



An
Bord
Pleanála

Inspector's Report ABP 311945-21

Development	Telecommunications monopole structure and associated infrastructure
Location	Garryduff, Castlebar. Co Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	21/930
Applicant(s)	Eircom Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v Decision
Appellant(s)	Eircom Ltd
Observer(s)	1) Roger Philbin 2) Alan Mee Chairperson Castlebar Tidy Towns 3) Blackfort Residents Association.
Date of Site Inspection	19th October 2022
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

- 1.1 The appeal site is located within the development boundary of the settlement of Castlebar, County Mayo. It is located on a greenfield site, approximately 1 kilometre west of the town centre. To the west and north-west of the site is the Blackfort Manor/Avenue residential development, located on lower levels than the appeal site and on the opposite side of an access road which links the R311 to the north of the appeal site with Lough Lannagh, a local amenity facility further south of the appeal site. Immediately north, east and south of the appeal site are undeveloped lands. Further east, west and south and north of the appeal site are residential developments, community and commercial premises, all within the settlement boundary.
- 1.2 The site is accessed from the adjoining narrow roadway by an agricultural field gate. This roadway has a carriageway width of approximately three metres and links the R311 with Lough Lannagh. The adjoining roadway is used by pedestrians accessing the Lough Lannagh amenity area and also by farmers/land owners seeking to access their lands. The western (roadside) and northern boundaries are formed by a mature hedgerow and trees with a height ranging from approximately three to seven metres. The site is open to the field to the east and south. Levels rise from the roadside up to the appeal site and fall in an easterly direction towards the town.

2.0 Proposed Development

- 2.1 The development proposals would comprise:
- The erection of a fifteen-metre-high monopole carrying antennas, a dish associated, together with ground based equipment cabinets, fence and all associated site development works for wireless data and broadband services.
- 2.2 A Planning report including environmental considerations, a Landscape and Visual Impact Assessment, a photomontage and wireframe report, health and safety report and a Construction Management Plan (CMP) were submitted by the applicants as part of the planning documentation.
- 2.3 As part of their appeal submission, the applicants submitted an additional visual assessment and photomontages from 4 selected vantage points.

2.4 A letter of consent has been submitted from Mr Alan Staunton, consenting to Eircom making a planning application on his lands.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused planning permission for the development for one reason as follows:

Having regard to the siting of the proposed development on an open exposed and visually prominent site close to Lough Lannagh, it is considered that the proposed development would constitute a visually strident feature that would be seriously injurious to the visual amenities of the area. Furthermore, it is considered that the location of the development and consequent adverse visual impact would establish an undesirable precedent for similar future development in the area and thus, would be contrary to the proper planning and sustainable development of the area. The proposed development would, thus, injure the amenities of the area, contravene NEP13 and NEP14 of the Castlebar Town and Environs Development Pan 2008-2014 and would interfere with the character of the landscape which is necessary to preserve.

3.2 Planning Authority Reports

3.2.1 Planning Report

The Planner's Report dated 18th October 2021, set out the following:

- The site is located within the development boundary of Castlebar, on a greenfield site at Garryduff, Castlebar.
- The site is zoned high amenity/visual character within the Castlebar Town and Environs Development Pan 2014-2022.
- The site is located on an open exposed undeveloped and scenic location adjacent to the Lough Lannagh and its amenity walkways, a popular and much used amenity
- Photomontages of the development have been submitted but are not representative of the impact of the development within the local landscape.

- The development would be highly visible from many vantage points including the Lough Lannagh Greenway.
- Development would constitute an obtrusive feature and be contrary to NEP's 13 and 14 of the Castlebar Town and Environs Plan 2008-2014.
- A refusal of planning permission was recommended for the reason set out within Section 3.1 above.

3.2.2 Internal Referrals

Road Design: No objections, subject to conditions.

3.3 Prescribed Bodies

None received.

