



An
Bord
Pleanála

Inspector's Report ABP-311531-21

Development	Erection of a 21m high monopole telecommunications structure with antennas, dishes, and associated telecommunications equipment and the removal of an existing 10.5m high wooden pole.
Location	Eir Exchange, off Fairgreen Road, Corporation Lands, Belturbet, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	21/433
Applicant(s)	Eircom Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Eircom Ltd
Observer(s)	None

Date of Site Inspection

27th January 2022

Inspector

Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
4.0 Planning History.....	5
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. National Planning Guidelines	7
5.3. Natural Heritage Designations	7
5.4. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	10
6.3. Observations	10
6.4. Further Responses.....	11
7.0 Assessment.....	11
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	16

1.0 Site Location and Description

- 1.1. The site is located in Belturbet town centre to the south-east of The Diamond. The River Erne passes to the west and to the north of the town centre and the lands to the east and west of it rise to form local high points, which have been developed to provide The Diamond and the Belturbet Church of Ireland and the Church of the Immaculate Conception. The N3 by-pass of Belturbet lies to the west of the town, where it also crosses the River Erne on a new bridge.
- 1.2. The site lies on lands that slope downwards from The Diamond and on lower land than the two churches to the west. It is situated between the yard to town's Post Office to the north-west and a telephone exchange building to the south-east, which faces onto Fairgreen Road. To the north-east lies a public car park and to the south-east lies a three-storey mixed-use building, which comprises vacant ground floor retail/commercial units and, on the upper floors, a mixture of occupied and vacant apartments. On the opposite side of Fairgreen Road to the south of the site lies the local secondary school, St. Bricin's College. Housing lies further to the south and to the east and to the south-east lies a large cylindrical water tower.
- 1.3. This site itself is rectangular in shape and it extends over an area of 0.016 hectares. This site is presently down to grass, and it is accessed from Fairgreen Road via a gated entrance to the Post Office yard.

2.0 Proposed Development

- 2.1. The proposal would entail the removal of 10.5m high wooden pole with antennae from the site and its replacement with a 21m high monopole with multiple antennae and dishes, which would serve the applicant's operational requirements and that of another operator, too.
- 2.2. The proposal would also entail the construction of a fenced and gated compound within which the operators ground equipment cabinets, cable ladders, and gantry poles would be sited.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. *It is considered that the scale and design of the proposed telecommunications structure would have an adverse impact on the visual and residential amenities of the area, would set an undesirable precedent for future development of this nature, would be contrary to Objective PLO120 of the Cavan County Development Plan 2014 – 2020 which states “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” and would be contrary to the proper planning and sustainable development of the area.*
2. *It is considered that the proposed development would be contrary to the stated objectives PLO118, PLO122 and PLO125 of the Cavan County Development Plan 2014 – 2020 in relation to reasoned justification for the proposed development in terms of co-sharing and clustering and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

Department of Housing, Local Government and Heritage: Advises that the site is within the zone of archaeological potential established around the historic town of Belturbet (recorded monument CV011-013): Archaeological monitoring condition requested.

4.0 Planning History

- 99/257: Support pole and antennae: Temporary retention permission granted.
- 04/1270: Support pole and antennae: Retention permission granted at appeal.

- 10/124: Support pole (10.5m) and antennae (3m) fixed to its top: Retention permission granted.

5.0 Policy and Context

5.1. Development Plan

Under the Cavan County Development Plan 2014 – 2020 (CDP), Belturbet is identified as a Tier 3 medium sized town. The site lies within this town and in an area that is zoned “town core”. The accompanying objective states that the town core is “the most suitable location for a mix of retail, commercial, residential, cultural and social uses. The overall aim is to strengthen the vitality and viability of the town core by actively facilitating the reuse of existing buildings, as well as brownfield and greenfield sites. The emphasis will be on high quality urban design which does not detract from the existing urban framework.”

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'.

PIO122 Shared use of existing support structures will be preferred in areas where there are a cluster of masts.

