



An
Bord
Pleanála

Inspector's Report ABP-311600-21

Development	24 Metre high communications structure with associated ground equipment and site development works.
Location	Eircom Exchange, Coolamber, Lisryan, Co Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2176
Applicants	Eircom Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Abbeylara & Lismacaffrey Rural Development
Date of Site Inspection	9 th February 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at the location of the Eircom Exchange at Coolamber, Lisryan, Co Longford, on the R395 Regional Road east of Lisryan, a short distance north west of the village of Lismacaffry, Co Westmeath. The site is not within a development envelop in the current Longford County Development Plan and Lismacaffry is not within the tier 6 settlements in the current Westmeath County Development Plan and is therefore within the area defined as 'rural remainder'.
- 1.1.2. The site is given as 0.34ha but is more likely to be 0.034ha. Legal interest is given as owner.

2.0 Proposed Development

- 2.1.1. The proposed development is the erection of a 24 metre high communications structure with associated ground equipment and site development.
- 2.1.2. Further information submitted - Eir's radio emissions statement; archaeological impact assessment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 8 conditions, including 2- re-instatement, 3 notification re. any change of ownership, 4 construction management, 5 no material change, 6 surface water, 7 emissions, 8 re. protecting existing trees and planting.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planning report dated the 4th May 2021, was followed by a request for further information on 3 points: HSE concerns re. the International Radiation Protection Association (IRPA) Guidelines, the need for a statement of compliance, and archaeological impact assessment.

The second planning report dated the 8th September 2021, recommends permission, which issued. It includes – the base station only utilises the frequency bands licenced by Comreg and causes no risk to external interference to other licenced frequency band usage.

Test trenches were dug and nothing of archaeological significance was noted. No further archaeological mitigation is recommended.

3.2.2. Other Technical Reports

3.2.3. Area Engineer - no comments.

3.3. Prescribed Bodies

3.3.1. IAA – no observations.

3.3.2. Geological Survey Ireland - no observations.

3.3.3. HSE -21/4/21 – section 4.6 of the Telecommunications Antennae and Support Structures Guidelines states that operators should furnish a statement of compliance with International Radiation Protection Association. No supporting documentary information has been provided.

3.3.4. HSE -2/9/21 – post further information – no comments.

3.3.5. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – 27th April 2021, the proposed development would involve ground disturbance within the area of archaeological potential around Recorded Monument LF016-171 ringfort, which is subject to statutory protection. Pre-development testing should be carried out per details provided in the submission.

3.4. Third Party Observations

3.4.1. Third party observations on the file have been read and noted. Issues raised are similar to those raised in the grounds of appeal, in particular observers feel unsafe living within 500m of such a mast.

Observers – Betty Neilon, Tracey Carthy, Declan Carthy, and a petition signed by a further 31 individuals.

4.0 Planning History

None given.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Longford Development Plan 2021-2027 is the operative plan. Relevant provisions include:

5.9 Information and Communication Infrastructure

The provision of a high-quality competitive information and communications telecommunications (ICT) service is essential in order to promote industrial and commercial development, and to enhance social inclusion and mobility. There is a reliance on the provision of such services for industrial, commercial, tourism and social development and the expansion of ICT infrastructure is key to meeting the needs of the County's population and a digital economy. This is addressed further in Chapter: Economic Development Strategy.

Objectives:

CPO 5.171 - Co-operate with the Department of Communications, Climate Action and Environment and public and private agencies where appropriate, in improving high quality broadband infrastructure throughout the County and supporting the delivery of the National Broadband Plan.

CPO 5.174 - Promote orderly development of telecommunications infrastructure throughout the county in accordance with the requirements of the following:

'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities' (1996), except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent guidelines & 'Guidance on the potential location of overground telecommunications infrastructure on public roads, (Dept of Communications, Energy & Natural Resources, 2015).

CPO 5.172 - Promote and facilitate the sustainable development of a high-quality ICT network throughout the county in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.

CPO 5.176 - Encourage 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 have an excessive concentration.

DMS16.183 Require compliance with the requirements of the “Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities” July 1996, except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

DMS16.184 All proposed applications to address the following:

a) To encourage the location of telecommunications structures at appropriate locations within the County, subject to environmental considerations, providing open access networks in all developments.

b) To require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the non-availability of this option in proposals for new structures.

c) To avoid the location of structures in sensitive landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved (see Chapter 11: Built and Cultural Heritage, Chapter 12: Natural Heritage and Environment and Chapter 13: Green Infrastructure).

d) Within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished / removed, and the site reinstated at the operator’s expense. This will be a condition of planning permission.

