



An
Bord
Pleanála

Inspector's Report

ABP312034-21

Development	Construction of a 30 metre high monopole telecommunications support structure with associated antennas, dishes and associated ground equipment all enclosed in security fencing.
Location	All Stars Logistics, Desmond Business Park, Newcastle West, Co. Limerick.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	211246.
Applicant(s)	Vantage Towers Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant(s)	Philip Dowling.
Observer	None
Date of Site Inspection	1 st April 2022.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The proposed telecommunications structure is located within an industrial estate in the development area of Newcastle West. All Star Logistics occupies the site and there is a large warehouse with an extensive concrete yard on site. The site has double frontage onto industrial estate roads – the main access fronting a cul-de sac distributor road through Desmond Business Park on the eastern side and the other onto a short tree lined access road in the more recently constructed Newcastle West Business Park to the west of the site. The site is surrounded by industrial warehouse type properties. The nearest residential development is c. 260m to the east.
- 1.2. The subject site relates to a small area in the context of the site and measures c. 6.5m x 8m. It fronts the western boundary onto the Business Park.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a 30-metre-high monopole telecommunications support structure for multiusers and with:
- 9 no. 2.1m hexaband antennas (3 of these are for Vodafone)
 - 3 no. 0.8m 5G antennas
 - 2 no. RRUs per antenna
 - 3 no. 0.6m dishes
 - 3 operator cable management systems
 - 3 operator cabinet systems
 - 2 operator cabinets on concrete plinth.
- 2.1.1. It is proposed to construct the structure within a 2.4m-high fenced compound
- 2.1.2. The application is supported by a detailed cover letter and a Justification statement explaining the rationale for the proposal. Coverage Maps are also attached. The coverage map shows a limited service in the target catchment area.
- 2.1.3. A letter of consent is also attached.

3.0 Planning Authority's Decision

3.1. Decision

- 3.1.1. Limerick City and County Council issued notification of a decision to grant planning permission subject to 5 conditions of a standard nature.

3.2. Planning Report

- 3.2.1. The planner's report describes the site location and description and the proposed development and then details national policy and guidance in addition to the relevant provisions of the development plan in respect of telecommunications infrastructure.

3.3. Objections

- 3.3.1. One third-party objection is noted and summarised in the report.

4.0 Planning History

- 4.1. The site: PA ref 14.1187 refers to permission for extension and alterations to the warehouse premises on the site and a new entrance to the Newcastle Business Park.

5.0 Policy Context

5.1. National Planning Framework

- NPO 48 refers to developing a stable, innovative and secure digital communications and services infrastructure.

5.2. Development Plan

- 5.2.1. The site is governed by the policies and provisions contained in the Limerick County Development Plan and the Local Area Plan for Newcastle West 2014 – 2020 (extended to 2024). CDP 2010-2016 Objective INO50 facilitates telecommunication facilities.
- 5.2.2. CDP 2022-2028 (Chief Executives Report scheduled for consideration on 17th June 2022) includes the following policies:

- Policy INP1 supports telecommunications networks and infrastructure.
- Section 7.4.2 Telecommunications Support Structures, Antennae and Domestic Satellite dishes: The Council recognises the importance of high quality telecommunication infrastructure as a prerequisite for a modern society and economy. While the advantages of a high quality ICT infrastructure is acknowledged, these must be balanced with the need to safeguard both the urban and rural landscape, which can be significantly impacted due to the physical nature of telecommunication structures. Visual impact should be kept to a minimum, with detailed consideration of design, siting and the scope for utilising landscaping measures effectively. In considering planning applications, regard shall be had to Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, Circular Letter PI07/12 and the Planning and Development Regulations 2001 (as amended). These guidelines and regulations encourage the sharing or clustering of sites, as reflected in this chapter.
- Objective INO4 promotes sharing and minimising roads work
- It is an objective of the Council to: a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers. Shared infrastructure should be made available to all broadband service providers on a non-exclusive basis to both suppliers and users of the new infrastructure. b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works. c) Require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures. d) Facilitate the public and private sector in making available where feasible and suitable, strategically located structures or sites, including those in the ownership of Limerick City and County Council, to facilitate improved telecommunications coverage if the need is sufficiently demonstrated. e) Require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. There is

a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations. f) Require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense when it is no longer required. g) Apply a presumption against erecting satellite dishes where they would materially affect the character and appearance of a Protected Structure, an Architectural Conservation Area (ACA) or in any other area where they could cause unacceptable affects on visual amenity. h) Ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PI07/12 as takes precedence and any subsequent guidelines.