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

Lough Oughter and associated loughs SAC (000007)

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

The applicant states that its grounds for appeal "are provided for under Section 37(2)(b)(iii) of the Planning and Development Act, 2000, as amended". It then sets out its response to the Planning Authority's refusal as follows:

Background

- The Proposal

Eir, as distinct from Vodafone, does not have a mast in Belturbet town centre, hence the need for the proposal.

- Site location and description

The site is located at a lower level than “The Diamond” to the north and yet it is close to this square which marks the centre of Belturbet. To the south-west of the site lies a three-storey mixed use shop and apartment scheme, which would partially screen the proposal. It would be fully visible from the adjacent car park to the north-east.

The site itself lies between the Post Office and the applicant’s exchange building. Its proximity to the latter building would facilitate synergies during the operational phase of the proposal.

- Planning History

The planning history of telecommunications on the site extends over the last 20 years. The existing wooden pole is now incapable of meeting the infrastructure needs of modern networks.

Cavan County Development Plan 2014 – 2020

- Belturbet

Belturbet is a Tier 3 medium sized town. The site is located within the zoned “town core”, where vitality and viability are to be strengthened.

Telecommunications are neither “permissible” nor “not permissible” within this zone.

- Telecommunications

Section 4.8 of the CDP addresses telecommunications, as summarised above under the heading “Development Plan”.

- In response to mobile phone network development and objectives

The pandemic has underlined the need for good connectivity. Belturbet is one of a number of towns wherein such connectivity is not available in their centres, thereby blighting their socio-economic development prospects.

The Telecommunications Antennae and Support Structures Guidelines are cited. These Guidelines set out assessment criteria, which are discussed below:

- Siting and design:

A monopole is specified. Due to local topography and nearby trees, a height of 18m would be insufficient to reach the target area. Twenty-four metres would be optimum from an operational perspective, but, in the light of planning considerations, 21m is proposed.

- Visual amenity:

Submitted photomontages indicate that the proposal would be screened by a combination of topography, streetscape, and vegetation from many public perspectives. Where it would be seen in conjunction with the iconic conical church tower, this proposal would be lower and such views would be intermittent. No protected scenic views would be affected, and the proposal would not terminate any views.

- Access roads:

Existing public roads and footpaths would be used to access the site.

- Site sharing and clustering:

The proposal would support Eir and Vodaphone equipment.

The only alternative existing structure is that of the Belturbet Water Tower, which supports 3 x 4.2m aerials used by the emergency services and equipment operated by Vodaphone. This Tower is 300m from the site and it is not as well placed for reaching the target area. Its use would raise health and safety issues surrounding access and site management, while forfeiting the synergies of the selected site beside the applicant's exchange building.

- Belturbet Local Area Plan

The LAP emphasises the need to attract enterprise and employment to Belturbet, which in turn requires the provision of good connectivity.

Third party representations

Insofar as these representations refer to material planning considerations, these are addressed elsewhere in the applicant's response to the Planning Authority's refusal.

Justification for new structure and location

- Eir

The applicant outlines and summarises the telecommunications services that it provides.

- Supportive national and regional documents:

- National Planning Framework,
- National Development Plan 2018 – 2027,
- Report of the Mobile and Broadband Task Force,
- Action Plan for Rural Development, and
- Our Rural Future – Rural development Policy 2021 – 2025.

- Covid-19 crisis

Restrictions have led to an increase in home working and schooling and home-based social interaction, all of which rely upon digital and broadband communication. These changes in lifestyle are likely to persist. In Belturbet they would be facilitated by the proposal.

6.2. Planning Authority Response

None

6.3. Observations

None

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

(i) Policy, need, and site selection

7.2. 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 CDP recognises the importance of telecommunications for social and economic progress and the applicant has cited several Government publications which emphasise the importance of the provision of broadband services for development within rural areas.

7.3. Specifically, within Belturbet town centre, the applicant explains that the existing mast on the site is incapable of providing the level of connectivity that is now needed. The importance of such connectivity has been illustrated by the pandemic

and in its absence the town centre is being blighted. In this respect, the Comreg Outdoor Coverage Map for Eir illustrates that for 4G services especially the vast majority of the town centre only has “fair” reception. The need for improvement is thus pressing.