3.4 Third Party Observations

Records state that forty one third party observations were received. The issues raised within the observations related to the following:

- Adverse visual impact
- Proximity to the scenic Lough Lannagh
- Site is elevated and inappropriate for a 15 metre tall structure
- Lands are zoned visual character/high amenity in the Castlebar town plan.
- Lack of consultation with neighbouring residents
- Health and safety risks associated with telecoms infrastructure
- Proposals would depreciate property values in this vicinity
- Roadway not sufficiently sized to carry construction traffic
- Lands are in multiple ownership.
- Alternative sites not fully investigated
- Dust and noise emissions from development
- Photomontages not representative of the development.
- No broadband coverage issues in this area.
- Surface water run-off from the site has been an issue in the past.
- Proximity to several recorded monuments.

- That there is availability on an existing 72 metre tall tower within Castlebar

4.0 Planning History

I am not aware of any planning history pertaining to the appeal site.

5.0 Policy Context

5.1 National Planning Framework

Section 4-Making Stronger Urban Places

Urban places should “offer choice and opportunity as well as connectivity and community”.

Section 4.4 Planning for Urban Employment Growth should include the following considerations: “Locations for new enterprises, based on the extent to which they are people intensive (i.e., employees/ customers), space extensive (i.e., land), tied to resources, dependent on the availability of different types of infrastructure (e.g., telecoms, power, water, roads, airport, port etc.) or dependent on skills availability”

NSO 5 A Strong Economy Supported by Enterprise, Innovation and Skill.

“In the short term, opportunities provided by access to high quality broadband services will be fully exploited through the roll-out of the state intervention segment of the National Broadband Plan, delivering step-change in digital connectivity and ensuring that coverage extends to remoter area including villages, rural areas and islands”.

5.2 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- 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 (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.3 Circular Letter: PL07/12

The Circular Letter updated and revised 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 advice 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.

5.4 Development Plan

5.4.1 Mayo County Development Plan 2022-2028

Section 7.4.4 of the Plan pertains to Broadband and Information and Communications Technology where the following is set out: “Broadband is central to the development of a knowledge-based economy throughout Ireland, facilitating remote working and promoting social inclusion. Areas without broadband cannot take full advantage of internet-centred developments in education, banking, research, business, etc. Therefore, deficits in provision of broadband, as well as mobile coverage, in County Mayo need to be resolved”. It is also set out that “The Council also recognises the need to balance the requirement to facilitate mobile telecommunications infrastructure in the county to address existing coverage blackspots and the need to protect residential and visual amenity, the natural and built environment. In considering proposals for telecommunications infrastructure, the Council will have regard to the Department of the Environment, Heritage and Local Government’s “Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities” 1996 and Circular Letter PL07/12 ‘Telecommunication Antennae and Support Structures’ and any amendments thereof”.

The following specific policies and objectives are also set out:

Policy INP 18 To support the delivery of high-capacity Information Communications Technology infrastructure, broadband connectivity and digital broadcasting, throughout the county, in order to ensure economic competitiveness for enterprise and the commercial sectors and enabling more flexible work practices e.g., teleworking/homeworking.

Policy INP 19 To support the delivery of telecommunications infrastructure in the county, having regard to the Government Guidelines ‘Telecommunications Antennae and Support Structures Guidelines for Planning Authorities’ 1996 (DoEHLG), the ‘Guidance on the potential location of overground telecommunications infrastructure on public roads’, (Dept of Communications, Energy & Natural Resources, 2015) and

Circular Letter PL 07/12 (as updated) and where it can be demonstrated that the development will not have significant adverse impacts on communities, public rights of way and on the built or natural environment, including the integrity of the Natura 2000 network.

Objective INO 33: To encourage the location of any telecommunications structure, having regard to the Landscape Appraisal of County Mayo, and where possible, advise on a less intrusive location in areas where they are unlikely to intrude on the setting of, or views of/from national monuments or protected structures.

Objective INO 36: To actively engage with telecommunication service providers to help identify, improve and/or eliminate mobile phone signal blackspots within the county, including an examination of the feasibility and suitability of council owned lands/assets.

Landscape character

Map 10.1 sets out the Landscape Policy Areas within the County and Figure 10.1 comprises a landscape sensitivity Matrix.

The appeal site is located with Policy Area 4-Drumlins and Inland lowlands where communications structures are deemed to have a low potential to create adverse impacts on the landscape.

