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Bord  
Pleanála

## Inspector's Report ABP314411-22

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<b>Development</b>	Replacement of an existing 20m monopole telecommunication support structure with a 24m lattice telecommunication support structure antennae and support equipment and fencing.
<b>Location</b>	Eir Exchange Glenroe, Ballynacourty, Darragh, County Limerick.
<b>Planning Authority</b>	Limerick County Council.
<b>Planning Authority Reg. Ref.</b>	211682.
<b>Applicants</b>	Eircom Ltd (t/a eir).
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of permission.
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Eircom Ltd (t/a eir).
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> June 2023.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed site is located in a hilly rural area approximately 1 kilometre to the west of Glenroe village in the south east of County Limerick approximately 14 kilometres southwest of Kilmallock and 11 kilometres to the northwest of Mitchelstown. On the appeal site is an existing Eircom exchange with a 20 metre high monopole located in the southeastern corner of the site and an exchange building in the western area of the site. The western boundary of the site is defined by the public road the R517 Regional Route, the northern and eastern boundaries adjoin agricultural lands and the boundaries are defined by a wire fence and intermittent hedgerows. The southern boundary adjoins a residential site and the boundary is defined by a mature high hedgerow. The dwelling house on this site has frontage onto another public road and is approximately 35 metres from the existing mast structure.

## 2.0 Proposed Development

The proposed development provides for the replacement of an existing 20m monopole telecommunication support structure with a 24m lattice telecommunication support structure with antennae, dishes and support equipment and security fencing. The new mast will be located at the location of the current mast. Two ground equipment cabinets and other ancillary equipment are proposed and the existing 2.4 metre high palisade fencing will be extended around the new mast.

- 2.1. In addition to the drawing submitted with the application a cover letter was submitted outlining justification of the proposal citing difficulties in relation to current coverage, evaluation of alternative sites and national and local policy in relation to telecommunications.
- 2.2. Further information was received by the planning authority on the 7<sup>th</sup> July 2022 in relation to traffic and visual impact. The cover letter outlines the position that the nature of the topography and vegetation will reduce the visual impact, that a lattice

structure facilitates greater amounts of equipment and traffic generation after construction will be very low.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The decision of the planning authority was to refuse planning permission. One reason was stated which refers to seriously injuring the visual and residential amenity of the existing adjacent dwelling, is contrary to the 1996 Guidelines and Objective IN 05 of the existing County Development Plan and Objective IN 050 of the 2010 County Development Plan.

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

##### **3.2.1. Planning Reports**

The planning report dated the 1<sup>st</sup> February 2022 refers to the provisions of the current County Development Plan and in particular Objective EH017 relating to scenic views. Concern is expressed in relation to proximity to an adjacent dwelling. Further information was requested in relation to a Visual Impact Assessment, a preference for a monopole over a lattice structure and matters relating to traffic.

The Planning Report dated the 20<sup>th</sup> July 2022 refers to the further information and considers that the proposal would be visually obtrusive on the existing dwelling and reference is made to the 1996 guidelines and proximity to residential development. Refusal was recommended.

### **4.0 Planning History**

P.A. Ref. No. 073617. Permission granted for a 20 metre pole on the site.

P.A. Ref. No. 13416. Permission granted for retention of the 20 metres monopole mast on the site.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The relevant plan is the Limerick County Development 2022-2028 as adopted in June 2022.
- 5.1.2. Section 8.4.2 of the plan refers to Telecommunications Support Structures, Antennae and Domestic Satellite Dishes and indicates that 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).
- 5.1.3. Objective IN O5 Telecommunication Support indicates;
- 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 effects 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 which takes precedence and any subsequent guidelines.

5.2. Reference is made in the reason for refusal to the 2010-2016 as extended and to objective 050 of this plan which states in relation to facilitation of telecommunication facilities that it is the objective of the Council to support the development of telecommunication facilities and support the timely commissioning of transmission infrastructure. Proposals for the erection of masts, antennae or ancillary equipment for telecommunication purposes will take the following into account:

a) the proper planning and sustainable development of the area;

b) social, environmental and cultural impacts of the infrastructure proposed;

c) designed so that it will achieve least environmental impact consistent with not incurring expensive cost;

d) Where impacts are inevitable, mitigation features have been taken into account or in the case of European conservation sites, the facilities will only be accepted if they comply with Article 6 of the Habitats Directive, and

e) Protected areas – NHAs, SPAs and SACs, areas of archaeological potential and scenic importance, proximity to structures that are listed for preservation, national monuments etc. have been taken into account.

### **5.3. National Planning Guidelines**

- 5.3.1. Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996. Section 4.3 refers to Visual Impact and that visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location. In relation to locating along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental.

Only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and 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 guidelines further state that only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a 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.

