



An
Bord
Pleanála

Inspector's Report ABP315107-22

Development	18 metres monopole carrying antennas, a dish, associated equipment, cabinets, fence and all associated site works.
Location	Deerpark, Ballinacarrigy, Co. Westmeath.
Planning Authority	Westmeath County Council.
Planning Authority Reg. Ref.	22/93.
Applicant(s)	Eircom Limited .
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Residents of Ballintue.
Observer(s)	Brenda Farrell nee Evans.
Date of Site Inspection	31 st March 2023
Inspector	A. Cunnane.

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Deerpark approximately 600 metres south of Ballynacarrigy, Co. Westmeath. The townlands of Ballintue and Ballysallagh are situated to the west and east of Deerpark, respectively.
- 1.2. Westmeath County Development Plan states that Ballinacarrigy is in Landscape Character Area 2; Inny River Lowlands. This landscape character area is described as the *low-lying ground around the Inny River from Finnea to Ballynacarrigy and the Royal Canal including pastoral landscapes, extensive areas of cutaway bog, industrial peat production and conifer plantations.*
- 1.3. The site is positioned within a large agricultural field, which is under pasture/grazing use. There are agricultural sheds associated with the land just inside the proposed access with the L 1902 serving road. It is proposed that the proposed development will share access with the farmyard.
- 1.4. The field within which the site is located is a designated zone of notification associated with Deerpark WM010-035.
- 1.5. Topographically the site is positioned at 95 m A.S.L. on the north-western outcrop of a ridge feature, which extends NW from Larragh Hill, therefore it is locally elevated.

2.0 Proposed Development

- 2.1. It is proposed to construct an 18-metre monopole and access ladder on a 5 metre by 5 metre concrete plinth. It is proposed to attach Eir mobile dishes and antennae to the structure. At ground level it is proposed to construct a cabinet and ancillary equipment and the overall site is proposed to be contained by a 1.5 metre post and rail stock proof fence.

3.0 Planning Authority Decision

3.1. Decision

The planning authority made the decision to grant planning permission on the 25th October 2022, subject to 5 No Conditions, of a generic nature.

The Chief Executive's decision reflects the planner's report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planners report discusses submission made on the application under the following headings: visual impact, impact on health of people, Impact on climate change and wildlife, residential amenities/value of property, archaeology and other matters.

3.2.3. Various National, Regional and County Development Plan policies are cited.

3.2.4. With reference to the Development Applications Unit' submission to the planning application, further information was requested regarding archaeology. Other items raised under the request included the following: co-location, visual amenity, arrangements for the planning officer to visit the site. Following receipt of same no further comments were received by the DAU and a recommendation to grant planning permission was made.

3.2.5. Other Technical Reports

3.2.6. Chief Fire Officer – no objection.

3.2.7. Heritage Officer

This report refers to monuments in the wider area; WM011 – 149 and WM010 034001. The Heritage Officer considers that the DAU's response is comprehensive.

3.2.8. D.A.U. (Development Application's Unit)

Report dated 7th April 2022 refers that the development is located within the zone of archaeological potential of WM 010-035 Class: Deer Park. This is described as an earthwork complex consisting of a series of linear earthworks forming small rectangular enclosures and other features *inter alia*. The D.A.U. recommended that in accordance with national policy, that an Archaeological Impact Assessment should be prepared.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Westmeath County Development Plan 2021 – 2027

5.2. The plan cites the following objectives:

Telecommunications

CPO 10.173 Support the implementation of EirGrid's Grid 25 Investment Programme, subject to landscape, residential, amenity and environmental considerations.

CPO 10.179 Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.

CPO 10.180 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 the enterprise and commercial sectors and in enabling more flexible work practices e.g., teleworking.

CPO 10.182 Support the coordinated and focused development and extension of broadband infrastructure throughout the County.

CPO 10.183 Co-operate with the Department of Communications, Climate Action and Environment and public and private agencies where appropriate, in improving high quality broadband infrastructure throughout the County.

