



An  
Bord  
Pleanála

## Inspector's Report ABP 312350-22

### Development

Installation of six metre extension to existing 36 metre telecommunications support structure with relocated lightning finials (overall height 43.5 metres) antennas, dishes and associated equipment, ground based equipment cabinets and new fencing for wireless data and broadband services.

### Location

Eir Exchange, Convent Road,  
Claremorris, Co Mayo.

### Planning Authority

Mayo County Council.

### Planning Authority Reg. Ref.

20/1017

### Applicant(s)

Vodafone Ireland Ltd.

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission.

### Type of Appeal

Third Party(s) v Decision

### Appellant(s)

Dominic Conway and others

### Observer(s)

None

**Date of Site Inspection**

20th 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 Claremorris, County Mayo. It is located on the site of an existing telecommunications structure, to the rear of the Eir exchange building on Convent Road, approximately 0.8 kilometres north of the town centre. Immediately east of the appeal site is the two-storey Eir exchange building with single storey outbuildings to its rear, to the north-east and south-east are residential properties that front onto Convent Road. Immediately north, south and west of the appeal site are undeveloped lands within the town boundary. Site levels fall gradually from Convent Road in a westerly direction towards the appeal site.
- 1.2 The site is accessed via a double gateway onto Convent Road (N60). Convent Road has a carriageway width of approximately seven metres and links to the town centre in a southerly direction and with the settlement of Castlebar in a northerly direction. There are footpaths and street lighting on both sides of Convent Road and the 50 kilometres per hour speed control zone applies. The existing telecommunications structure is surrounded by mature trees ranging in height from approximately 18 to 20 metres.

## **2.0 Proposed Development**

- 2.1 The development proposals would comprise:
- The installation of a 6 metre extension to an existing 36 metre high telecommunications support structure with relocated lightning finials (overall height 43.5 metres), carrying antennas, dishes and associated equipment, ground based equipment cabinets and new fencing for wireless data and broadband services.
- 2.2 A Planning report outlining the nature and purpose of the proposals, a technical justification, a visual and townscape assessment, details of compliance with National and local planning policy and a health and safety report was submitted by the applicants as part of the planning documentation.
- 2.3 Further information was submitted to the Planning Authority and included the following: A technical justification for the extension of the telecoms structure; Details

of existing and proposed coverage from the extended telecom's structure; Details of the nature and duration of the lease with the land owner and details of a decommissioning plan for the site.

- 2.4 An Appropriate Assessment Screening conducted by the Planning Authority concluded that the proposal would not adversely impact upon the integrity of any European site.
- 2.5 A letter of consent has been submitted from Eir, consenting to Vodafone Ireland Ltd making a planning application on their lands.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

The Planning Authority granted planning permission for the development subject to four planning conditions. The pertinent planning conditions can be summarised as follows:

Condition number 2; The transmitter output, antennae type, and configuration shall be in accordance with the details submitted to the Planning Authority

Condition number 3: No material change of use of the mast shall occur without a prior grant of planning permission.

Condition number 4: When the structure is no longer required, it shall be demolished, removed, and the site reinstated at the operator's expense.

#### **3.2 Planning Authority Reports**

##### **3.2.1 Planning Report**

The initial Planner's Report dated 16<sup>th</sup> day of February 2021, set out the following:

- The site is located within the development boundary of Claremorris,
- The site is zoned residential within the Claremorris Town Plan 2014-2022.as incorporated within the Mayo County Development Plan (MCDP) 2014-2020.
- The Broadband Officer within Mayo County Council recommended that further information be sought regarding the submission of a technical justification for

the proposals and including coverage mapping demonstrating that an improvement in broadband and telephony services would arise from the proposals,

The subsequent Planner's Report dated 6<sup>th</sup> day of December 2021, set out the following:

- Mayo County Council were satisfied that all of the issues raised within the further information request and the issues raised within the third party observation had been adequately addressed and would be reinforced by planning conditions.
- A grant of planning permission was recommended as set out within Section 3.1 above.

### **3.2.2 Internal Referrals**

Municipal District Engineer: No objections,

Senior Executive Architect: No objections.

Broadband Officer: No objections, following receipt of the response to the further information request.

### **3.3 Prescribed Bodies**

None received.