5.2.3. LAP Newcastle West :

- The Planning Authority's goal is to achieve a balance between facilitating the provision of mobile telecommunications services in the interests of social and economic progress and sustaining residential amenities, environmental quality and public health.
- Zoning : The site is centrally located in the **enterprise and employment zone** where it is envisaged that these lands will accommodate high quality and sensitively designed enterprise and employment development and complementary uses as indicated in the zoning matrix. The form and scale of development on these sites shall be appropriate to their location having regard to surrounding land uses and scale. Pedestrian and cyclist mobility will be an important consideration of any proposal. All links/pathways will facilitate the pedestrian and cycleway and will be finished by the developer to a high standard, contributing to improving public realm, and mobility and connections with existing facilities and residential areas where possible.

5.3. **Telecommunications Antenna and Support Structure – Guidelines for Planning Authorities (1996)**

- 5.3.1. These guidelines set out current national planning policy and criteria for the assessment of telecommunications structures. Guidance is provided on site

selection, minimising adverse impact, sharing and clustering of facilities and development control.

- 5.3.2. The Guidelines are generally supportive of the development and maintenance of a high quality telecommunications service. In section 4.3 it is stated that the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. It is also acknowledged that in most cases the applicant will only have limited flexibility as regards location, given the constraints arising from transmission parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools or the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utility should be considered and masts and antenna should be designed and adopted for this specific location. The support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure. The sharing of installations and clustering of antenna is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.4. **Circular Letter PL07/12**

This circular letter revises elements of the 1996 Guidelines including that:

- attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease, except in exceptional circumstances.
- planning authorities should also cease specifying separation distance for such developments when making Development Plans as they can inadvertently have a major impact on the roll-out of viable and effective telecommunications network.
- planning authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the competence for health and safety matters in respect of telecommunication infrastructure. These are regulated by other codes and such matters should not be additionally regulated in the planning process.
- Development Contribution Schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

5.4.1. Natural Heritage Designations

5.4.2. The site is not located within or adjacent to a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. **Philip Dowling, Castle View, Newcastle West:** This appeal is against the decision to grant permission . The grounds are based on the following:

- Unjustified need having regard to existing use of the EIR exchange site by Vodafone.
- Eir Exchange site should be redeveloped rather than a new site.
- Negative impact on property values in Newcastle West.

6.2. Planning Authority Response

6.2.1. The planning authority has no further comments to make with regard to the appeal.

6.3. Applicant's Response

6.3.1. In a letter received on 1st December 2021 the applicant has responded to the grounds of appeal. The need for the telecommunications infrastructure has been explained in the application documentation. Notwithstanding the already stated justification, the following points are emphasised in response:

- The Vodafone equipment at the EIR exchange site comprises 2 wooden poles, 2 antennae and a dish which is sufficient for modern technological requirements e.g for 4G and 5G coverage and for coverage of the area. The proposed new installation includes 5G coverages requirements which cannot be met by the existing 4G networks. This fifth generation network offers high downloading and uploading speed of data. It also allows access to multiple devices at the same time and will offer stable data connections, improved bandwidth for accessing and sharing big data. It has substantially more capacity , can deploy many new applications and has better high definition streaming video without any buffering.