5.4.2 Castlebar Town and Environs Development Plan 2008-2014

The appeal site has the benefit of what is referenced as a visual character/high amenity objective within the zoning map, however these “other objectives” are not reflected within the text of the Plan, either within the land use zoning tables or the zoning matrix as set out within Section 15 of the Plan.

There are a number of specific policies and objectives relevant to the current proposals as follows:

NEP 13 Landscape considerations will be prioritised when considering applications for particular developments or uses, in particular, in local landscapes, which are

visually sensitive and visually vulnerable., the Council will require that proposals demonstrate that the proposed development would:

- a) Not detract from or adversely affect the character or uniformity of the drumlin landscape when viewed from differing locations
- b) Incorporate a high standard of site layout, design, site selection and building materials to enhance the landscape character
- c) Ensure that the so as to reduce any visual impacts on the surrounding environs
- d) development is sympathetic and in scale with the landscape setting be sufficiently screened
- e) not impede protected views

NEP 14 It is the policy of the Council that all development proposals will respect and where possible, enhance the landscape quality and character of the plan area. Proposals that would damage or destroy features which contribute to the distinctiveness of the area are not permitted unless significant public benefit would arise from the development.

Section 10.6 of the Plan pertains to telecommunications where the following is set out:

The Council recognizes the importance of high quality telecommunications services and acknowledges that the development of such infrastructure is a key component of future industrial and employment creation.

PUP 10 It is policy of the Council to support the roll out of broadband to all residents in the town.

PUP 11 It is the policy of the Council with regard to the erection of masts, antennae and ancillary equipment for telecommunications purposes, to take into consideration the following:

- a) The visual impact of the telecommunications equipment.

- b) The co-location of antennae on existing support structures. Planning permission will only be granted where it can be demonstrated that no other support structures are useable.
- c) The safety aspect of locating such structures within the vicinity of land where the public presently gather or reside.

5.5 Natural Heritage Designations

The River Moy SAC (site code 002298) is located approximately 6.5 kilometres south east of the appeal site. There is no surface water hydrological pathway linking the appeal site to the European site.

Dambeduff Lough pNHA (001491) is located approximately 5.3km south-west of the appeal site. There is no surface water hydrological pathway linking the appeal site to the pNHA.

the pNHA.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of the first-party appeal may be summarised as follows:

National and Local Policy:

- The National Planning Framework provides a basis for long-term co-ordination on infrastructure development, including transport, energy, communications, and social and community infrastructure.
- ComReg has set out that it “will continue to accommodate efforts designed to help businesses survive and end users avail of telecommunication services in this coronavirus emergency”.
- The proposals are in accordance with the telecommunications policies and objectives asset out within the Mayo Development Plan.

- The proposals will not impact upon natura sites or scenic areas, or any heritage asset as identified within the Development Plan.
- The proposals are not in conflict with any landscape designation as set out in the Development Plan.

Technical Siting considerations:

- A site is needed for Eircom to continue the rollout of 3G, 4G and 5G network services.
- Without the site in Garryduff, the area would have inadequate mobile voice and data services.
- Eircom would lose essential coverage if this telecommunications infrastructure is not put in place.
- The existing Eircom coverage does not provide a reliable or high quality indoor voice service or support high speed mobile broadband in Castlebar and its environs.
- The proposals would improve the coverage and service, thus eliminating the coverage blackspot within Garryduff.
- If planning permission is refused, Eircom would lose essential coverage and customers would lose essential coverage and service.
- The infrastructure needs to be located within a built-up area and have a search area of less than 1 kilometre as high-speed services have a range of 500 metres per sector.
- The proposed development represents an important component of strategic telecommunications infrastructure in Mayo.
- The proposed structure would provide high speed broadband and mobile connectivity to the local Eircom network.
- The development has been designed for co-location with one other telecommunication provider of mobile and broadband services to deliver service to customers in Castlebar and its environs.

- Telecommunications connectivity is now regarded as the fourth utility service, after water, electricity, and gas. Strong connectivity is an important factor in attracting new business.
- The proposed development represents an important component of strategic telecommunications infrastructure within Mayo and Ireland.