- 5.3.2. Circular Letter PL 07/12, DoECLG 2012 This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

### **5.4. Natural Heritage Designations**

None relevant.

## 5.5. EIA Screening

5.6. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. The main grounds of appeal can be summarised as follows:

- It is submitted that the additional impact is minimal and is not contrary to the Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996 or Objective IN 050 of the Limerick County Development Plan 2010-2016 as extended or Objective IN of the adopted Limerick County Development 2022-2028.
- Reference is made to the changing nature of telecommunications demand and technology and the need to provide for 4G and 5G technology with indoor and outdoor coverage and shortfalls in coverage in the area which are affected by the topography of the area and existing other structures in the area cannot address current deficiencies.
- The grounds refer to section 4.3 Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996 which address visual impact and it contended that there is limited flexibility to secure the necessary coverage in the area, the site does conflict with designated areas and the site utilises a site already used which is referred to in the Guidelines and is located away from the village.
- In relation to Objective 050 of the County Development Plan 2010-2016 as extended and the 2022-2028 plan as adopted it is submitted that the objective as referenced is not applicable to the refusal.
- Reference is made to precedent of granting permission for similar development by the Board.

### 6.3. **Planning Authority Response**

No response

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Need for the development.
- Impact on visual and residential amenity.
- Appropriate Assessment

### 7.2. **Need for the development.**

7.2.1. The appellant has stated the need for the upgrading of the telecommunications network, that the existing service in the area is deficient and with future discontinuance of 3G and 4G there is a need to make provision for an improved service provision in the area. On the basis of the information submitted the need for an improved telecommunications network is accepted and the planning authority would also recognise this. It is also noted the applicant/appellant is making provision for sharing the proposed development and the principle of the development is acceptable. The proposal largely is in compliance with National guidance and the provisions as set out in section 8.4.2 and Objective IN O5 of the current 2022 county development plan as it will promote shared telecommunications infrastructure, applies best practice in both siting and design in relation to the erection of communication antennae and support infrastructure and will not have a serious negative impact on the visual amenity of sensitive sites and locations or a protected structure.

### 7.3. **Impact on visual and residential amenity.**

7.3.1. The reason for refusal refers to seriously injure the visual and residential amenity of the existing adjacent residential amenity referencing National guidance and objectives in the current and previous County Development Plans.



- 7.3.2. It is well recognised that placing infrastructure of this nature is challenging and this is reflected in the advice contained in Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines (the Guidelines) that it should only be as a last resort located in or in proximity to small towns and villages. However, the advice also concedes that it may be necessary and, in that event, existing utility sites should be considered and specific design solutions should be employed. The appeal site is not within a village but is in close proximity to an existing dwelling.
- 7.3.3. It is also recognised that in relation to this site that a telecommunication mast has been located on the site for in excess of fifteen years with the benefit of a planning permission on what is an existing utility site historically in use for telecommunications.
- 7.3.4. In relation to visual impact the existing mast is not visually prominent in the wider context and located in an area with a high level of screening vegetation and any visual impact is immediate to the site. An increase in height from 20 metres to 24 metres will not significantly visually impact the wider area.
- 7.3.5. The impact on the residential amenity is essentially the major issue and forms the basis of the planning authority's decision to refuse planning permission.
- 7.3.6. The issue to consider is whether the increased height and the nature of the construction altering from a monopole to a lattice type structure new location will have a detrimental effect on the residential amenities of the dwelling in terms of visual outlook. It is noted as indicated in the photomontage 4 as submitted in the further information indicates a visual relationship and that some level of increase in visual impact does arise but I do not consider that the increased height and construction of the proposed structure will not have a significant detrimental effect on the residential amenities of the dwelling in terms of visual outlook given the relative separation distance of approximately 30 metres between the dwelling and the proposed mast.

#### 7.4. **Appropriate Assessment Screening**

- 7.5. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any

European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

## 8.0 Recommendation

8.1. I recommend that permission be granted.

## 9.0 Reasons and Considerations

Having regard to

- National Planning Framework,
- the current Limerick County Development Plan 2022-2028,
- the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12,
- the existing telecoms infrastructure on the site and the established use of the site for telecommunications purposes, and
- 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 the current Limerick County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, 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 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
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	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.</p> <p><b>Reason:</b> In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p>
4.	<p>Details of the specific colour finish for the telecommunications structure shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The applicant shall also submit to and agree with the planning authority prior to commencement of development a landscaping scheme for the site which shall include an enhanced screen boundary on the southern party boundary of the site adjoining the site of the existing residential property.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area and to protect residential amenity.</p>
5.	<p>On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense.</p> <p><b>Reason:</b> In the interest of clarity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Derek Daly  
Planning Inspector

19<sup>th</sup> June 2023