- There is an existing poor and often unreliable level of indoor voice and data service that Vodafone customers located in the general area of the business parks and residential areas are experiencing.
- It is pointed out that the appellant's reception of Vodafone modern services is due to another site – namely the Market Square monopole in the centre of Newcastle West.
- The Tetra monopole is too low. That site is also too close to the existing Market Square site whereas the Market Square and proposed site complement each other. The Eir exchange site is too far from the target catchment to provide the full range of services.
- The proposed site will replace the Eir exchange site /wooden poles site without loss of services e.g. to the residents off Station Road or Gortboy Road.
- It is well sited having regard to the building height at 20m+ which offers screening.
- There is no evidence to the support that the proposed development will devalue property. It is counter argued that the property without the benefit of good coverage and data service is more likely to suffer a negative impact on value.

7.0 EIA Screening

7.1. Telecommunications mast is not a class of development for which EIA is required.

8.0 Assessment

8.1. Issues

8.1.1. This appeal is against a decision to grant permission for a telecommunications support structure. Having regard to the submissions on file and the site and its environs as inspected, I consider the key issues relate to:

- Principle of development
- Impact on amenities /value of residential property
- Appropriate Assessment

8.2. Principle

- 8.2.1. Development plan policies as set out in the current County Development Plans and the Local Area Plan for Newcastle West clearly support the enhancement of telecommunications infrastructure in a range of policies and objectives. This is continued in the current Draft City and County Development Plan due for potential adoption on 17th June. Support is however predicated on there being a need and sensitive siting. The site in this case is located centrally in an established industrial estate which is part of an expansive tract of land zoned as enterprise and employment. This siting is in accordance with the guidelines which advise that telecommunications infrastructure should be sited away from village centres and in larger urban areas such development should be located in industrial type areas.
- 8.2.2. In respect of justification, the applicant proposes to improve Vodafone coverage for 4G and 5 G services. The proposed equipment which caters for 4 and 5 G services cannot be accommodated on the wooden poles in the existing Eir exchange site.
- 8.2.3. I consider the applicant has made a cogent case that the proposal will provide vital service by improving a limited service for enhanced capabilities. The subject site is proposed as a multiuser facility. I consider the applicant has provided a sufficiently reasoned justification for the need for site in this location.
- 8.2.4. Having regard to the overall strategic aims for the area and the county including those policies which support the enhancement of telecommunications infrastructure, I consider that in principle, the proposed development at this industrial site in this location is acceptable. This is subject to meeting detailed development management criteria.

8.3. Impact on amenities /value of residential property

- 8.3.1. The proposed 30m high monopole is proposed on the western side of a large warehouse premises (c. 90x 50m) which has a height of c. 20m which will considerably buffer the views of the structure as viewed from the east and most notably from the nearest residential area c. 300m to the east. The structure will be highly visible from the western side where it fronts onto the new business park. It is however buffered by a grass margin planted with trees. The support structure is also designed as a slender monopole and while it will be visible from more distant views in the surrounding area it is not unduly out of character with its immediate

warehouse type surroundings. Having regard to the separation distances from residential areas and the village core and site context and by reference to the guidelines I consider the proposal to be acceptable. In this regard I note the justification of the proposal and consider the impact on residential amenity to be negligible and to not warrant a refusal of permission and in such circumstances is, I consider, acceptable.

8.4. Appropriate Assessment

- 8.4.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that permission be granted for the proposed development based on the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to

- a) the National Planning Framework Project Ireland 2040,
- b) the national strategy regarding the improvement of mobile communications services,
- c) the guidelines relating to telecommunications antennas 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 PL07/12 issued by the Minister for the Environment, Community and Local Government on the 19th day of October, 2012 under Section 28 of the Planning and Development Act 2000, as amended.
- d) the policies of the planning authority as set out in the current Limerick County Development Plan and the Local Area Plan for Newcastle West to support the provision of telecommunications and broadband infrastructure,

e) the use of the site and its environs for industrial scaled warehousing,
f) the potential for sharing of the structure and site with other operators,
g) the siting of the proposed structure to the west of the existing warehouse and separation from residential properties in the wider area,
it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or depreciate the value of properties in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the proposed colour scheme for the additional installations shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity and orderly development.

3. No advertising signage shall be erected on the mast, or ancillary equipment.

Reason: In the interest of visual amenity.

Suzanne Kehely
Senior Planning Inspector.

4th June, 2022.