Site Selection:

- The sequential approach was adopted site in selecting the site in accordance with the County Development plan and 1996 National telecommunication Guidelines
- To ensure the efficient operation of a radio network, a site must be within a short radius of the cell search area, which is centred at the adjacent water tower.
- A site must be at a relatively high point to ensure the antennas can transmit and received over the cell area.
- Telecommunications structures need to be sited in the cell search area in order to achieve the 2G, 3G, 4G and 5G radio coverage.
- The operators need additional space to provide for new 4G and 5G technologies to provide high speed broadband and data services due to increased demand from the increased use of handsets, tablets and home internet for down loading, streaming and video calls.
- The required characteristics of a site include that the site must have power or be capable of being connected to power, afford a reasonable degree of security, have safe access, have stable ground conditions and be available at reasonable commercial terms.
- There are no other existing masts or structures in the cell area for the operators to locate their equipment.

Alternative sites considered:

- Four other sites were considered as part of the site selection process. These include greenfield sites and sites where there are existing telecommunication structures.

- The alternative sites were discounted for a number of reasons including proximity to national monuments, proximity to a school and that the coverage achievable would not extend to the western environs of the town, where improved coverage is required. High-speed services have a range of 500 metres per sector.
- It has not been possible to secure an alternative site within the Garryduff locality that would satisfy the requirements of the Mayo Development Plan requirements.

Visual Impact:

- A slimline monopole structure is proposed to reduce the visual impact.
- The structure is nondescript in character and design and is not dissimilar in design to a lamp standard or traffic light pole which are common in urban areas throughout Ireland.
- A number of photomontages have been submitted illustrating the extent of visual impact the proposed development would have from a number of local vantage points.
- The structure will be visible from certain views. However, views would be intermittent and no protected views as designated within the Development Plan would be adversely impacted upon.
- The structure would not have a significant adverse visual impact within the area and therefore, would be consistent with the provisions of the Telecommunication Guidelines, 1996.

Design, Siting, and layout:

- When designing the structure for this site, the Radio Engineers required height to provide a signal over the surrounding area and to provide potential to become a shared facility with other telecommunication providers.
- The accommodation of co-location is encouraged as per Section 7.4.4 of the Mayo County Development Plan, hence the need for the 15 metre height.
- Telecommunications structures are often located in proximity to residential development and very common in urban environments in Ireland. This is evident with the Board decision pertaining to a telecommunications structure

permitted by the Board at Fethard on-Sea, Wexford, under Board reference number 307962-20.

Other Issues:

- Demand for such services has increased with advances in technology. Customers expect the availability of broadband connectivity in their vicinity.
- With more people learning and working from home since the outbreak of the Covid-19 pandemic, the proposals would allow for much improved broadband provision and coverage for Castlebar and its hinterland.
- In terms of health and safety, the health issues are not a planning concern, so long as the required documentation is provided by the applicant, in accordance with Development Plan requirements.
- A Radio Emissions Statement has been appended to their appeal submission, stating that the proposed equipment and installation, is designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- Sound pressure levels generated by the development will not exceed background levels from any dwellings in the vicinity of the site, and there will be no standby generator installed on site.
- The site would be developed in accordance with current health and safety standards.

6.2 Planning Authority Response

The Planning Authority made no comment in relation to the planning appeal.

6.3 Observations

Three third party observations were received from Mr Roger Philbin, Spencer Street, Castlebar, Mr Alan Mee, Chairperson of the Castlebar Tidy Towns Committee and from the Blackfort Residents Association. Many of the issues raised are referenced

within Section 3.4 of this report, however, a number of other issues are raised and relate to the following:

Principle of Development:

- Lands are zoned visual character/high amenity in the Castlebar town plan.
- Alternative sites not fully investigated

Visual and Landscape:

- Adverse visual impact by virtue of its elevation and therefore, inappropriate for a 15 metre tall structure
- Proximity to the scenic Lough Lannagh amenity area, although Lough Lannagh has no special or specific designation in the Development Plan.
- Proposals would form an obtrusive feature and seriously impact upon the visual, residential and recreational amenities of the area.
- No viewpoints from the walkway around Lough Lannagh have been selected as part of the photomontage selection process.
- The sites considered by the applicants are all in proximity to Lough Lannagh
- Photomontages not representative of the development.