- 7.4. The applicant has drawn attention to the advantages that the application site presents: It has been used for the last 20 years for the provision of telecommunications services and it adjoins an existing telephone exchange, thereby providing the opportunity for operational synergies. The applicant also draws attention to the lower level of the site than that of The Diamond to the north-west and to the partial screening that the adjacent three-storey building would afford.
- 7.5. The applicant states that the Vodaphone would operate from the proposed mast as well as itself, Eir. Presently, Vodaphone operates from the town’s water tower, which lies 300m to the south-east of the site. This tower also supports equipment operated by the emergency services. The applicant discusses the possibility of using it, too. However, its location would not be as good as the site’s for reaching the target area and, operationally, its use would raise access and health and safety issues, which would not arise on the selected site.
- 7.6. The Planning Authority refused the proposal on the basis of its adverse impact on visual and residential amenity and because it was not satisfied that other options for co-sharing and clustering had been adequately explored.
- 7.7. I note that the town centre zoning of the site is, from a land use perspective, neutral on the siting of telecommunications infrastructure therein. I note, too, that whereas the site has been used for telecommunications purposes that the 10.5m high wooden pole and antenna, which was formerly on the site, would have borne only superficial comparison with the 21m high monopole and multiple antennae and dishes now proposed. I, therefore, do not consider that this pole provides a binding precedent for the current proposal.
- 7.8. The Planning Authority has correctly identified the need to explore co-sharing and clustering options. While the applicant has discussed the alternative of the water tower, the reasons for discounting this location relate to its sub-optimal position relative to the selected site and complications with respect to access and health and safety. I note that the applicant does not rule out this location from a technical

perspective. I note, too, that insofar as Vodafone operate from this water tower, access and health and safety issues would not appear to be insurmountable. *Prima facie* it would be an alternative site.

- 7.9. I conclude that the proposal would accord with national and local policies that acknowledge the importance of telecommunications services. I conclude, too, that the applicant needs to improve, especially, its 4G connectivity to Belturbet town centre and that the selected site would be optimum for it from a technical perspective. I further conclude that the other site discussed, the town's water tower, would appear to be an alternative one, if sub-optimal from technical and managerial perspectives.

(ii) Townscape and visual impacts

- 7.10. On approaching Belturbet along the N3 and along the R197 intermittent views of the town are available. Within these views the skyline is composed of several buildings/structures of which the steeple to Belturbet Church of Ireland and the conical tower to the Church of the Immaculate Conception are the most prominent. (The town's water tower and a three-storey apartment building also feature on either side of these churches). Elsewhere, intermittent views of the steeple and tower are available from public vantage points to the east within the town, where the street layout, the streetscape, and vegetation permit.
- 7.11. Under the CDP, both churches are listed as being protected structures (CV15007 & 8) and they are both identified in the NIAH as being buildings of regional significance (40307022 & 3). Section 13.8 of the Architectural Heritage Protection Guidelines addresses development that affects the setting of protected structures. Where such development would have the potential to impact upon the character of such structures, "similar consideration should be given as for proposed development within the attendant grounds."
- 7.12. The applicant has submitted 4 photomontages of its proposal within relatively short-range views of the site. These views do not include medium range views from public vantage points to the west and the south-west on the R197 and the N3, respectively, and they do not include such views from public vantage points further to the east. Nevertheless, the applicant states that where the proposal would be seen in

conjunction with the conical tower, which it describes as being iconic, it would be at a lower level.

