retail, commercial, institutional, residential and recreational land uses. A community care centre is located between the site and Lord Edward Street. The proposed monopole will be located approximately 30m north of residential development. Emlaghfad Church is located on the opposite side (i.e. the eastern side) of Lord Edward Street. The local Garda station is also located on Lord Edward Street, approximately 120m southeast of the subject site and has a high lattice telecommunications tower.

## 2.0 Proposed Development

2.1. The proposed development consists of:

- Removal of an existing 10m high timber communications pole;
- Erection of a 21m telecommunications monopole with antenna and dishes enclosed within a 2.4m high palisade fence compound;
- Provision of new ground equipment cabinets;
- Construction of a 3m wide site access gate; and
- Associated site development works.

## 3.0 Planning Authority Decision

### 3.1. Decision

A Notification of the Decision to Refuse Permission was issued on 3<sup>rd</sup> September 2021 for one reason:

Having regard to the location of the proposed mast on an elevated site in the centre of Ballymote town and in close proximity to Emlaghfad Church, a protected structure would detract from views of the town and having regard to the scale and design of the proposed telecommunications structure would have an adverse impact on the visual and residential amenities of the area, would be contrary to Section 11.2.2 of the Sligo County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Report**

The Planner's Report is consistent with the decision of the Local Authority.

The Planning Officer considered that the development would be inconsistent with the County Development Plan policies with regards the location of masts. Furthermore, it was considered that the location of the proposed development in the centre of Ballymote town would be over obstructive in close proximity to the church and "Cuan Losa" housing estate to the west and Emlaghfad Church to the east. Therefore, the proposal would undermine surrounding commercial/residential buildings and would impact on visual amenity and natural heritage of the town.

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

- Area Engineer (10<sup>th</sup> August 2021): No objection subject to condition.
- Environment Section (5<sup>th</sup> August 2021): Request further information in relation to surface water disposal, access during construction, and the preparation of a construction/demolition waste management plan.

### **3.3. Prescribed Bodies**

- Irish Aviation Authority: no comments received.

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

No third-party observations were made to the Local Authority in respect of the proposed development.

## 4.0 Planning History

**SCC Reg. Ref. 08/273; ABP Ref. 229876:** Planning permission for the construction of a 15m support pole to carry communications equipment, fencing, and cabling refused by both Sligo County Council and An Bord Pleanála. The Board refused permission in January 2009 for:

1. Having regard to the location of the proposed mast on an elevated site in the centre of Ballymote in close proximity to existing masts, it is considered that the proposed mast would add to visual clutter, be visually obtrusive and would detract from views of the town and Emlaghfad Church, a protected structure, from the town park and surrounding streets and would create an undesirable precedent for similar type developments, which in themselves and cumulatively, would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site in close proximity to houses, the Board is not satisfied, on the basis of the submissions made with the application and the appeal, that alternative sites have been fully investigated in accordance with the requirements of the 'Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and that the proposed location is a 'location of last resort'. The proposed development would, therefore, be contrary to the proper planning and development of the area.

## 5.0 Policy Context

### 5.1. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

These Guidelines set out the criteria for the assessment of telecommunications structures. Section 3.2 of the Guidelines sets out that an authority should indicate in their Development Plan any locations where telecommunications installations would not be favoured or where special conditions would apply.

The Guidelines state 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 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 structure should be kept to the minimum height consistent with effective operation. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. The Guidelines state proximity to listed buildings, archaeological sites and other monuments should be avoided.

The visual impact is among the more important considerations to be considered in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. The sharing of installations and clustering of antennae is encouraged, as co-location would reduce the visual impact on the landscape according to Section 4.5 of the Guidelines.

## **5.2. Circular Letter PL07/12**

The Circular Letter revises elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances,
- avoid inclusion in development plans of minimum separation distances between masts and schools and houses,
- omit conditions on planning permission requiring security in the form of a bond/cash deposit,
- reiterates advise not to include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- future development contribution schemes to include waivers for broadband infrastructure provision.

### 5.3. **Sligo Development Plan 2017 – 2023**

Section 11.2.2 relates to mobile telephony infrastructure. The importance of such infrastructure is noted. It is also noted that due to their design and scale, telecommunication structures can have a significant visual impact on the landscape both in urban and rural areas. The Council will ensure that all new support structures meet co-location or clustering requirements of the Guidelines.

Section 13.9.4 that sets out development management objectives in relation to telecommunication structures and states inter alia that operators should seek to co-locate their services by sharing a single mast or if necessary, locating additional mast in a cluster form.

### 5.4. **Ballymote Local Area Plan 2012-2018**

#### 5.4.1. Land Use Zoning

The site is subject to a “Mixed Uses” zoning objective under the LAP. This Objective aims to promote the development of a dynamic mix of uses able to create and sustain viable village centres. Commercial (including retail), residential, leisure, community, office and suitable enterprise uses are encouraged in the village centres, as well as high-amenity open space.

#### 5.4.2. Architectural Conservation Area

The site is located within the Ballymote Architectural Conservation area.