Residential Amenity:

- Lack of consultation with neighbouring residents
- Construction activities could last up to two months and would be from 8am to 5pm Monday to Saturday, Sunday being the only rest day as per the CMP details.
- No noise monitoring at the nearest sensitive receptors are proposed.
- Traffic management would be required along the narrow access road which in turn is accessed off the Newport Road, the R311.

Other Issues:

- Potential adverse health impacts arising from the development
- Proximity to the local secondary school

- An Environmental Impact Assessment report should have been submitted as part of the proposals.
- That an oral hearing be conducted in relation to the development.
- The applicants will need to develop additional telecommunications infrastructure west of the site to provide improved coverage in that area.
- The applicants are not having regard to the flora and fauna that existing in the area.
- The appeal site lands are in multiple ownership.
- Surface water run-off from the site has been an issue in the past.
- Proximity to several recorded monuments.
- There is capacity to cater for the telecommunications infrastructure on existing telecoms structures within Castlebar.

7.0 Assessment

7.1 At the time the Planning Authority made its decision on the 21st day of October 2021, the appeal site was included within the settlement boundary of the Castlebar Town and Environs Plan 2008-2014 and the Mayo County Development Plan 2014-2020. However, the Mayo County Development Pan 2014-2020 has since been superseded by the Mayo County Development Plan 2022-2028, operational since the 10th day of August 2022.

7.2 The main issues in this appeal are those raised within the appeal submission and are centred around the reason for refusal as set out by the Planning Authority. I will address matters in relation to principle of development, site selection, design and layout, landscape and visual impact and address a number of other issues raised within the appeal submission and observations. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development.
- Site Selection.
- Design and layout

- Landscape and Visual impact.
- Other issues.
- Appropriate Assessment.

7.3 Principle of Development

- 7.3.1 The Governments' aim in developing and improving telephony and broadband infrastructural services is set out in the 1996 Telecommunications Guidelines, and the revisions/updates to these Guidelines within Planning Circular PL 07/12. More recently, the National Broadband Plan (NBP), was published in 2020 and reflects the Government's ambition to ensure that the opportunities presented by this digital transformation (provided by the NBP) are available to every community in Ireland. The delivery of the NBP will play a major role in empowering rural communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the rural economy.
- 7.3.2 The Telecommunication Guidelines set out the need for the facilitation of a high-quality telecommunications service and set out the issues for consideration within planning assessments including location, access, co-location / shared facilities, design, visual impact, health, and safety. The Mayo County Development Plan policy on telecommunications structures, is set out in Section 7.4.4, Broadband and Information and Communications Technology. and is reflective of the Guidelines. Specific policies INP 18 and 19 are supportive of the facilitation and improvement of broadband services subject to a number of caveats, including that no significant adverse impact on the surrounding area and receiving environment would arise.
- 7.3.3 The proposal to improve telecommunications and broadband services is consistent with the policies and objectives as set out in the National Planning Framework, specifically Section 4-Making Stronger Urban places and within NSO 5 in relation to A strong Economy supported by Enterprise, Innovation and Skill and within the current Mayo County Development Plan (specific policy and objectives INP 18 and 19 and INO 36), and the guidance as set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996).
- 7.3.4 The appeal site is located within the settlement boundary of Castlebar, as set out within the Castlebar town and Environs Development Plan 2008-2014 (as varied). I

note that the town plan is outdated. A Draft Local Area Plan for Castlebar is to be published in Q1 2023. Currently, the appeal site has the benefit of a visual character/high amenity objective, although not specifically a zoning objective. Within the zoning matrix of the written text set out within Section 15 of the Plan, telecommunications structures are not specifically referenced. I note that the Planner stated in her report that the site had the benefit of visual/character/high amenity zoning objective, which is not technically correct as no such zoning is set out within Section 15 of the written plan nor within the zoning matrix in Section 15.4.