### **3.4 Third Party Observations**

One third party observation was received. This observation received from Mr Dominic Conway who states that the observation represents the views of the appellant and a number of neighbouring residents. The issues raised within the observation relate to the following:

- Adverse visual impact.
- Overshadowing of neighbouring rear garden spaces.
- Proximity to neighbouring residential properties.

- Lands are zoned residential and should be developed for that purpose.
- Structure should be dismantled and relocated to industrial zoned lands.
- The necessity for the structure is questionable, there is currently good quality broadband provision in Claremorris.
- No broadband coverage issues in this area.
- No alternative locations for the development have been considered.
- Health and safety risks associated with telecoms infrastructure.
- Proposals would depreciate property values in this vicinity.
- Alternative sites not fully investigated.
- Proximity to recorded monuments and protected structures.

## **4.0 Planning History**

The following is considered to be the relevant planning history pertaining to the appeal site:

Planning Authority reference 96/960, in 1996, Board Telecom Eireann were granted planning permission for the erection of a 36 metre tall telecommunications support structure and associated telecoms infrastructure.

Planning Authority reference 09/1002, In 2009, Vodafone were granted retention permission for the telecoms support structure and associated telecoms infrastructure with an overall height of 38.8 metres.

Planning Authority reference 15/603, In 2015, Vodafone were granted retention permission for the telecoms support structure and associated telecoms infrastructure with an overall height of 38.8 metres. In 2016, under reference PL 16.245848, the financial contribution condition was removed by An Bord Pleanála.

## **5.0 Policy Context**

### **5.1 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 35: To work with statutory undertakers to make the most efficient use of infrastructure in the delivery of broadband in the county, particularly encouraging the use of existing telecommunications ducting where it is available.

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.

Section 12.5 Claremorris is identified as the main service centre in the south-east of the County and the following function and role is set out: Mayo County Council promotes the consolidation of growth within the established footprint of the town in conjunction with regeneration, public realm enhancement, while supporting local employment and the expansion of services to meet the needs of residents and visitors”.

Volume 3 of the MCDP includes the land use zoning map for Claremorris. The appeal site has the benefit of an existing residential land use zoning objective.

Table 12.2 in the MCDP sets out the objective for existing residential zoned lands as being: To protect the amenity and character of existing residential areas.

The zoning matrix is set out within Table 12.3, where uses, permissible in principle include: housing, apartments, public and community facilities, home based economic activities and utilities.

## **5.2 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”.

## **5.3 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).

#### **5.4 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.

#### **5.5 Natural Heritage Designations**

The River Moy SAC (site code 002298) is located approximately 7.6 kilometres west of the appeal site.

Carrowkeel Turlough pNHA (001491) is located approximately 6.4 km south-west of the appeal site.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

The grounds of the third-party appeal, submitted by Mr Dominic Conway, a resident of Convent Road who states that he is acting on behalf of a number of other neighbouring residents, includes the following:

National and Local Policy:

- The 1996 Telecommunications Guidelines outline a number of relevant considerations when considering these type of developments and include, visual impact, access and roads, sharing and clustering, health and safety impacts, obsolete structures and duration of planning permissions.
- Planning Circular 07/12 made revisions to the Guidelines regarding the appropriate location and design of telecommunications structures.
- The Telecommunications Guidelines set out that only as a last resort should freestanding masts be located within or in the immediate surrounds of towns and villages, and if such locations should become necessary, sites already developed for utilities should be considered.
- The proposals have not been assessed against the criteria set out within the telecommunications section of MCDP re; options for locating such infrastructure.

Technical Siting considerations:

- The need for the development has not been justified as Claremorris has access to reliable high-speed broadband, mobile and 4G coverage.
- No evidence of co-location agreements have been submitted.
- Permitting the development constitutes an unnecessary proliferation of telecoms structures in the area.

Site Selection:

- Section 4.3 of the Telecommunications Guidelines sets out that only as a last resort should free standing masts be located in proximity to schools or residential areas.

#### Alternative sites considered:

- No attempt has been made to address the issue of alternative site locations.
- The applicants have made no attempt to re-locate to a more suitable site.
- The development seeks to provide for up to three operators, the same was said within the 2015 planning application, but no other operators availed of the site.