SA-4 Recognise the importance of natural, archaeological and architectural heritage in the LAP area as a factor which contributes to Ballymote’s attractiveness as a place to live and work.

#### 5.4.3. Telecommunications Infrastructure

Section 9.4 of the LAP relates to energy and telecommunications. The LAP states that coverage for mobile phone operations is good within the Ballymote area, as the town is served by a number of mobile providers. Any further applications for the erection of telecommunication masts will need to be individually assessed in accordance with the DoEHLG’s Telecommunications Antennae and Support Structures Guidelines (1996) and any subsequent revisions.

P-TEL-2 Ensure that telecommunications infrastructure is adequately screened, integrated and/or landscaped, so as to minimise any adverse visual impacts on the environment.

P-TEL-3 Facilitate open access to high-speed and high-capacity broadband digital networks to support the development of a smart economy within the County.

## 5.5. Natural Heritage Designations

- None.

## 6.0 The Appeal

A First-Party Appeal, which included photomontages of the proposed development, was submitted to An Bord Pleanála on 29<sup>th</sup> September 2021 objecting to the Local Authority's decision. The grounds of appeal can be summarised as follows:

- Permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, Guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government – Section 37(2)(b)(iii).
- Eir is not currently represented in the town and as such has a gap in coverage in the town centre.
- In order for Vodafone to improve its services and for eir to gain representation it is necessary to replace the wooden structure for a new 21m high monopole.
- High-speed, high-quality services have been highlighted as essential for both the economy and for social purposes. There is a coverage gap in the centre of Ballymote for indoor voice and data services.
- There is an imbalance of facilitating the provision of telecommunications services in the interests of social and economic progress. The proposal does not adversely impact the protection of residential amenity and environmental quality. The coverage target area of the town has a majority of business owners rather than individual residential properties.

- Due to the buildings and trees the proposed compound and lower section of the monopole are therefore relatively hidden from the surrounding area.
- The monopole is of minimal height to ensure coverage of services and of minimalistic design for the required purpose.
- The chosen site is at an elevated height and ideal for securing 360' coverage, it is located on a site already developed for utilities.
- The proposal does not result in terminating view and does not conflict with any protected scenic routes or views.
- It is not possible to locate on or beside the Garda mast.
- The site is behind the Post Office and is not close to Emlaghfad Church.
- The current proposal, at an even higher height than the proposal, which was refused by An Bord Pleanála in 2008, is today accepted infrastructure and as such the degree of impact is much less than when first considered.
- With regard to the site being one of last resort, it is submitted that due to changes in technology since 2008, the different types of coverage and antenna output, plus the substantial increase in demand, that being closer to the coverage gap is more important today than 13 years ago. Being in the centre of a town with very limited infrastructure and suitable buildings to use for antennae support, the site in question is arguably one of last resort.
- The proposed structure is compliant with national, regional and local policy by providing high quality network coverage.
- The proposed development meets changes in lifestyle as a result of Covid 19.

### 6.1. Planning Authority Response

Sligo County Council issued a response to An Bord Pleanála in respect of the First-Party Appeal on 19<sup>th</sup> October 2021. The Local Authority considers that the Appellant has not submitted any additional information as part of the appeal that would alter the Planning Authority's decision.



## 7.0 Assessment

Having examined the application details and all other documentation on file, including the First-Party Appeal and Local Authority Response, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

1. Site Selection,
2. Visual Impact and Siting, and
3. Appropriate Assessment.

Each of these issues is addressed in turn below.

### 7.1. Site Selection

The Applicant states that eir needs to significantly improve its 4G coverage levels in the Ballymote area. It does not transmit from the exchange in Ballymote and its 4G coverage there is deficient. Section 4.5 of the Telecommunication Guidelines encourage the sharing of installations and clustering of antennae. In this regard, the Applicant examined four sites: Carrigans Upper Td, Ballymote Garda Station Td, Bellanascarrow West Td, and the Eir Exchange.

In respect to Carrigans Upper Td, the Applicant states that the site is too remote (2.75km from the subject site) to achieve coverage objectives for the Ballymote area. In terms of the Ballymote Garda Station Td, the Applicant states that the large amount of equipment already present on this structure does not allow for fixing points at a height consistent with effective 4G propagation. The Applicant argues that the 9m high timber pole on Bellanascarrow West Td (700m from the subject site) is limited in functionality due to its height. However, I note that the Applicant does not appear to have explored the possibility of providing a replace structure on this site, in a similarly manner to the proposed development. In relation to the Eir Exchange, the Applicant advises that the 10m high timber pole cannot be extended or strengthened to carry additional equipment. As such, the development proposes the removal of the 10m high timber pole on-site and the construction of a new 21m high monopole and associated equipment and works. In summary, notwithstanding the possibility of providing a

replacement structure at Bellanascarrow West Td, I consider the Applicant has satisfactorily explored options for co-locating or clustering the infrastructure with sites that have similar existing type infrastructure.