- 7.3.5 I note that the reason for refusal set out by the Planning Authority specifically references landscape policies NEP 13 and 14 which refer to landscapes which are “visually sensitive and visually vulnerable” and “proposals that would damage or destroy features which contribute to the distinctiveness of the area”. I acknowledge that the appeal site does have the benefit of a visual character/high amenity objective within the town plan mapping, however, this is not backed up with an explanation or rationale within the text of the plan. No guidance is offered within the plan as to the types of development that would/would not be permissible on lands that are afforded this objective. Neither are there any specific landscape designations pertaining to the appeal site as per the town plan nor are there any specific features within the appeal site nor in its immediate vicinity that would be damaged or destroyed as a result of the development proposals.
- 7.3.6 It is unclear as to why NEP 13 and 14 are referenced in the refusal reason given the appeal site is not located within a landscape of particular sensitivity, and on the contrary the landscape assessment set out within Section 10 of the current Mayo Development Plan. Figure 10.1 the landscape sensitivity matrix states that telecommunications structures are deemed to have a low potential to adversely impacts on the landscape. Given that broadband and communications are now considered an important aspect of utility services in terms of supporting education, business, and residential uses, I consider that the proposed telecommunications structure, would be acceptable in principle at this location, subject to the issues of site selection, design and layout and visual and landscape impact being addressed in a satisfactory manner.

7.4 **Site Selection**

- 7.4.1 The Telecommunication Guidelines and Planning Circular PL07/12 seek to 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. It also states that 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. Similarly, 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 locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.
- 7.4.2 The applicants state that they are a long-established telecommunications infrastructure provider, and the proposed telecommunications structure would facilitate co-location of another telecommunications provider. This requirement necessitates the development of the 15-metre height proposed, which would allow additional antennae to be attached to the structure by another provider to facilitate improvement of mobile and data services in the area.
- 7.4.3 The applicants, as part of the site selection process considered the merits of four alternative sites. The alternative sites were discounted for a number of reasons, including proximity to national monuments, proximity to a secondary school and that the required 3G and 4G mobile telephony and broadband services coverage would not be achieved in the western part of the town from another site. They concluded that there are no other suitable sites available where the required transmission links and the level of 3G and 4G coverage would be achieved to meet consumer demand in Castlebar. The applicants state that the current service is not adequate for high-speed broadband in and around the town, necessary for business and residential customers. The applicants have included a section on alternatives as part of their planning justification, submitted as part of their planning appeal statement. This section includes existing and predicted coverage footprint mapping. The predicted mobile coverage mapping sets out the benefit to mobile call and data sessions that would accrue to businesses and residents of Castlebar in terms of significantly improving coverage services. There is no substantive evidence within the application, appeal, or observations regarding suitable alternative available sites within the Castlebar area. It is apparent that the development is necessary to provide improved mobile coverage in

the Castlebar and surrounding area in order to cater for the significant increase in demand for high-speed data in recent years. Having reviewed the information submitted, I am satisfied that the applicant has demonstrated an adequate technical justification for the proposed development.

7.4.4 Having regard to the demonstrated need for improved telecommunications services in Castlebar, the lack of viable alternatives for co-location within the vicinity of the appeal site, I consider that the development at this specific location is justified. The key issue is, therefore, whether the appeal site, is a suitable site for telecommunications infrastructure. From the planning documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a more reliable telephony and broadband service for commercial and residential customers in Castlebar, which has been demonstrated, is fair/fringe at present. This is supported by the data included within the outdoor mobile coverage mapping on the ComReg website, where it is apparent that telecommunications coverage in this area is not strong nor reliable, particularly for Eir 4G customers. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.

7.4.5 In conclusion, I accept the planning justification set out by the applicants, that there is not a more suitable alternative location for the development in the vicinity of the appeal site, having regard to the proximity of schools in the town and the archaeological zones of interest that exist within the town and the lack of achievable coverage for the town and its environs that would be suitable for the siting of telecoms infrastructure.

7.5 **Design and Layout**

7.5.1 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, and that if such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. It is stated within the appellants appeal statement that the monopole structure has been specifically selected for the site, having regard to the guidance offered within the 1996 telecommunication guidelines and the vegetation and mature

trees/hedgerow in the area. The location of the infrastructure in Garryduff, would serve the mobile coverage and broadband requirements of Castlebar, and therefore, needs to be in proximity to the town centre.