#### Visual Impact:

- The appeal site is exposed and visually prominent.
- The increased height will create a greater eyesore and will be more visually intrusive.
- The existing telecom's structure is the tallest in the locality and the proposals will exacerbate that situation.
- The height of the structure, if permitted, would establish an undesirable precedent for similar future development in the area.
- The proposals would obstruct a countryside view from an adjacent protected structure.
- The proposal, if permitted would injure the visual amenities of the area and be contrary to landscape policy-LP 01 within the MCDP 2014-20.

#### Design, Siting, and layout:

- The appeal site is in proximity to schools, a nursing home, protected structures and recorded monuments, residential properties, a railway line public parks, lakes and amenities.
- The separation distance from neighbouring residential properties is not sufficient.
- Proposals are in close proximity to protected structures and recorded monuments as alluded to in the applicants cover letter.
- The structure should be developed at a more appropriate location, away from residential properties and within an industrial zone/area.

- The appeal site is located within a sensitive urban environment and the structure would be too high and in contravention of the provisions of the Telecommunications Guidelines.
- The structure is located immediately west/south-west of the rear garden spaces of a number of residential properties located along Convent Road.
- The 43.5 metre tall structure has the potential to cast a shadow in the evening time into the gardens of neighbouring houses.

Other Issues:

- It is only a matter of time before residential development will occur on these lands as per the auctioneer's brochure included by the appellant.
- Property devaluation has occurred in the area since the erection of the telecoms structure.
- Further devaluation will arise with the development of the current proposals.
- A de novo assessment should be carried out of the proposals, and should be treated as if a greenfield site.
- The applicants have failed to submit a statement of compliance within the IRPA Guidelines in terms of emissions limits.
- No other operators have located on the appeal site within the last 5 years
- A time limit on the duration of any planning permission should be included in the event that planning permission is granted by the Board.

## **6.2 Planning Authority Response**

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

## **6.3 Observations**

None received.

#### **6.4 Applicant response to third party appeal submission.**

##### National and Local Policy:

- 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 as set out within the Mayo County Development Plan (MCDP).
- The proposals are not in conflict with any landscape/townscape designation as set out in the Development Plan.

##### Technical Justification:

- The extended structure is needed for Vodafone to continue the rollout of 3G, 4G and 5G network services.
- Vodafone would lose essential coverage if the extended telecommunications infrastructure was not to be put in place.
- The coverage from the existing structure does not provide a reliable or high quality indoor voice service or support high speed mobile broadband in Claremorris and its environs.
- The proposals would improve the mobile telephony coverage and service, thus eliminating the coverage blackspot within Claremorris.
- If planning permission is refused, Vodafone 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 structure would provide high speed broadband and mobile connectivity to the local Vodafone network.
- The site would be shared by two providers, Eir and Vodafone, with capacity to provide for other operators.

- The development has been designed to enable additional co-location with other telecommunications providers of mobile and broadband services to deliver service to customers in Claremorris 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.

#### Site Selection:

- The site was chosen as it currently accommodates telecommunications infrastructure. Co-location with existing telecoms infrastructure is supported within National and local planning policy.
- There are no other existing masts or structures suitable in the cell area for the operators to locate their equipment.

#### Alternative sites considered:

- There is an existing telecommunications site further south of Claremorris. That site was discounted as the coverage achievable would not extend to the full extent of the urban settlement of Claremorris, 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 Claremorris that would satisfy the requirements of the Mayo Development Plan.

#### Visual Impact:

- The additional visual impact that would arise from the development would be minimal due to its location in an urban environment which has a number of two and three storey buildings, electricity wires and poles within the town and the mature trees that surround the appeal site would assist in minimising any adverse visual impact to/from the appeal site.
- 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.

### 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 increased 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 Rathkeale Road, Adare, under Board reference number 300664-18.

### Other Issues:

- 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 Claremorris 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 the 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.
- The Board has previously ruled and found that where no evidence is submitted to demonstrate that telecommunications development has devalued property, then it should not be used as a reason for refusal of such development.

- The applicants consider that overshadowing would not arise in this instance as the lattice structure allows light to penetrate through the structure.

## **7.0 Assessment**

7.1 At the time the Planning Authority made its decision on the 6<sup>th</sup> day of December 2021, the appeal site was included within the settlement boundary of the Claremorris Town Plan 2008-2014 and the Mayo County Development Plan 2014-2020. However, the Mayo County Development Plan 2014-2020 has since been superseded by the Mayo County Development Plan 2022-2028, operational since the 10<sup>th</sup> day of August 2022.

