



An
Bord
Pleanála

Inspector's Report ABP-312206-21

Development	Removal of 2 telecommunications poles & replace with one 18 metre monopole carrying ancillary equipment. Associated site development works.
Location	Eir Exchange, R319 Roar, Polranny, Achill Sound, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21877
Applicant(s)	Eircom Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Terence and Valerie Gallagher.
Observer(s)	None.
Date of Site Inspection	23 June 2022.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0968 hectares is located at the eastern end of Achill Sound in County Mayo. The site lies on the southern side of the Regional Road R319 approximately 700m east of the Michael Davitt bridge which connects Achill Island to the mainland. Access to the site is via a right of way off a cul de sac roadway also serving a number of dwellings to the southeast. The appeal site is occupied by the Eir Exchange building which is located c3m below the R319 road level adjacent. A second ancillary generator building to the front of the main building is located along the northern site boundary. The front roadside boundary is defined by a stone wall while remaining boundaries are defined by a mix of fencing and hedging.

- 1.2. There are a number of telegraph poles and overhead cables resulting in convoluted wirescape in the immediate area fronting and to the rear of the site while there are two existing timber poles with telecommunications dish and antennae on the appeal site at the road frontage which adds to the visual clutter. The site falls generally to the rear (south east). Opposite to the south of the site is Henry's Service Station which includes a garage forecourt and there are a number of dwellings also in the immediate vicinity. There are a number of community uses also in the area to the west including Polranny Cemetery, Davitt Park and Coláiste Pobail Acla.

2.0 Proposed Development

- 2.1. The proposal involves permission for the removal of two existing telecommunications poles and their replacement with a new 18m monopole carrying antennas, a dish, a relocated grid antenna, a relocated dish, associated equipment, ground based equipment cabinets and all associated site development works. The development will provide wireless data and broadband services. The proposed structure is to be located to the rear of the Eir exchange building. The overall height at top of lightening finial will be 19.2m.

3.0 Planning Authority Decision

3.1. Decision

By order dated 24th November 2021 Mayo County Council issued notification of the decision to grant permission and 7 conditions were attached including the following:

Condition 3. Details of colour scheme for the structure to be agreed in writing prior to the commencement of development. The options to be presented in a photomontage manner similar to the photomontages VP2 and VP4 as submitted to Mayo County Council.

Condition 5. Mast to be made available for co-location.

Condition 6. Low intensity red obstacle light to be fitted as close to the top of the mast as practicable.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes that pre-planning advice recommended the siting of the mast to the rear of the building. Further information is required to clarify whether security fencing or lighting is proposed, address whether co-location opportunities have been explored. Applicant to indicate whether there is potential to allow new fibre connections for the area. Applicant was advised that given the site location at gateway to Achill island a contemporary slimline monopole structure is recommended to reduce the visual impact.

Following response to further information planner's report considers that the visual impact is not significant given siting within an existing telecommunications compound, proposal to remove two legacy monopole structures and slimline contemporary design 18m in height. Permission was recommended subject to conditions as per subsequent decision.

3.2.2. Other Technical Reports

No other reports.

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

Submission by the following third parties.

- Sandra Calvey, Polranny, Achill Sound.
- Michael Gallagher, Sea View Cottage, Polranny, Achill Sound.
- Trevor Gallagher. Polranny, Achill Sound.
- Alan Dillon, TD on behalf of constituent Ms Catherine Gallagher.
- Declan Claffey, Polranny, Achill.
- Terence and Valerie Gallagher, Palm Cottage, Polranny.
- Michael Joe Calvey, Polranny, Achill Sound.
- Aiden Cusack, Polranny, Achill Sound.
- Patrick Corrigan, Cashel. Achill.
- Henry Lyons. Cashel, Achill.
- Mark Gallagher, Polranny, Achill Sound
- Edward Calvey, Polranny, Achill Sound.
- Julia Johnston, Polranny, Achill Sound.
- Michael and Pat Fallon, Polranny, Achill Sound.
- Pat Conway, Polranny, Achill Sound.
- Susanne Ritchie, Polranny, Achill Sound.
- Michael and Georgina Calvey, Polranny, Achill Sound.
- William and Joan Fallon, Polranny, Achill Sound.
- Robert Calvey, Polranny, Achill Sound.
- Tara Kilbane, Polranny, Achill Sound.
- Richard Henry, Polranny, Achill Sound.