- 7.5.2 Planning Circular PL07/12 recommended that Development Plans should avoid the inclusion of minimum separation distances between telecommunication installations, schools, and residences, as provided for under the 1996 Guidelines. Regarding the nearest residential property, I note that the telecommunications structure would be located 76 metres from the nearest residential property in Blackfort Avenue/Drive and these dwellings would not have a direct aspect towards the telecommunications structure. The houses in the neighbouring Blackfort residential development (west of the appeal site) are located at a lower level to the appeal site and so the roofs of some of these houses are visible from the appeal site. Having regard to the separation distance and the lack of a direct aspect towards the proposed structure and the existence of mature trees/hedgerow in the vicinity of the appeal site, which range in height from three to seven metres, I do not consider that the development could be considered to constitute an overly dominant or overbearing feature.
- 7.5.3 From the documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a reliable telephony and broadband Service for commercial and residential customers in Castlebar, which has been demonstrated, is not reliable at present. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area and would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.
- 7.5.4 In conclusion, I consider that the proposal to locate the new structure on a greenfield site within the development boundary of the town but removed from residential properties, the proposals to make it available for co-location to other telecommunications operators is generally consistent with the provisions of the Development Plan and the national guidance, and I consider the proposed development of the slimline monopole structure to be acceptable, subject to consideration of its landscape and visual impact.

7.6 Landscape and Visual Impact

- 7.6.1 The Planning Authority and observers consider that the development would interfere with the character of the landscape/townscape and would seriously injure the visual amenities of the area.
- 7.6.2 Regarding the visual amenities of the area, the telecommunications structure and compound would be located to the west of Castlebar town centre and within the development boundary. The appeal site is located on a greenfield site and is elevated to ensure adequate signal is achieved to enable radio transmission and the delivery of high-speed broadband connectivity. No additional landscaping or mitigation works are proposed within the appeal site; however, a condition should be included whereby a landscaping scheme for the appeal site should be submitted for agreement with the Planning Authority and the mature tree and hedgerow planting along the perimeter of the appeal site should be retained to minimise any adverse visual impact within the local landscape.
- 7.6.3 There is a hedgerow boundary along the northern and western perimeter of the field. The hedgerow ranges in height from approximately three to seven metres in height. Having regard to the existence of the mature screening within the fields where the telecoms monopole would be erected, I am satisfied that the telecommunications support structure would not be visually prominent within the local environment. It would be visible from certain parts of the Blackfort Manor development on the opposite side of the access cul-de-ac by virtue of the low levels within that residential development, however there is no direct aspect from any of the residential properties towards the appeal site, they would be side/gable end towards the appeal site. The monopole would not form a dominant feature within the local landscape from Blackfort Manor due to the separation distances and the intervening mature hedgerow separating the two. The associated cabinets and fenced compound would similarly not be highly visible, given their low-level height. I, therefore, consider that the development would not have an adverse visual impact within the locality.
- 7.6.4 As per Policy INP 19, telecommunication developments which would have an adverse material impact upon the visual amenities of an area will not be permitted. Section 7.4.4 of the Plan seeks to achieve: a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. This section of the Development Plan also refers to the provisions of the 1996 Telecommunication Guidelines and the need

to work with and support key stakeholders to secure the implementation of the NBP and to ensure that fast and effective broadband facilities are available in all parts of the County. Therefore, a balance needs to be struck between the protection to be afforded to the landscape within secondary amenity areas and the telecommunications infrastructure policies and objectives set out within Section 9.9.2.