CPO 10.184 Achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

CPO 10.185 Ensure that the location of telecommunications structures should minimise and /or mitigate any adverse impacts on communities, public rights of way and the built or natural environment.

CPO 10.186 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. 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.

CPO 10.187 Facilitate the provision of telecommunications infrastructure throughout the County in accordance with the requirements of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities”.

Tourism

CPO 6.2 Promote the development and strengthening of the overall value of Westmeath as a tourist destination by encouraging the enhancement and development of sustainable and high-quality visitor attractions, activities and infrastructure, enabling an increase in the overall capacity and long-term development of the county’s tourism industry, subject to appropriate siting and design criteria and the protection of environmentally sensitive areas.

CPO 12.87 Support the development of blue ways and associated infrastructure as part of the tourist offering of the County.

CPO 13.81 Protect and sustain the established appearance and character of views listed in Appendix 5 of this plan that contribute to the distinctive quality of the landscape from inappropriate development.

5.3. National Policy

5.4. National Planning Framework

National Policy Objective 48 states -

‘In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services

infrastructure on an all-island basis.’

The NPF sets out National Strategic Outcomes including Strengthened Rural Economies and Communities. In this regard the NPF states-

‘.....improved connectivity, broadband and rural economic development opportunities are emerging which offer the potential to ensure our countryside remains and strengthens as a living and working community’.

Regional Spatial & Economic Strategy for the EMRA

Section 11.2

‘In the information age, telecommunications networks play a crucial role in enabling social and economic activity. This RSES supports actions to strengthen communications links to develop a stable, innovative and secure digital communications and services infrastructure..’

Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

These Guidelines set out the criteria for the assessment of telecommunications structures. The relevant points to this application and appeal are summarised below.

- Planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- An authority should indicate any locations 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).
- Along major roads or tourist routes, ‘views of the mast may be intermittent and incidental, in that for the most of the time viewers may not be facing the mast.’ (Section 4.3).

- In relation to smaller towns section 4.3 of the Guidelines specifically states; ‘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.

Circular Letter PL07/12 (October 2012)

This Circular Letter revises elements of the 1996 Guidelines including- • attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease, except in exceptional circumstances.

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

5.5. Natural Heritage Designations

Lough Owel SAC (000688) is situated c. 8 km east of the site and Lough Iron SPA (004046) is situated c. 5 km NE of the site. There is a proposed Natural Heritage

Area c. 500 metres north and east of the site. There are no direct hydrological links connections from the appeal site to the said pNHA.

5.6. EIA Screening

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

The grounds of appeal are:

- The site of the proposed development is within the zone of archaeological potential of WM010-035 – Deerpark, where there is a series of linear earthworks forming small rectangular enclosures. These earthworks are contained in one large field. Possible medieval association with Balintue Castle (WMO10 – 019) 180 metres to the northwest or deserted medieval settlement (WMO010 – 040) 200 metres to the south.
- The said recorded monument is subject to statutory protection.
- Any development works planned may cause irretrievable damage to a medieval site and its' surrounding earthworks.
- Regarding local heritage and history, that lands at Deerpark should not be exposed to further damage.
- Although the development is to be located in the middle of Deerpark that any risk may fracture land integrity.
- The developer employed a Heritage Consultancy to determine if Deerpark is a protected heritage site. Also, a land survey agency conducted geophysical survey, which suggested that further archaeological work by a licensed archaeologist is required. No reports have been carried out.