- Jackie and Mark Gallagher, Rahananne, Veatry, Tralee Co Kerry.
- Roisín Lyons, 1 Slí na Rí, Crumpaun. Achill, Co Mayo.
- Craig Kilbane, Polranny, Achill.
- Bridie and Damian Kilbane, Polranny, Achill.
- Fauve Corrigan, Polranny, Achill.
- Catherine Seoighte, Poll Raithní. Acaill
- Triona Masterson, Masterson Family. Polranny, Achill.

3.4.2 The third party submissions object to the proposal on a number of common grounds which I have summarised as follows:

- Health and safety - Radiation risk
- Eyesore - will result in severe visual impact due to height.
- Inappropriate visual impact u a scenic beauty spot at the gateway to Achill on the Wild Atlantic Way.
- Proximity to school (Coláiste Popal Acil) and dwellings, GAA pitch and soccer pitches in the locality.
- Many young children and older people living locally in Polranny.
- Negative impact on pets and animals.
- Devaluation of property.
- Many suitable alternative suitable sites available away from settlement.
- Hazard in the event that the mast were to fall given susceptibility of the area to gale force winds.
- Clarification required regarding EIRP cert. Number of operators to be accommodated. Limits of number of operators.
- Question the technology to be used 2G 3G 4G or 5G.
- Need for the development has not been demonstrated. Achill to be included in National Broadband Scheme.

- Poor record of maintenance of the Eir building.
- Failure to engage with the community.

4.0 Planning History

No planning history on the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Mayo County Development Plan 2022-2028 refers. (The Mayo County Development Plan 2022-2027 was adopted on 29th June 2022 and came into effect on the 10th August 2022)

5.1.2 At 7.4.4.4 Telecommunications it is outlined that Mayo County Council recognises the essential need for high quality communications and information technology networks in assuring the competitiveness of the county's economy and increasing the quality of life of its people. 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, visual amenity, the natural environment and built environment.

5.1.3 Telecommunication Policies INP 19 To support the delivery of telecommunication 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.

5.1.4 INO 33 To encourage the location of any telecommunications structure, have 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.

5.1.5 INO 34 To maintain and update the council's register of approved ducting and telecommunication structures in the county, to assist in the assessment of future telecommunication developments. The Council will encourage co-location of antennae on existing support structures and 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.

5.2. **Natural Heritage Designations**

5.2.1 The site is not located within a designated site. The nearest such sites include.

- Corraun Plateau SAC Site Code 000485 1.8km southeast
- Lough Gall Bog SAC Site Code 000522 5.7km east.
- Owenduff Nephin Complex SPA Site Code 004098 8.3km east
- Owenduff Nephin Complex SAC Site Code 000534 8.3km east
- Bellacragher Saltmasch SAC Site Code 002005 7.5km east.
- Keel Machair Menaun Cliffs SAC 00513 5.5km west.
- Achill Head SAC 002268 9.4km west.
- Croghaun Slievemore Site Code SAC 001955 11.7km to the northwest

5.3. **EIA Screening**

5.3.1 Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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 appeal is submitted by Terence and Valerie Gallagher, Palm Cottage, Polranny.

6.1.2 I note that the appellant sought an oral hearing of the case. Following deliberation on this matter, the Board decided by direction dated 26th January 2022 not to hold an oral hearing on the case as it was considered that there was sufficient written evidence on file to enable a full assessment of issues raised.

