



An
Bord
Pleanála

Inspector's Report ABP-315360-22

Development

Erection of an 18m high monopole telecommunications structure together with antennas, dishes, and associated telecommunications equipment and removal of a 15m high monopole telecommunications structure.

Location

Eir Exchange, Gweesalia, Co. Mayo

Planning Authority

Mayo County Council

Planning Authority Reg. Ref.

22/873

Applicant(s)

Eircom Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 8 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Joe Kirwan & Others

Michael Coyle

Thomas Goonan

Fr. James Cribben & Others

Francis Moran

	Tom Gaughan
Observer(s)	None
Date of Site Inspection	7 th March 2023
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located centrally within the village of Gweesalia, some 10.5km to the west south-west of Bangor and the junction between the N59 and the R313. This site lies to the north-west of a car park, which is situated to the rear of a two-storey hotel that fronts onto the L1206. It overlaps with an existing site of a 15m high monopole telecommunications structure, which is set within an enclosed compound beside a small utility building. Beyond this site to the north-east is a helicopter landing pad.
- 1.2. A crossroads to the south of the hotel is in the village centre. A community centre, a children's playground, a public house, and a shop, all cluster around the crossroads, and a post office lies nearby. The roads radiating out from this crossroads are accompanied by single and two-storey detached dwelling houses. Opposite the hotel lies a small housing scheme of two-storey semi-detached dwelling houses.
- 1.3. The site itself is of regular shape and it extends over an area of 0.0133 hectares. This site overlaps partially with the applicant's existing operational telecommunications site, otherwise it is down to grass. The site is enclosed on three of its four sides, i.e., to the north-east by the existing enclosed compound, to the north-west by a mature row of coniferous trees, and to the south-west by a hedgerow and a row of semi-mature deciduous trees.

2.0 Proposed Development

- 2.1. The proposal would entail the erection of a replacement 18m high monopole telecommunications structure, which would support 3 no. relocated emergency services antennae and the antennae and dishes of two proposed operators. This structure would be mounted on a 6.2m x 6.2m concrete pad and it would be accompanied by ancillary equipment, i.e., ground equipment cabinets, cable ladders, and a gantry pole, all of which would set within an enclosed compound.
- 2.2. The proposal would also entail the removal of the existing 15m high monopole telecommunications structure, once the replacement 18m high monopole telecommunications structure is in-situ.

3.0 Planning Authority Decision

3.1. Decision

Planning permission granted, subject to 8 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner's report accepts that the proposal would be appropriate on the existing established telecommunications site and that its additional height over the one that it would replace would not have a significant visual impact. Health concerns are not material planning considerations, and minimum separation distances from dwelling houses are not applicable.

3.2.2. Other Technical Reports

Mayo County Council: Area Engineer: No objection.

4.0 Planning History

- 08/1317: Erect a 15m support pole to carry 3 no. radio aerials for use by the emergency services together with associated equipment for a new national digital radio service at the Eircom exchange: Permitted.
- 13/416: Continued use of items permitted under 08/1317: Permitted, subject to appeal PL16.242642, which omitted a contributions condition.

5.0 Policy and Context

5.1. National planning policy

- National Development Plan 2018 – 2027
- National Planning Framework 2020 – 2040
- Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letters PL 07/12.

5.2. Regional Spatial & Economic Strategy

Under the Regional Spatial & Economic Strategy for the Northern and Western Region 2020 – 2032, Regional Policy Objective (RPO) 6.36 states: “Support the roll-out of the National Broadband Plan within the lifetime of this strategy and grow the regional digital economy.”

5.3. Development Plan

Under the Mayo County Development Plan 2022 – 2028 (CDP), Gweesalia (Gaoth Saile) is identified as a Tier 5 rural village and the site is shown as lying within the settlement consolidation zone.

Under the Landscape Appraisal for County Mayo, the site lies within the landscape character area B known as the North-West Coastal Moorlands and in the Policy Area 2 known as Lowland Coastal Zone.

Gweesalia also lies in the north-east corner of a “square” scenic route, which is centre on Rath Hill to the south-west.