- The proposed monopole of 18 metres in height will be visible to all residents on the L9102, who will be immediately impacted by the monopoles obtrusive overbearing nature.
- There are five houses directly looking onto the proposed development and it will cause serious injury to the residential area and depreciation of property.
- The proposed location of the birch trees is to give the illusion to distract visibility away from the pole and it is submitted that the pole, by virtue of its design, building works and fencing, will become the view of the landscape.
- The proposed 18 metre monopole will be out of character with the area and will be seen for a great distance and from all surrounding areas leading into the village (see attached photographs).
- No effort has been made to co-locate or cluster this development to another structure located close to the village of Ballinacarigy, which has not reached its full capacity.
- The following policy objectives are quoted: NPO 24, RPO 8.25 and the planners report is referred to and it is argued that no consultation between the developer and the wider community occurred.
- Ballinacarigy already has an established high speed fixed broadband network in situ for the last two years which provides 5G high speed broadband, and which connects all roads leading to Ballinacarigy.
- Wireless broadband has been unsuccessful in most old dwellings due to the stone walls and wired telephone broadband offers a better service. It is also submitted that the NBP has BCPs (Broadband connection points) planned locally and have been recently located at a local school.
- The National Broadband Plan is a state subsidised plan to provide high speed fibre broadband to the Country where commercial operators do not have connectivity. The residents are concerned that it is being suggested that the proposed monopole and its equipment are part of the national broadband plan and it is argued that this is misleading.

6.2. Applicant Response

- Much of the content of the application documents is reiterated. Design and technical justification for the site is reiterated.
- In terms of design, it is submitted that the proposal is a slimline un-fussy design to minimise any negative visual impacts. It is suggested that the structure could be painted fir green RAL 6009 or black, which could be applied by condition. It is also stated that there are semi mature and mature trees adjacent to site to avail of maximum screening.
- In terms of technical justification, a series of coverage maps are submitted which indicate coverage deficiencies and potential coverage improvements.
- A series of alternative sites is listed and the reason why each site was found to be unsuitable is submitted.
- In relation to archaeology and heritage it is submitted that in the planning application statement, under section 3.2, it is stated that; '*The site is situated outside a scheduled monument notification zone but within the same field as it*'.
- The Heritage Officers report (dated 20/04/2022) is referred to, which refers to recorded monuments WM011-149 and WM010 – 034001 and this report considered that the DAU's (Development Applications Unit) response was comprehensive and comments that visual impacts be addressed in other documents.
- The report received by the planning authority from the DAU (dated 07/04/2022) is referred to, wherein the details of the monuments are described. An AIA (Archaeological Impact Assessment) was requested to be prepared to assess any impacts on archaeological remains within the development site.
- On the 25/04/2022 a further information request was made by the planning authority and item 3 pertained to archaeology. This FI request required a written report by a suitably qualified archaeologist to be submitted to the planning authority *inter alia*.

- On the 26/09/2022 an Archaeology Report was submitted to the planning authority and the Dept of Housing, Local Government and Heritage accepted and approved this report.
- The planner's report is referred to regarding the AIA (Archaeological Impact Assessment) and it is stated that the planners report noted that there was no further response received from the DAU at the time of writing.
- Both public bodies responsible for archaeological heritage are completely satisfied with the Archaeological Impact Assessment Report.
- The proposed development will have no impact on any archaeological remains in Deerpark.
- The applicant is agreeable to having an archaeologist monitor below ground construction works as recommended in the Archaeological Impact Assessment Report and by the DAU in its email, if this would further allay any concerns raised by the appellant.
- In relation to visual impact, it is stated that the Visual Impact section of the planning application was made in accordance with the 'Guidelines for Landscape and Visual Impact Assessment' (2013) and that the photomontage and wire frame report submitted under the appeal should be considered.
- A description of Visual Sensitivity, Magnitude of Change and Effects on Visual Receptors is outlined.
- Telecommunications structures are usually regarded as a long-term reversible addition to the landscape.
- Four viewpoints were selected, VPs 1 to 4 at the following locations, respectively' L9102 Road Southwest of site, L9102 Road west of site, On bridge by p NHA northwest of site and Main Street northeast of site.
- No significant effect was recorded for each of the viewpoints.
- In relation to the further information request by the planning authority regarding stated anomalies in the photomontage, the planning authority accepted the revised photomontage submitted and the planners report is

referred to, which states that the proposal '*will not result in an unduly prominent form*'.