6.1.3 Grounds of appeal which are accompanied by a number of enclosures seeking to elucidate the case are summarised as follows:

- Site is less than .5km to Coláiste Pobail Acla. The community multi use gams area and local GAA pitch are also nearby.
- Numerous studies including two from European Parliamentary research service document concerns regarding exposure of children's nervous systems to prolonged and sustained electro magnetic radiation.- Appended documents refer.
- Negative impact on visual amenity.
- Decision of the local authority did not address the issue of proximity to schools and dwellings.
- Alternative more suitable locations away from settlement are available.
- Some effort should be made to camouflage the structures as has been done in other countries disguising as a fir tree or beech tree. Photo example appended.

6.2. Applicant Response

6.2.1 The response of the first party to the appeal is summarised as follows:

- Applicant engaged in preplanning consultation and in response to feedback from the planning authority relocated the proposed mast to the rear of the telephone exchange building.
- Proposal is required urgently to provide for improved wireless broadband services in this area - 3G data and 4G high speed data services.
- Proposal involves the removal of 2 existing telecommunications poles and replacement with new 18m telecommunication support structure carrying antennas a dish associated equipment together with ground based equipment cabinets and all associated site development works.
- Slimline unfussy design, finish proposed in galvanised finish will assimilate with typical sky colour in Ireland or an alternative such as dark fir green finish could be provided.
- The proposed height, colour and design represent the best compromise between the visual impact of the proposal on the surrounding area and meeting the technical requirements for the site.
- The height is the lowest possible to “see” over surrounding terrain in the area.
- Eir is already co-located on 2 of the nearest 3 existing masts in the region.
- There is provision for a second operator to share the proposed pole.
- Regarding health concerns Circular Letter P107/12 by the Department of Environment Community and Local Government issued under section 28 of the Planning and Development Acts 2000-2012 to update certain sections of the Telecommunications Antennae and Support Structures Guidelines 1996, noted that Planning Authorities should not include minimum separation distance requirements which can have a major impact on viable and effective telecommunications network.
- It is noted that many sports pitches around the country contain telecommunications structures as a source of rental revenue.
- Guidelines advise that planning authorities should not include monitoring arrangements as part of permissions nor determine planning applications on health grounds. 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.

- Planning application stated that compliance with emission limits is regulated by the Commission for Communications Regulation. A license to provide services is subject to compliance with strict emission controls specified by International Commission for Non-Ionising Radiation Protection (ICNIRP). Regular measurement of emission levels are required to comply with these guidelines. ICNIRP Declaration is included as evidence of compliance.
- Regarding visual impact 4 viewpoints illustrate views of the proposed mast. Viewpoint analysis examines the visual effects. No significant visual effects are predicted. The siting of the structure to the rear of the building along with the removal of the two existing structures on site and existing built form will reduce any significant visual impact on nearby sensitive visual receptors such as neighbouring properties, cultural heritage assets, local roads including the scenic route and public rights of way / walking route.
- Council reserved judgement on the most appropriate colour pending receipt of additional photomontages depicting the proposal in dark fir green colour or brown colour and white colour.
- Regarding the appellant's suggestion that a tree mast be deployed here it is considered that a tree mast would appear more incongruous in this specific location.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

No submissions.

7.0 Assessment

7.1 Having reviewed the grounds of appeal I consider that it is appropriate to address the appeal under the following broad headings.

- Principle of development - Need for the development and assessment of alternatives
- Visual impact and impact on residential and other amenities of the area
- Appropriate Assessment

7.2 Principle of Development – Need for the Development and Assessment of alternatives

7.2.1 Having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the development plan including INP-19 To support the delivery of telecommunication infrastructure in the County, it is considered that the provision of a telecommunications mast at the site should be considered to be acceptable in principle subject to detailed proper planning and sustainable development considerations.