Under Section 8.10 of the CDP’s development management volume, telecommunications are addressed as follows:

The Council recognises the importance of telecommunication infrastructure which is important in removing the peripheral barrier that the county experiences. It is also recognised that the location of telecommunication infrastructure is dictated by service provision and hence each application will be determined on its own merits. Planning applications relating to the erection of antennae and support structures shall be accompanied by:

- *A reasoned justification as to the need for the particular development at the proposed location in the context of the operator’s overall plans for the county having regard to coverage.*
- *Details of what other sites or locations in the county were considered, and reasons why these sites or locations are not feasible.*
- *Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it is not*

possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered; and

- *Detailed proposals to mitigate the visual impact of the proposed development, including the construction of access roads, additional poles and structures. Where possible they should be located so as to benefit from the screening afforded by existing tree belts, topography or buildings. On more exposed open sites, the Council may require an alternative design or colour finish to be employed, unless where its use is prohibited by reasonable technical reasons.*

5.4. Natural Heritage Designations

- Mullet/Blacksod Bay Complex SAC (000470)
- Blacksod Bay/Broad Haven SPA (004037)

5.5. EIA Screening

The proposal is for a telecommunications structure with antennae and dishes. As such, it does not come within the scope of any of the Classes of development that are potentially the subject of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Joe Kirwan & Others

- The appellant's two brothers resided in the adjacent bungalow to the site. They died at a young age from cancer. The appellant feels that their deaths are associated with the existing telecommunications structure.
- The existing structure is an eyesore, which fails to enhance the village's attractiveness to visitors. It devalues properties.

(b) Michael Coyle

- The appellant and his business partner own the hotel, which is adjacent to the site. He reports that the existing structure has a detrimental visual effect upon

the ambiance of the hotel. Its replacement with a taller structure would only worsen this effect.

- Concern is expressed that, during the construction phase, the adjoining car park would be disrupted, and landscaping may be disturbed.

(c) Thomas Goonan

- The existing structure was erected “overnight”, and its site notice was not visible.
- Since this structure was erected, four young people have died of cancer.
- It is unsightly.

(d) Fr. James Cribben & Others

- The existing structure is inappropriately sited within a rural scenic tourist village. It is unsightly and prominent. Its replacement with a taller structure would only add to its adverse visual impact.
- While studies report that there is no adverse effect upon health from living near to a mast, local residents are not reassured, and the prospect of the proposal is leading to anxiety and anger in the community.
- This appeal is accompanied by a petition of objection bearing 57 signatures.

(e) Francis Moran

- The existing structure was erected without public consultation. It is close to the appellant’s dwelling house, which she would not have constructed had she known this structure was going to be erected nearby.
- Concern is expressed that under windy conditions, the higher mast proposed would be noisy.
- The existing mast towers above surrounding dwelling houses and its replacement with a taller one would do so, only more so.
- The proposed mast would need to be screened.
- Concern is expressed over the impact of any construction period upon the appellant’s residential property.

- Alternative sites are available in the wider locality.
- Concern over cumulative radiation levels is expressed.
- Would the applicant arrange for the independent measurement of radiation prior to the replacement of the existing mast? The appellant's husband died of cancer, and she is concerned for her young son's health.
- The taller mast would be more visible, and it would worsen the adverse effect of the existing one on property values.
- The taller mast would be detrimental to the business prospects of the adjacent hotel, which has recently reopened.

(f) Tom Gaughan

- The appellant is one of the joint registered owners of land to the north-east of the site.
- A taller mast on the site would be inappropriate within a scenic area.
- A question mark over the health implications of an existing mast would only be underscored by the taller mast now proposed.
- The proposed taller mast would devalue the appellant's land and damage his prospects of being able to develop this land to provide a family home thereon.

6.2. Applicant Response

The applicant begins by outlining how, under its proposal, the coverage afforded to the emergency services would improve. An accompanying letter from Tetra Ireland confirms that this improvement would arise. It would also provide the opportunity for Eir to improve its 4G coverage to Gweesalia and to provide 5G coverage.

The applicant explains that it is not feasible to extend the existing monopole and the nearest alternative mast, at Aughness c. 7km to the south-east, is too far away to achieve the coverage needed. It also explains that technical constraints limit its options, and the existing site has an established telecommunications use.

The applicant reviews national and county policies, which are supportive of the provision of high-speed broadband services. The CDP acknowledges the need to

resolve deficits in the provision of such services and the importance of the same from economic and social perspectives.

The applicant draws attention to similar proposals that have been granted by the Board at appeal, e.g., ABP-309019-20, ABP-309359-21 & ABP-309594-21.

Turning to the appellants' grounds of appeal, the applicant responds as follows:

- Health

The Commission for Communications Regulations (ComReg) is responsible for ensuring that operators comply with the licensing conditions relating to non-ionising radiation. The applicant's existing does and its proposed equipment will comply with these conditions.