- 7.13. During my site visit, I observed from one of the intermittent viewing points, the junction between the R197 and the residential cul-de-sac known as “Beechmount”, that the church steeple and tower are visible on the skyline. I anticipate that from this viewing point the proposal would be seen alongside the conical tower. The submitted plans indicate that the site is roughly 64.5m AMSL and that the car park beside the Church of the Immaculate Conception is 66.2m AMSL. While I have been unable to ascertain the height of the conical tower, I do not anticipate that it is 21m high and so I remain to be persuaded that the applicant’s statement that its proposal would appear lower than this tower would be borne out in practise.
- 7.14. In the light of the foregoing, the prospect exists that the proposal would encroach significantly upon the setting of the tower and steeple, which presently enjoy an unrivalled prominence on the skyline. Insofar as part of the character of these protected structures arises from this prominence, the competition for attention that the proposal would introduce would detract from it, and so the contribution to the historic townscape of Belturbet that these churches make would be correspondingly diluted.
- 7.15. I conclude that the proposal would interfere with the historic townscape of Belturbet in a manner that would detract from the character of the two major churches in the town. Consequently, it would be incompatible with the visual amenities of the area.

(iii) Public health

- 7.16. 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.

(iv) Residential amenity

- 7.17. The Telecommunications Antennae and Support Structures Guidelines advise on the siting of masts. They envisage that only as a last resort and in the absence of alternative sites should they be sited in residential areas or beside schools.

- 7.18. The site lies within a mixed-use area, which includes dwellings and a school. Immediately to the south-west of the site lies a three-storey building, which comprises 5 vacant ground floor shops and 14 apartments on the upper floors, some of which appeared to be occupied and some of which appeared to be vacant at the time of my site visit. To the south of the site, on the opposite side of Fairgreen Road, lies the local secondary school, St. Bricin's College.
- 7.19. The three-storey building was the subject of application 04/2542, which was granted on 13th May 2005. (A comparison with the planning history of the site indicates that the 10.5m wooden pole and antenna would have been in-situ and authorised on a permanent basis at the time this permission was granted). This building has a single storey element beside the site. Under its permitted plans the roof of this element was to be laid out as a communal outdoor space for residents. During my site visit, I observed that to the rear of this space extensive glazing, consistent with indoor circulation space, was evident. I also observed that a second floor apartment has glazed doors onto a balcony, which would be only 6m away from the proposed mast, and upper floor habitable room windows further to the north-west would overlook the site.
- 7.20. The Planning Authority's first reason for refusal refers to the adverse impact of the proposal on residential amenity and the case planner's report comments in this respect upon overbearance. I note that the communal outdoor space is the only one available to residents of the three-storey building. I note, too, the presence of habitable room glazed openings and a projecting balcony in the immediate vicinity of the site. In these circumstances, I consider that the height and proximity of the proposed mast would be unduly overbearing of this space, these openings, and this balcony.
- 7.21. I conclude that the proposal would be incompatible with the residential amenities of the area.

(v) Traffic, access, and parking

- 7.22. The site is accessed off Fairgreen Road via the existing entrance to the Post office yard. It is adjacent to a public car park to the north-east. I anticipate that traffic generated during the construction phase would be capable of being accommodated

on the public road and in the public car park. Traffic generated during the operational phase would be minimal.

(vi) Water

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

(vii) Appropriate Assessment

7.24. The site lies within a fully serviced town centre location. 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.

7.25. 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 refused.

9.0 Reasons and Considerations

1. Having regard to the Cavan County Development Plan 2014 – 2020 and the Architectural Heritage Protection Guidelines, the proposal would interfere with the setting of Belturbet Church of Ireland and the Church of the Immaculate Conception, both of which are protected structures, and, insofar as the character of these churches is derived from their unrivalled prominence on the town's skyline, its competing presence would detract significantly from them. The proposal would thus be harmful to the historic townscape of Belturbet and seriously injurious to its visual amenities. As such, it would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Cavan County Development Plan 2014 – 2020 and the Telecommunications Antennae and Support Structures Guidelines, the applicant has not convincingly demonstrated that the selected site, which is close to apartments and a school, would be the only site available to it. Furthermore, the proposal would, due to its height and proximity to apartments and their private and outdoor spaces, be unduly overbearing and so seriously injurious to the residential amenities of the area. Accordingly, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

1st February 2022