- It is referred that the nearest dwelling is 340 metres away from the proposed monopole and a previous board report (ABP 300664 – 18) is referenced, whereby a dwelling was 35 metres from a mast.
- There is no 'right to a view' in Irish planning and that the proposal does not have a severe overbearing effect.
- In relation to co-location and clustering, it is submitted that this was addressed earlier in the response to appeal submission, but the point is made that the proposed development for wireless broadband services for Eir mobile is a different and complementary technology to a fixed wire network, which mainly covers mobile phone users, whereas fixed line mainly covers buildings.

6.3. Planning Authority Response

- No response submitted.

6.4. Observations

Brenda Farrell nee Evans

- The site needs further investigation due to visual impacts on the landscape and the prominence of the proposed mast beside a local landmark known as 'The Five Trees'. It is submitted that the visibility of the mast, cabinets, signage and fencing has not been fully considered.
- The investigation into the archaeology and heritage of a historic site (WH010-035) and damage by works surrounding the area, has not been fully considered.
- The planning notice was misleading as it was located on an old wall beside works whereby the council were removing the old wall and taking out a sharp turn. It is submitted that the notice looked as if it related to Council work, and it was not obvious that it related to an entirely different application.

- The area has potential for increased tourism. The heritage of the story of the village and historical connection with Deerpark means that protecting historical assets is vital.
- Relating to visual impacts it is argued that the viewpoints submitted do not show the full visibility of the site and how it detracts from the prominent landmark in the area. A number of viewpoints are presented from various locations, including from the R393, Ballyroe, Ballasagh and the Royal Canal Greenway, Ballynacarrigy Harbour and along the L9102 and from various residential dwellings with potential views of the proposed monopole.
- The policies in the Westmeath Tourism Development Plan has an objective to 'facilitate the development of our tourism potential, through supporting the sustainable development of our natural and historic assets...'
- The amenity plan refers to restriction of development not related to farming practices and tourism in all High Amenity Areas.
- Use of the canal has increased and it has many preserved bridges and locks. This increase in use has led to an increase in local business.
- The developer employed a Heritage Consultancy in 2022 to investigate if Deerpark is a protected heritage site, however it is submitted that the site is under RMP protection since 2017.
- Concerns are raised that heavy machinery would damage the surrounding area not surveyed but could have heritage value.

6.5. Further Responses

6.6. The appellant responded to the applicant's submission to the appeal.

- It is submitted that the appellants take issue with the photomontage submitted by Eir/Entrust.
- It is argued that Viewpoint 1 shows that the monopole may be sheltered by existing trees and that this is not representative of the visual impact of the proposal.

- It is stated that Viewpoint 2 shows how the monopole will be in full view. This is more accurate of how much a blight it would be on the landscape.
- Viewpoint 3 is taken from Ballinacarrigy Bridge. It is stated that this viewpoint shows how much of a disfigurement the proposal would be. It is argued that this canal is a busy area for locals and tourists and the Famine Way from Strokestown to Dublin passes along this route.
- Regarding Viewpoint 4 it is stated that this is taken from Ballasalagh and not as described in the document. This view shows the monopole in plain sight.
- It is argued that Entrust cherry-picked the photomontages that suited them. The residents fail to see how the Viewpoints presented have low impact.
- A statement on the Entrust submission, on page 4 is refuted. It refers to a *'minor loss or alteration of one or more key landscape features', inter alia*. It is argued that this is of great concern and is a broad sweeping statement that untold damage could be done.
- It is submitted that the proposed monopole would directly impact the lives of residents in a myriad of ways and it would have a deleterious impact on the value of house prices in the area.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Justification for the development
- Visual & Residential Impact
- Archaeology
- Access
- Other Issues (Health, Site Notice)
- Appropriate Assessment