The TASS Guidelines advise against specifying minimum separation distances between masts and dwelling houses, and they advise that health issues are not material planning considerations.

- Visual impact

Extracts from the TASS Guidelines are cited to the effect that the siting of masts should avoid terminating views, their presence within views may be intermittent and incidental, local factors can help mitigate visual impact, and utility sites can be considered.

The proposal would result in a higher mast only, which would accord with the aforementioned extracts, and thus avoid any significant increase in visual impact.

- Devaluation of property

The applicant draws attention to previous appeal cases in which the question of any effect upon property values is discussed. It contends that, where coverage is lacking, this can have a negative effect on values.

- Construction noise and hours

Conditions are invited.

- Adverse impact on tourism

To the contrary, the availability of good quality communications will enhance the experience of tourists.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the National Development Plan 2018 – 2027 (NDP), the National Planning Framework 2020 – 2040 (NPF), the Telecommunications Antennae and Support Structures (TASS) Guidelines as revised by Circular Letter PL 07/12, the Regional Economic & Spatial Strategy for the Northern and Western Region (RESS), the Mayo County Development Plan 2022 – 2028 (CDP), the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Policy objectives, need, and planning history,
- (ii) Health considerations,
- (iii) Visual impact, tourism, and property values,
- (iv) Other amenity and practical considerations, and
- (iv) Appropriate Assessment.

(i) Policy objectives, need, and planning history

7.2. The NDP has, as a fundamental underlying objective, the need to prioritise the provision of high-speed broadband. Objective 48 of the NPF undertakes to “develop a stable, innovative and secure digital communications and services infrastructure on

an all-island basis.” Likewise, Objective RPO 6.36 of the RESS echoes these national objectives at the regional level. Locally, under Section 8.10 of the CDP, the Planning Authority “recognises the importance of telecommunication infrastructure which is important in removing the peripheral barrier that the county experiences. It is also recognised that the location of telecommunication infrastructure is dictated by service provision and hence each application will be determined on its own merits.” The applicant states that its proposal would promote the rollout of high-speed broadband services in line with the above cited objectives.

- 7.3. The applicant has submitted a letter from Tetra Ireland, which comments on the relocation of the existing emergency services antennae from the existing monopole telecommunications structure to the proposed one. This letter states that with the increase in height that would ensue an improvement in coverage would be achieved, including the extent of overlap with adjacent sites in the event of network faults.
- 7.4. The applicant has also submitted extracts from the ComReg coverage map, which illustrate that Eir’s 4G coverage is “fringe” and its 5G coverage is “nil” in Gweesalia. The proposed telecommunications structure would provide the opportunity for these deficiencies in coverage to be overcome.
- 7.5. The applicant explains that it would not be feasible to extend the existing monopole telecommunications structure and so the proposed one is needed if the above cited benefits are to be secured. It also explains that the nearest alternative existing telecommunications site is too far away to provide, the needed coverage.
- 7.6. Several of the appellants query the adequacy of the public consultation exercise that occurred when the original application (08/1317) was made for the existing telecommunications structure on the site. The Planning Authority validated this application, and on its website there is a photograph of the site notice. Likewise, it validated the subsequent application for a continuation of this monopole in-situ. Both applications were permitted. I, therefore, accept that the existing telecommunication structure is authorised for planning purposes, and so its site is an established one for such usage. In line with the advice of the TASS Guidelines, its further development for on-going telecommunications may be appropriate.
- 7.7. I conclude that the proposal would, in principle, accord with relevant national, regional, and local policies that promote the provision of telecommunications

infrastructure. I conclude, too, that the applicant has demonstrated the need for this proposal and that an alternative existing site would be unsuitable for it. The existing monopole telecommunications structure is authorised, and its replacement with a taller monopole can be considered under the TASS Guidelines.

(ii) Health considerations

- 7.8. The appellants express serious health concerns over the possible effects of the existing telecommunications structure. The applicant has responded by drawing attention to the remit of ComReg to ensure that operators' run their telecommunications equipment within licensing conditions designed to safeguard human health.
- 7.9. I note that, under Circular Letter PL07/12, planning authorities are expressly advised that they "do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process." I note, too, that this Circular Letter also advises that planning authorities should not establish minimum separation distances between telecommunications infrastructure and dwelling houses and schools. Such distances can "inadvertently have a major impact on the roll out of a viable and effective telecommunications network."
- 7.10. In the light of the foregoing advice, I conclude that health concerns prompted by the proposal and its predecessor are not material planning considerations, and, in principle, the proximity of the site to dwelling houses is not in and of itself a sustainable ground of objection to the current proposal.