5.2. Natural Heritage Designations

5.2.1. The nearest protected site is Ardagullion Bog pNHA, SAC (site code 002341) located c3.5km to the west.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real

likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third party appeal against the decision has been made by Liam Madden Architect on behalf of Abbeylara & Lismacaffrey Rural Development. The issues raised include:

- A list of planning histories in Co Longford is given, in which Eircom Ltd declared themselves owner, where they were not owner. Eircom Ltd is not the site owner. Registered owners are listed on-line on landdirect.ie. No consent from the owner has been submitted, therefore the application is invalid.
- The HSE expressed health concerns. The applicant should be asked to demonstrate beyond all scientific doubt that the proposed development will not cause harm. Reference is made to specific health issues and attachments to the grounds elaborate.
- The cumulative effect of the telecommunications mast, taken together with other such development, reaches the EIA threshold. Reference is made to salami slicing, and attachments to the grounds elaborate.
- There is a national monument within c20m of the proposed development. The development is inappropriate in this context.
- A number of attachments accompany the grounds, including:
 - A copy of a map from landdirect.ie indicating that the owner is 'The Minister for Post and Telegraphs'.
 - A report of legal aspects of electric and magnetic fields and a summary list of regulatory standards by country in EU countries and affiliates; and a summary list of legal actions by country in EU countries and affiliates.

7.0 **Assessment**

8.0 **Assessment**

8.1. The issues which arise in relation to this appeal are: appropriate assessment, human health, EIA threshold, site ownership, and the national monument and the following assessment is dealt with under those headings.

8.2. **Appropriate Assessment**

8.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

8.3. **Human Health**

8.3.1. The grounds of appeal refers to concerns regarding health impacts of the proposed development.

8.3.2. The 2012 circular PL07/12 re. Telecommunications Antennae and Support Structures Guidelines reiterates previous advice to local planning authorities that they should be primarily concerned with the appropriate location and design of telecommunications structures and that they do not have competence for health and safety matters in respect of telecommunications infrastructure, which are regulated by other codes, and also that such matters should not be regulated by the planning process.

8.3.3. The planning authority requested further information in relation to compliance with the standards of the International Radiation Protection Association (IRPA), and the applicant's response confirms compliance.

8.4. **EIA threshold**

8.4.1. The grounds of appeal refers to the need for environmental impact assessment, that the cumulative effect of the telecommunications mast, taken together with other such development, reaches the EIA threshold; that the proposal involves 'salami slicing'.

8.4.2. As stated earlier in this report, the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity mean that there is no real likelihood of significant effects on the environment arising from the proposed development. The fact that developments of a similar nature are being developed/proposed at other locations by the applicant and other applicants does not indicate the likelihood of cumulative impacts on the environment from this development type or suggest a cumulative requirement for environmental impact assessment.

8.5. Site Ownership

8.5.1. The grounds of appeal states that the statement that the site is owned by the applicant is incorrect, and they have submitted a copy of a landdirect.ie map / form which indicate that the site is owned by The Minister for Posts and Telegraphs.

8.5.2. The Board will be aware that public ownership of the telecommunications network, was ceded to a publicly traded company in 1999 when Telecom Éireann ceased to operate and Eircom Limited took over its operations. How this was followed through in land registration is outside the bounds of this assessment. I am satisfied that the application is not being made on land without the knowledge or consent of the owner. In my opinion that is what is relevant.

8.5.3. As previously stated the site is given as 0.34ha but is more likely to be 0.034ha. In my opinion that is a typographical error and does not invalidate the application.

8.6. The National Monument

8.6.1. The presence of a National Monument LF016-017 - ringfort - rath, in the vicinity of the site is raised in the grounds of appeal. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media were consulted and they advised that the proposed development would involve ground disturbance within the area of archaeological potential around Recorded Monument LF016-017 ringfort, which is subject to statutory protection, and that pre-development testing should be carried out, per details provided in the submission.

- 8.6.2. An Archaeological Impact Assessment was submitted as further information and included reports from two test trenches. No archaeological material was encountered.
- 8.6.3. The visual impact on the monument is mitigated by the presence of trees between the structure and the archaeological feature. The ringfort cannot be seen from the public road.

9.0 Recommendation

- 9.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Longford County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development, which is necessary for the provision of high quality communications and information technology networks in the area, would not seriously injure the amenities of the area, 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 as amended by the further plans and particulars submitted on the 1 st day of September 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
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	<p>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 developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the interests of visual amenity.</p>
3.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <ul style="list-style-type: none"> (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>

4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>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. The following shall be included as a minimum:</p> <p>The construction site shall be securely fenced along its perimeter and all construction activities shall take place within the site.</p> <p>No parking, queuing or unloading of delivery vehicles shall take place on the public road.</p> <p>All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on the public road network during the course of construction.</p> <p>The developer shall apply to Longford County Council for a road opening license for any road works or service connections on public roads.</p> <p>Any damage to the public road as a result of the works shall be the liability of the developer.</p> <p>Reason: In the interests of public safety and amenity.</p>
6.	<p>Existing mature trees on the site shall be protected during construction. Further landscaping shall be carried out in consultation with the planning authority.</p>

	Reason: In the interests of visual amenity.
7.	Any change in the ownership of the site or of the operator of the structure or of the use of the structure by an additional service providers shall be notified to the planning authority. Reason: In the interests of clarity.
8.	When the structure is no longer required, it shall be demolished and removed and the site re-instated at the operators' expense. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority. Reason: In the interests of visual amenity.

Planning Inspector

08 March 2022

Appendices

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027 extracts

Appendix 3 Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities (DoE 1996) extracts

Appendix 4 Circular letter PL07/12 re. Telecommunications Antennae and Support Structures Guidelines.