7.2. **Justification for the development**

- 7.3. The point is made under the appeal submissions and under observations that there is no requirement for the proposed structure. The appeal submissions and the observation to the planning application state that wired, and fibre optic broadband offers higher quality broadband to homes in the area and many residents working from home avail of this. It is submitted that there is no requirement for the monopole for this reason. The appellant also refers to the NBP, the National Broadband Plan, which promises to have 95% completion by 2027.
- 7.4. In the response to the appeal the agent for the applicant outlines the differences between a fixed line broadband network under the National Broadband Plan and wireless broadband services to be provided for mobile phone users. The difference is referred to as 'different and complementary technology'. I consider that the objective for the proposed development is clearly to provide service to mainly mobile phone users.
- 7.5. The appeal submission and observation to the planning authority raises the issue of justification with regard to another telecommunications structure, which is located in the village of Ballinacarigy.
- 7.6. The applicant's response to the appeal has set out 6 No alternative sites, which for various reasons do not satisfy the requirements of the applicant. In relation to the nearest site, which was considered for co-location it is stated that the site is too far away from Eir's search area at 3.3 km. Additionally, it is stated that this site already has Eir and Vodafone collocated on it and the existence of high trees block Eir's signal to the south, from the point of the slot that is available on the structure. An additional alternative site was also considered, whereon Eir, Three and Vodafone are co-located but at 7 km from the Eir search area, the site is stated to be too far away.
- 7.7. A number of local alternatives were also assessed under the site selection process and reasons are presented for why they were unsuitable.
- 7.8. Coverage maps submitted clearly indicate low coverage zones in the area and they also show potential improvement in terms of coverage to the search area. It is apparent that the improvements extend beyond the immediate environment of the site and beyond the local residential area.

7.9. It would appear from the evidence that the proposed monopole would address these problems and I would therefore consider that the proposed development is justified and should be generally considered favourably subject to the specific locational and design requirements and other planning matters being considered.

7.10. **Visual and Residential Impacts**

7.11. Under the appeal submissions it is indicated that the area is a High Amenity Area. I have consulted with the Westmeath County Development Plan 2021 - 2027, (To be referred as the CDP) hereafter, and in particular to the High Amenity Areas Map No 64 therein, and I confirm that the appeal site is not in an area designated as being of High Amenity under the said plan.

7.12. Appendix 5 of the CDP lists 36 Protected Views (CDP, Map 68), which are categorised according to their significance, at national, regional, county and local level. There is a locally significant view from the Hill of Larragh, which is described as *Panoramic view from Hill of Laragh from the local road L-5905 as it curves around the highpoint at Larragh Hill*. This locally significant view is positioned c 1.8 km southeast of the appeal site. It has a spot height of 123 metres ASL. There is an intervening outcrop along the ridge which runs towards Ballinacarrigy, with a spot height of 105 metres. Given the distance between the designated local view and the undulations of the landscape between the two points; the appeal site and the view, and given the monopole nature of the proposed structure, I do not consider that the proposal would detract from views from the Hill of Larragh, nor would it conflict with objectives to preserve such views.

7.13. It is noted that the Royal Canal c 500 metres north and east of the site is a designated proposed Natural Heritage Area (CDP Map 60). It also has established public rights of way (CDP, Map 73) and is indicated under the Green Infrastructure Network also (CDP, Map 74). The Royal Canal Way is also described as a Scenic Route under the plan; in describing blue ways under section 12. 23 the plan states; *'They provide scenic routes by canoe, bike or on foot'*.

7.14. I understand the concerns raised under the appeal submissions relating to visual amenity from local residents and the concerns raised specifically about the Royal

Canal Walk and the importance of preserving the natural and historic assets of the area in addition to tourism/business interests of the area.