7.2 The main issues in this appeal are those raised within the appeal submission. I will address matters in relation to principle of development, technical justification/site selection, design and layout, landscape and visual impact and address a number of other issues raised within the appeal submission. 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
- Townscape 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 communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the economy.

- 7.3.2 The Telecommunication Guidelines set out the need for the facilitation of a high-quality telecommunications service and sets 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 (MCDP) 2022-28 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 MCDP (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 Claremorris, as set out within the Mayo County Development Plan 2022-28, Volume 3. Currently, the appeal site has the benefit of an existing residential land use zoning objective. Within the zoning matrix of the written text set out within Section 15 of the Plan, telecommunications structures are not specifically referenced. However, the matrix sets out that in principle, home based economic activities and utilities are considered acceptable. Therefore, I am satisfied that telecommunications and broadband infrastructure represents a utility service, similar to that of electricity, gas, watermains and foul sewer utilities and represents an important service for local residents, services and businesses and therefore, would be considered to be acceptable under the zoning objective. I note that previous permissions on the site as set out within Section 4.0 of this report, the lands were similarly subject to a residential zoning

objective and telecoms infrastructure was permitted by the Planning Authority. Therefore, it is apparent that the Planning Authority was, and is satisfied that telecommunications infrastructure is acceptable on residential zoned lands, including the current appeal site

- 7.3.5 In conclusion, I am satisfied that the current proposals which relate to extending existing telecoms infrastructure on a site that already provides wireless and broadband facilities for the applicants and Eir, and that the current proposals will provide for improved broadband and wireless telephony and broadband. 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 extended telecommunications structure, would be acceptable in principle at this location, subject to the issues of site selection, design and layout and visual and townscape 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 extended telecommunications structure currently provides for two operators (Vodafone and Eir), and the proposals would facilitate co-location of other telecommunications providers. This requirement necessitates the development of the 43.5-metre height proposed, which would allow additional antennae to be attached to the structure by other providers to facilitate improvement of mobile and data services in the area.

- 7.4.3 As per the ComReg website, there is one other telecommunications structure located within Claremorris, to the south of the settlement on Dalton Street. The applicants state that the required 3G, 4G and 5G mobile telephony and broadband services coverage could not be achieved in all parts of the town from the Dalton Street site. They concluded that there are no other suitable sites available where the required transmission links and the level of 3G, 4G and 5G coverage would be achieved to meet consumer demand in Claremorris. 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 the technical justification supporting the appeal site and includes existing and predicted telephony coverage footprint mapping.
- 7.4.4 The predicted mobile coverage mapping sets out the benefit to mobile call and data sessions that would accrue to businesses and residents of Claremorris 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 Claremorris area. It is apparent from the ComReg coverage mapping that coverage for 4G and 5G users in Claremorris is presently fair, and that the development is necessary to provide improved mobile coverage in Claremorris and the surrounding area in order to cater for the significant increase in demand for high-speed data capacity and also to provide space for Eir to locate their dishes and antennas on the structure at an increased height. Having reviewed the information submitted, I am satisfied that the applicants have demonstrated an adequate technical justification for the development.
- 7.4.5 Having regard to the demonstrated need for improved telecommunications services in Claremorris, the lack of viable alternatives within the vicinity of Claremorris, I consider that the development at this specific location is justified. The development of telecommunications infrastructure on this site has been permitted and established since 1996 with a number of other permissions in the intervening years. I am satisfied that the proposals would contribute to continuing and providing a more reliable telephony and broadband service for commercial and residential customers in Claremorris, which has been demonstrated, is fair 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 Vodafone 4G and 5G customers. Therefore, I am satisfied that

the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, would facilitate co-location, would assist in supporting the implementation of National guidance and local policy for the facilitation and the improvement of telecommunication coverage and systems in this locality.