- 7.6.5 The applicants submitted photomontages of the development from a number of local viewpoints (four viewpoints), where they state that there would be no adverse visual impact largely due to the existence of the mature boundary treatment along the perimeter of the appeal site and the existence of intervening urban development. I would concur that these form a reasonably representative sample of the views of the structure from the selected viewpoints. I consider that its visibility and visual intrusiveness would not be significant from the vicinity of the selected viewpoints given the separation distances, the general built form of Castlebar with its varied roofscape, the existing telephone and public lighting poles and mature vegetation.
- 7.6.6 Where the structure will be visible within the town locality due to its 15-metre height, it will generally be seen against a backdrop of the mature vegetation and the urban built environment in which the appeal site is set. Having regard to these characteristics of the appeal site and the wider area and noting that the 15-metre height is required to effectively function over as large an area as possible, I do not consider that the magnitude of the impact of the development on the visual amenities of the area would be so significant as to warrant refusal.
- 7.6.7 It is acknowledged that the proposed telecommunications installation would impact upon the local landscape by virtue of the height of the monopole structure. However, Sections 7.4.4 of the Plan set out that telecommunications proposals will be facilitated where no significant adverse impact on the surrounding area and local receiving environment arises. On balance, while I acknowledge that the proposals will impact upon the local landscape, I am satisfied that the impact would not be a significantly or materially adverse one, to warrant a refusal of planning permission.
- 7.6.8 In conclusion. I do not recommend that permission be refused on grounds relating to landscape or visual impact.

7.7 Other Issues

- 7.7.1 Impact upon human health

The observers at both application stage and appeal stage raised the issue of potential human health impacts arising from the proposed development. Circular Letter PL07/12 issued by the Minister under section 28 of the Planning and Development Act 2000, as amended, states that 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. It goes on to state that these are regulated by other codes and such matters should not be additionally regulated by the planning process. The applicants have submitted a report in this regard outlining that latest international research and studies have been undertaken on both acute and long-term effects from high frequency EMF and non-ionising radiation exposure, typical of base stations. Research has provided no conclusive evidence of any related adverse health impacts arising from these installations. The issue of health and safety, therefore, is not considered further.

7.7.2 Archaeology

There are no archaeological features located within the bounds of the appeal site nor in the field in which the telecommunications structure is proposed. The nearest archaeological feature, a Crannóg, MA04628 is located approximately 240 metres south-east of the appeal site within Lough Lannagh, there is also another Crannóg, and two Causeways located further removed from the appeal site within Lough Lannagh. The next nearest archaeological feature is a ringfort MA04627 which is located approximately 330 metres south of the appeal site and MA04626 a 16/17th century house located approximately 390 metres south of the appeal site. Within their Planning Statement, the applicants stated that due to the existence of archaeological remains in the Castlebar area, that a number of sites under consideration were discounted. This is considered reasonable. The appeal site is not located within a zone of archaeological potential and therefore, is considered suitable from a layout and design perspective and would not compromise the archaeological integrity of national monuments in Castlebar.

7.7.3 Flooding

The Office of Public Works (OPW) are the competent authority on flooding within Ireland. The appeal site is not located within an area identified as being a flood risk as per the floodinfo.ie website. I acknowledge that the appeal site is elevated, and I

note the comments made by the third-party observers, however, I am satisfied that with the inclusion of appropriate surface water management proposals, that the development would not increase the risk of flooding in this area.

7.7.4 Land Ownership

In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.8 Appropriate Assessment-Screening

7.8.1 The River Moy SAC (site code 002298) is located approximately 6.5 kilometres south east of the appeal site. There is no surface water hydrological pathway linking the appeal site to the European site. Having regard to the location of the development within a serviced urban area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the telecommunications development either alone, or, in combination with other plans or projects, would not be likely to adversely impact on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

8.1 I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to:

a. the Guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,

- b. The policy of the planning authority, as set out in the Mayo County Development Plan 2022-2028 and the Castlebar Town and Environs Development Plan 2008-2014, to support the provision of telecommunications infrastructure,
- c. The general topography and landscape features in the vicinity of the site
- d. The existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed would not adversely impact upon the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and particulars submitted to the Planning Authority on the 1st day of September 2021 and by further plans and particulars received by An Bord Pleanála on the 15th day of November 2021, except as may otherwise be required 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 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.

- 3 Any additional panels or structures, proposed to be attached to the monopole structure exceeding 1.3 metres in dimension, shall be the subject of a separate planning application.

Reason: To regulate and control the layout of the development and in the interest of orderly development.

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

Reason: In the interest of public health.

- 5 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 traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed with respect to the boundary hedgerows.

Reason: In the interests of public safety and visual and residential amenity.

- 6 Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement 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.

- 7 All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, except for the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying, or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

A landscaping scheme for the appeal site shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

Fergal Ó Bric
Planning Inspectorate

28th October 2022