- 7.15. The planning application and the appeal submissions contain detailed photomontage of the area of the site and surrounding viewpoints. Having inspected the site and the area, it is apparent that the site location is locally elevated. There are a number of viewpoints in the surrounding landscape where the site is visible, however there are equally a lot of areas, from which the appeal site is not visible due to the topography and rolling undulations of the landscape, in addition to natural vegetation and the built environment. I note that the majority of viewpoints, which have visibility of the site, have the benefit of significant separation distances between the various viewpoints and the proposed monopole, such that the insertion of an 18 metres monopole, whilst visible, could not be considered to be unduly dominant, overbearing or incongruous.
- 7.16. With regard to the Royal Canal green and blue way, which runs in a north-westerly direction from c. 400 metres east to c. 500 metres north of the site, on the date of inspection, I deduced that there are certainly areas where vegetation/hedgerow/trees along the canal bank walk have the impact of being a visual barrier to the site. The direction of walking given the orientation of the canal is in a southeast/northwest direction, therefore visibility splays for walker's cyclists are most likely towards the southeast/northwest axis along the canal.
- 7.17. There are gaps in vegetation along the Royal Canal whereby visibility of the copse of trees is possible, which indicates that the proposed monopole would be visible on an intermittent basis. Naturally, views change as the observer moves around. For example, the copse of trees adjacent to the site and as referred to under appeal submissions, is visible from the north side of Ballinacarigy Bridge, however from a position a few metres south, towards the L1902, across the bridge to the south side, all visibility of the appeal site and adjacent copse of trees is lost.
- 7.18. I consider that given that the site is elevated, which is also a functional requirement, that there are going to be viewpoints, which are clearly visible to observers. However, I do not consider that intermittent visibility of the proposed 18 metre monopole along with ancillary equipment alone, would detract from, negatively impact or seriously injurious to the visual amenities of the area.

- 7.19. With regard to tourism in the area, I consider that it is reasonable to deduce that enhanced mobile coverage, would be advantageous. I consider that the proposal would not conflict with tourism objectives/policies as cited within the CDP.
- 7.20. I note that the point is raised under the appeal submissions, that the copse of trees, which is adjacent to the appeal site, is perceived as a landmark site locally. While I appreciate that the copse of trees is quite a distinguishable feature of the landscape (Which do not have a Tree Preservation Order attached as per Appendix 7 of the CDP), but I do not consider that the inclusion of an 18-metre monopole structure, adjacent to the said copse of trees, would significantly detract from the aesthetic value of the trees/landscape. I note that the proposal does not intend to remove the said trees, which are outside the appeal site. However, I concur with the applicant in that the said copse of trees provides a form of screening of the structure, from certain viewpoints.
- 7.21. I note that along the L1902 there are a number of residential dwellings. Whilst travelling along this route, the high stone wall on the east side of the road has the effect of being a visual barrier to the appeal site, although there are sporadic locations where there is a break in the wall structure, which allows for intermittent views from the roadside. I accept that there are several dwellings that straddle this route, which are set back from the route, and which would have visibility of the appeal site. I also note that there are some dwellings in Ballinacarrigy village that would have sight of the proposed monopole and ancillary equipment. However, I consider that visibility alone of such a structure, at such distances would not give rise negative residential amenity impacts. Given the separation distances between the row of dwellings along the L1902 route and dwellings in Ballinacarrigy, to the appeal site, in conjunction with the monopole nature of the structure, I do not consider that the proposal would be dominant or overbearing or have a such a negative impact on said properties, such that depreciation of value of properties would occur. I consider that it would be appropriate to request the applicant, by way of condition of permission, to implement a landscaping scheme, in order to screen the ancillary structures associated with the proposed monopole.