(iii) Visual impact, tourism, and property values

- 7.11. The applicant has submitted elevations of the existing and proposed monopole telecommunications structure. The existing monopole is 15m high with 3 no. 3.1m high antennae supported from its top. The proposed monopole would be 18m high. Three relocated 3.1m high antennae would be installed on the top of it. Additionally, from a height of 12m to 18m on the monopole 2 no. sets of antennae and dishes would be attached for proposed operators.
- 7.12. Visually, the proposed monopole would be 3m higher than the existing one, which it would replace, and the additional equipment that would be installed over its top third would cause it to appear bulkier.

- 7.13. During my site visit, I observed that the existing monopole is visible in its entirety only briefly from the local road to the south-west across a vacant infill site and from within the hotel car park. Due to the presence of trees and hedgerows around two sides of the site and due also to the presence of buildings within the site's vicinity, the visibility of the existing monopole is partial and intermittent.
- 7.14. Under the proposal, the replacement monopole would be sited in virtually the same position as the existing one, it would be 3m (20%) higher and it would be bulkier across the upper third of its height. Consequently, its streetscape and visual impacts would be greater. With respect to the former, the similarity in siting would facilitate its absorption into the streetscape. With respect to the latter, I do not consider that, relative to the visual impact of the existing monopole, a significant increase would occur.
- 7.15. Several appellants express concern that the existing and proposed monopoles detract/would detract from the appeal of Gweesalia for tourists, especially those staying in the adjacent hotel. The applicant has responded by stating that tourists expect/welcome the connectivity that comes only with the telecommunications infrastructure that is typified by the proposal. By implication, it suggests that there is a "trade-off" between optimal visual amenity and the convenience of good-quality connectivity.
- 7.16. Several appellants also express concern that the existing and proposed telecommunication monopoles adversely affect/would adversely affect property values. The applicant responds by drawing attention to how, in the absence of connectivity, property values can fall or at least not be optimised. In the light of my conclusion that the proposal would be compatible with the visual amenities of the area, I do not anticipate that property values would be adversely affected, and the possibility exists that they may be enhanced by improved and new levels of connectivity.
- 7.17. I conclude that the proposal would be compatible with the visual amenities of the area, it would serve the needs of tourists as well as local residents and businesses, and it would be unlikely to adversely affect property values.

(iv) Other amenity and practical considerations

- 7.18. Appellant (e) expresses concern that the proposed monopole would, due to its additional height, be noisier than the existing monopole in windy conditions. I do not anticipate that the addition of 3m in question would have an appreciable effect in this respect.
- 7.19. Appellants (b) and (e) express concerns over the impact of any construction period. The former cites the functioning of the car park, which serves his hotel, and the latter the amenities of her residential property. I consider that both sets of concerns would be capable of being addressed by a construction management plan, which should be conditioned under any grant of permission.
- 7.20. I conclude that other amenity and practical considerations should be addressed by means of a construction management plan.

(iv) Appropriate Assessment

- 7.21. The site is neither in nor beside any European site. The proposal is essentially for the replacement of an existing telecommunications monopole structure with a taller one on virtually the same site. Accordingly, it would not raise any appropriate assessment issues.
- 7.22. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no appropriate assessment issue arise as the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to:

- The National Development Plan 2018 – 2027,
- Objective 48 of the National Planning Framework 2020 – 2040,

- Objective 6.36 of the Regional Spatial & Economic Strategy for the Northern and Western Region 2020 – 2032
- The Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, and
- Section 8.10 of the Mayo County Development Plan 2022 – 2028,

it is considered that, subject to conditions, the proposal would contribute to the roll out of broadband services in accordance with national, regional, and local objectives. The visual impacts of this proposal would be compatible with the amenities of the area. Other amenity concerns would be capable of being addressed under a construction management plan. No Appropriate Assessment issues would arise. The proposal would, therefore, accord 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. 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>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction</p>

	<p>practice for the development, including hours of working, noise management measures, access to the site through the hotel car park, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
4.	<p>Within 4 weeks of the commissioning of the proposed 18m high telecommunications structure, the existing 15m high telecommunications structure shall be dismantled and removed from the site.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the telecommunications structure, subject to the provisions of Class 31 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 (as amended).</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p>
6.	<p>On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed, and the site reinstated within 3 months of decommissioning.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>

Hugh D. Morrison
 Planning Inspector

31st March 2023