However, the Applicant does not appear to have explored new sites within or on the outskirts of the town that could potentially accommodate the development. The Applicant states by developing the eir compound, it will allow for work practice efficiencies due to the fact its over ground telecoms infrastructure including the monopole, antennas and dishes will converge with its underground telecoms' infrastructure such as eir fibre and copper phone lines. The First-Party Appeal states the proposal is economical for the business and avoids the need for alternative development in the area.

The Telecommunication Guidelines advise only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages and that within towns and villages operators shall endeavour to locate in industrial estates where possible. The subject site is located on elevated ground in the heart of the town centre. Whilst the need to address the service deficiencies in the area has been adequately demonstrated with the submission of the coverage maps, I do not consider the Applicant has sufficiently examined new alternative sites that currently do not have similar type infrastructure in the town and surrounding area. Selection of the subject site on the basis of the presence of the exchange and existing 10m timber pole, is not sufficient in my opinion, particularly regarding the proximity to residential development and Protected Structures to same. I consider there is a significant material difference between the existing 10m timber pole and the proposed 21m monopole. I consider the primary reason for the subject site over new alternative sites in the town (and potentially provision of a replacement structure at Bellanascarrow West Td) may relate to ownership. The coverage gaps as presented in the First-Party Appeal appear to show service deficiencies in (1) the centre town, (2) an area to the south east and (3) an area to the east/northeast of the town. I am not convinced that other sites, in particular those immediately outside the town centre, cannot achieve the provider's requirements and that the subject site is the 'last resort'.

In conclusion, I do not consider that a reasoned justification for the development at this location in the town centre has been provided.

## 7.2. Visual Impact

The Local Authority stated that the development would detract from views of the town and having regard to the scale and design of the proposed telecommunications structure would have an adverse impact on the visual and residential amenities of the area. This decision is consistent with An Bord Pleanála's decision in 2009 relating to the construction of a 15m high support pole. The Applicant argues the type of infrastructure is now a recognised feature and found in many towns around the Country. Furthermore, it is argued that as a recognised feature, the degree of impact is today much less compared to when these telecommunication features were first erected.

Whilst the need for the proposed development may be justified, the negative visual impact from the proposal remains the same, if not worst, than the visual impact from the 2009 proposal. I do not accept the Applicant's argument that the Protected Structures in the town should stand on their own merit, adapt with change and not prevent or hinder the economic development and growth of the town. Due to the proposed location for the monopole, it will result in visual clutter in the town, particularly when viewed with the existing masts, and will detract from Emlaghfad Church. I do not consider that the photomontages submitted with the First Party Appeal adequately demonstrate the visual impact that the proposed development will have on the townscape due to the location of the viewpoints.

Whilst the structure will be located to the rear of the Post Office, off Lord Edward Street, (and as such the lower sections of the monopole will not be visible from the main street), the upper sections will be highly visible when viewed from the eastern side of the street, particularly in the area surrounding Emlaghfad Church. Furthermore, while I do not consider the structure will have an overbearing impact due to its design, it will reduce the visual amenity enjoyed by residents of Cuan Losa due to its proximity and elevated position above these residential dwellings. The Telecommunication Guidelines state that only as a last resort should free-standing masts be located in a residential area or beside schools and in these cases the support structure should be of minimum height. The structure would be located approximately 30m from the rear of the residential properties. As stated above, I consider there is a significant material difference between the existing 10m timber pole and the proposed 21m monopole. In

addition, views of the town and the Emlaghfad Church's spire from the R296 will be negatively impacted upon from the proposed development.

In summary, I do not consider that permission should be granted for reasons relating to the siting and visual impact of the proposed development on the town centre, nearby residential properties and Emlaghfad Church. As such in my opinion, the Board's previous reason for refusal in relation to the negative visual impact from the construction of a monopole structure on the subject site, is applicable in this instance.

### **7.3. Appropriate Assessment**

Having regard to the existing development on site, the nature and scale of the proposed development, the nature of the receiving environment, that no emissions or pollutants will be generated by the development, and the 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.

### **8.0 Recommendation**

I recommend that planning permission be refused for the reasons and considerations set out hereunder.

### **9.0 Reasons and Considerations**

Having regard to the height and location of the proposed monopole on an elevated site in the centre of Ballymote in close proximity to an existing mast, it is considered that the proposed mast would add to visual clutter, be visually obtrusive and would detract from views of the town and Emlaghfad Church, a Protected Structure, from the town park and surrounding streets and nearby residential properties, particularly Cuna Losa. Furthermore, it is considered that, on the basis of the documentation submitted with the application and the appeal, the Applicant has not provided evidence of the need for the proposed telecommunications structure at this location, or that possible opportunities for co-location or alternative new locations do not exist in the surrounding

area. Accordingly, the proposed location on an elevated site in the town centre in an Architectural Conservation Area, and which is in close proximity to Emlaghfad Church and residential development, has not been justified as a 'last resort' in accordance with the requirements of the guidelines for Planning Authorities relating to 'Telecommunications Antennae and Support Structures' which were issued by the Department of the Environment and Local Government in July, 1996. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Susan Clarke  
Planning Inspector

20<sup>th</sup> December 2021