7.22. **Archaeology**

- 7.23. The field within which the site is located is a designated zone of notification associated with Deerpark WM010-035. The wider environs surrounding the site also comprises a number of recorded monuments. The planning authority, on foot of a submission from the D.A.U. Dept of Housing, Local Government and Heritage requested that an Archaeological Impact Assessment be prepared by a suitably qualified archaeologist in order to assist the Planning Authority and the office of the D.A.U. to prepare an appropriate archaeological recommendation before a planning decision be made.
- 7.24. As part of the response to the further information request an Archaeological Impact Assessment (AIA) which was based on a geophysical survey, a desk study and archaeological testing, was submitted to the planning authority. Under this process it is stated that test excavation was carried out and that the area of the base of the monopole was completely excavated and the trench required for cabling was also archaeologically examined. The report states that no in-situ soils, features, deposits, strata or structure of archaeological origin were identified in the course of the test excavation, in any of the trenches opened. The report states that features that form part of RMP WM010-035 do not extend to the appeal site area.
- 7.25. The AIA report also states that there is a low risk of any archaeological activity within the proposed development area and that direct negative impacts on any archaeological features or deposits is not anticipated. Therefore, the report deemed that no further archaeological mitigation is required.
- 7.26. I note that the planning authority did not stipulate an archaeological monitoring condition on its decision to grant planning permission. Having considered the reports on file, including the Heritage Officers Report and the report of the D.A.U. and having considered that the D.A.U. had no further comments following receipt of the further information reply, I am satisfied that no archaeological features were discovered during the trench testing process and that the proposed development would not unduly impact any archaeological features within the subject site.
- 7.27. With regard to access to the site and any potential for disturbance during the construction phase, I am conscious that the archaeological testing took place at the site of the proposed monopole. In the interest of protection of archaeological heritage, I consider it appropriate, under the precautionary principle, to apply a

standard archaeological condition, which would safe guard any archaeological materials, which may arise outside of actual site and in the environs of the access track and in addition to the site itself.

7.28. Access/Sight Distances

7.29. The proposed access to the site is via an existing agricultural entrance. I note from inspection and from submissions on file that there appears to have been works carried out increasing the roadside margin to the south of the existing access, which improved sight distances from the south. I am satisfied that construction access will only be required for a relatively short period, and after that such a structure would generate only very occasional traffic. I am satisfied that the proposal is acceptable from an access/traffic safety perspective.

7.30. Other Issues

7.31. Site Notice

7.32. A point is raised under observations to the appeal that the site notice was alleged to be misleading and there was road works/construction activity in the area at the time it was erected. I note that the planners report states that the site notice was satisfactorily erected and in accordance with Article 19 (1) of the Planning and Development Regulations 2001 (as amended).

7.33. I conclude that statutory requirements relating to public notice have been met.

7.34. Health/Biodiversity

7.35. The Commission for Communications Regulations (ComReg) is the statutory body responsible for the regulation of radiation emissions. Compliance with emission limits in respect of regulation is regulated nationally by ComReg and health issues are not a matter for An Bord Pleanála in determining and deliberating on the application proposed. Regular measurements of emission levels are required to comply with International Radiation Protection Association and Guidelines. While I acknowledge the concerns expressed under observations to the planning application, this is a matter for ComReg. I would also note that Circular PL07/12 states that Planning Authorities should primarily be concerned with the appropriate location and design of telecommunication structures and do not have competence for health and safety

matters in respect of telecommunications infrastructure, either with respect to human or animal health.

7.36. Appropriate Assessment

7.37. Having regard to the limited nature of the proposed development and the nature of the receiving environment and the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the development.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development for the construction of an 18 metre monopole structure carrying telecommunications equipment with ancillary ground equipment, the proposed development would be in accordance with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996 and with the policies and objectives of the Westmeath County Development Plan 2021-2027, and would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 4th of March 2022 as amended by further plans and particulars submitted on the 28th of September 2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping shall be carried out no later than the first planting season following commencement of development on site. Existing hedgerows, trees and shrubs on site shall be preserved. All planting shall be adequately protected from damage until established. Any plants which die or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>Details of the material finish and colour of the telecommunications support structure and associated equipment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The applicant shall provide and make available at reasonable terms, the proposed communications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.</p> <p>Reason: In the interests of visual amenity and the proper planning and development of the area.</p>
6.	<p>(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.</p> <p>(b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of orderly development.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p>

(a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Aisling Cunnane

Planning Inspector

15th May 2023