- 7.4.6 In conclusion, I accept the planning justification set out by the applicants, that the current site is established and permitted in relation to the provision of telecommunications infrastructure and 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, 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 existing telecommunications site has been specifically selected, having regard to the guidance offered within the 1996 telecommunication guidelines and the vegetation and mature trees/hedgerow in the vicinity of the site. The location of the infrastructure just off Convent Road, would serve the mobile coverage and broadband requirements of Castlebar, and therefore, needs to be in proximity to the town centre.
- 7.5.2 The 6-metre extension to the telecoms structure would be consistent with the design of the existing permitted lattice telecommunications structure on site. There is no space available at the height required on the existing structure to provide for the additional telecoms equipment. The lattice design of the structure provides the necessary stability as the wind can traverse through the structure and reduces the possibility of high winds interfering with the structure
- 7.5.3 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 approximately 88 metres from the nearest residential property on Convent Road and these dwellings would not have a direct aspect towards the telecommunications structure. The houses along Convent Road (west of the appeal site) are located at a somewhat higher level than 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/hedgerows in the vicinity of the appeal site, which range in height from eighteen to twenty metres, I do not consider that the extended telecommunications structure could be considered to constitute an overly dominant or overbearing feature.

- 7.5.4 In conclusion, I consider that the proposal to extend the existing telecommunications support structure on a shared brownfield site within the development boundary of the town, but somewhat removed from residential properties, the proposals to make it available for co-location to other telecommunications operators is consistent with the provisions of the Development Plan and the national planning guidance. I consider the extension of the existing telecoms support structure to be acceptable, subject to consideration of its landscape and visual impact.

## **7.6 Townscape and Visual Impact**

- 7.6.1 The appellants 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 extended telecommunications structure and compound would be located to the north-west of Claremorris town centre and within the development boundary. The appeal site is located on a brownfield site and the site levels fall gradually away from Convent Road. The applicants state that the 43.5 metre height is required 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 the existing mature trees on the perimeter of the appeal site should be retained to minimise any adverse visual impact within the local townscape.
- 7.6.3 There are large mature trees with a height ranging from approximately 18-20 metres along the perimeter of the existing telecoms infrastructure. Having regard to the existence of the mature screening in the vicinity of the appeal site where the telecom's structure would be extended, I am satisfied that the extended telecommunications

support structure would not be overly visually prominent within the local environment. It would be visible from certain parts of the town, however these views would be intermittent, given the urban built form with buildings of 2-3 storeys in height and the existence of streetlamp columns and overhead electricity wires within the town. I note that there is no direct aspect from any of the residential properties towards the appeal site. I consider that the extended telecoms structure would not form a dominant feature within the local townscape from residential properties due to the separation distances, the intervening mature trees, and the varying building heights within the local built environment. 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 townscape and the telecommunications infrastructure policies and objectives set out within Section 9.9.2.

7.6.5 Where the structure will be visible within the town locality due to its 43.5-metre height, it will generally be seen against a backdrop of the mature vegetation along the appeal site perimeter 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 43.5-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. I note the comments made by the Senior Executive Architect within Mayo County Council who considered that the proposals will not impact negatively on the streetscape and is acceptable.

7.6.6 It is acknowledged that the proposed telecommunications installation would impact upon the local townscape by virtue of the height of the extended telecom's 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 significant or materially adverse one, to warrant a refusal of planning permission.

7.6.7 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 and Built Heritage**

The nearest protected structures are the Old Parochial House which is located on the opposite side of Convent Road approximately 145 metres north-east of the appeal site and Claremorris rail station which is located approximately 460 metres south of the appeal site. I note that the Senior Executive Architect within the Local Authority was satisfied that the extended telecoms structure will not adversely impact upon the streetscape. I am satisfied that the proposed development will not adversely impact upon any of the protected structures within the town of Claremorris. 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 Claremorris.

#### **7.7.3 Property Values**

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### **7.7.4 Overshadowing**

The appellant raised the issue of overshadowing of the rear garden spaces of neighbouring residential properties. However, given the proposed extension in height is relatively modest in the context of the height of the existing telecoms structure, the separation distances from the nearest residential properties and that the proposed structure is a lattice type one which allows for light to penetrate through, I do not consider that overshadowing of neighbouring residential properties would arise to any significant extent in this instance.

### **7.8 Appropriate Assessment-Screening**

- 7.8.1 The River Moy SAC (site code 002298) is located approximately 7.8 kilometres west 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 to support the provision of telecommunications infrastructure,
- c. The general topography and townscape 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 21<sup>st</sup> day of December 2020 and by further plans and particulars received by the Planning Authority on the 19<sup>th</sup> 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 extension, 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 support 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 extension 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.

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.

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Fergal Ó Bric  
Planning Inspectorate

19th December 2022