7.2.2 As regards issues raised with respect to the need for the mast and the assessment of alternatives, the first party sets out the need for the structure and indicates that it is necessary to ensure 3G and 4G coverage. The proposal involves the replacement of two existing telecommunications poles and I consider that in light of the submissions by the first party the need for the structure has been demonstrated.

7.2.3 As regards mast sharing and co-location, I note that the submissions of the first party indicate that the proposed new structure will accommodate site sharing for one other

operator. I note that maximising the potential for mast sharing and co-location remains a significant pillar of national and local planning policy.

7.2.4 As regards alternative structures considered it is outlined that Eir is already co-located on the nearest 3 masts and there are no alternative structures within the necessary range of the settlement. I cannot verify the technical circumstances and requirements in these matters; however, I consider that based on the evidence provided the proposal seeks to optimise the location and siting of the structure and to maximise the potential for future mast sharing and co-location which is in accordance with national and local policy. I note that the site is a well-established telecommunications site and the proposal involves the removal of two existing unsightly poles to be replaced by a contemporary monopole.

7.3 Visual impact, and impact on the residential and other amenities of the area

7.3.1 The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 state that visual impact is one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations. The Guidelines recommend that great care be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

7.3.2 I note that the Guidelines recommend 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 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 and should be monopole (or poles) rather than a latticed tripod or square structure.

- 7.3.3 The first party asserts that significant negative visual impact does not arise due to intermittent visibility arising from the local topography, established intervening development and siting and design mitigation. I would concur that visibility per se is not in itself objectionable and the provision of a slimline monopole structure would not be out of character within a village setting and these have become a customary type of infrastructure within any given settlement. The question is whether the structure would be visually dominant and obtrusive.
- 7.3.4 Having considered the matter in detail I consider that based on the 18m high monopole design, the limited nature and scale of the structure, while clearly locally prominent, would not give rise to a significant negative visual impact. I note the series of photomontages provided which seek to demonstrate the visual impact of the proposed structure. Having reviewed the site context I consider that the proposed mast does not detract from the character of the established townscape or the character of the area. As regards impact on residential amenity I do not consider that any significant negative impact on residential amenity arises. Construction impacts are limited in duration and any negative impacts arising can be appropriately mitigated by best practice construction methods. On the matter of impact on property values there is in my view no basis for the devaluation argument. As regards colour I concur with the first party that a galvanised grey colour to assimilate to typical sky colour would be appropriate whereas a fake tree design would appear more incongruous in this setting.
- 7.3.5 On the issue of health and safety, notwithstanding the debate and the issue of proximity to homes, schools, workplaces or public access, the current national Guidelines provide that an installation is considered safe where it complies with the appropriate international standard ICNIRP Guidelines. ComReg has the primary responsibility for the monitoring and enforcement of health and safety issues. The DoEHLG Guidelines require submission of a statement of compliance with planning applications as a link to the planning system and the application includes a statement of compliance. The guidelines further advise against requirements for

minimum separation distance and therefore this approach would be considered inappropriate.

7.4 Appropriate Assessment

7.4.1 On the matter of Appropriate Assessment having regard to the nature of the development 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 any other plans or projects on a European site.

8.0 RECOMMENDATION

Grant Permission subject to conditions.

Reasons and Considerations

Having regard to National Planning Framework, the Mayo County Development Plan 2022-2027, the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, the existing telecoms infrastructure on the site, the established use of the site for telecommunications purposes, the scale and design of the proposed development, it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and current Mayo County Development Plan 2014-2020 as extended, and would therefore, be in accordance with the proper planning and sustainable development of the area.

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 29th day of October 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. When the telecommunications structure and ancillary structures are no longer required, they shall be removed, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.

Reason: In the interest of protecting the landscape.

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in the azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

5. 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.

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

Reason: In the interest of the visual amenities of the area.

7. 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, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Bríd Maxwell
Planning Inspector
29th August 2022