



An  
Bord  
Pleanála

## Inspector's Report ABP-318574-23

<b>Development</b>	<i>To erect a 24m high telecommunications lattice structure together with antennas, dishes, and associated telecommunications equipment, all enclosed by security fencing and construction of new turning area and access track.</i>		
<b>Location</b>	<i>Monaman Upper, Lismore, Co. Waterford</i>		
<b>Planning Authority Ref.</b>	<i>2360141</i>		
<b>Applicant(s)</b>	<i>Vantage Towers Limited</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Grant Permission.</i>
<b>Type of Appeal</b>	<i>Third</i>	<b>Appellant</b>	<i>William &amp; Mary Power Ian and Nicola Kearney Mary Rose Richardson</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>08/03/2024</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

### Context

**1. Site Location/ and Description.** The site is located in an isolated rural area in the townland of Monaman Upper which is located to the north east of Lismore. Access to the site is via a laneway which goes through a cluster of farm buildings.

The proposed mast is to be located in the corner of an agricultural field and adjacent to the access lane which serves the site. There is sporadic rural housing in the area.

**2. Description of development.** The proposed development comprises of

- a 24m high telecommunications mast
- together with antennas, dishes, and
- associated telecommunications equipment

I note with respect of the above that the design of the said mast was altered to a monopole type structure upon response to a further information request.

**3. Planning History.**

None of relevance

**4. National/Regional/Local Planning Policy**

**The Waterford City & County Development Plan 2022-2028**

*Visual Designations*

The site is zoned with a “Low Sensitivity” classification in the Landscape and Seascap Character Assessment of the Waterford City & County Development Plan 2022-2028. A “Low Sensitivity” classification is defined in Appendix 8 of the Plan where it is described as

*‘A large area of County Waterford is designated as a landscape of low sensitivity. These areas have potential to absorb a wide range of new developments subject to normal planning and development control procedures’*

*Utility, Energy & Communication Policy Objectives*

Policy UTL 16 ICT/ Communications

We will work in collaboration with service providers to deliver a more enhanced connectivity service experience in a way that protects our footway and road surfaces and delivers the economic and community benefits of technology. We will facilitate the continued provision of communication networks, smart infrastructure, broadband and appropriate

telecommunications infrastructure and services, subject to environmental considerations, in order to contribute to economic growth, development, resilience and competitiveness. In considering proposals for such infrastructure and associated equipment, the following will be taken into account:

- The installation of the smallest suitable equipment to meet the technological requirements,
- Solutions to deliver shared telecommunication physical infrastructure in new development to facilitate multiple service providers at a non-exclusive basis and at economically sustainable cost to service providers and end users,
- Concealing or disguising masts, antennas, equipment housing and cable runs through design or camouflage techniques; or
- A description of the siting and design options explored and the reason for the chosen solution, details of the design, including height, materials and all components of the proposals,
- A landscaping and screen planting plan (if appropriate),
- An assessment of the cumulative effects of the development in combination with existing equipment in the area; and a visual impact assessment (if relevant).
- Proposed development will be required to have regard to the “Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, 1996 and Circular Letter PL07/12” issued by the Department of the Environment Heritage and Local Government and to any subsequent amendments as may be issued.

*Policy DM 30 Development Management*

- In evaluating applications for telecommunications installations, the Council will have regard to “Telecommunications Antennae & Support Structures Guidelines for Planning Authorities” (1996), and Department Circular PSSP 07/12.

- Co-location of such facilities on the same mast or cabinets by different operators is favoured to discourage a proliferation, and co-location agreements to be provided where possible. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters.

### **Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)**

- These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a high- quality telecommunications service. At 4.3 it is stated that “the 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, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives 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 structures 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.

### **Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12**

- Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. Planning authorities should be primarily concerned with the appropriate location and

design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

#### **5. Natural Heritage Designations**

- The nearest designated site is the Blackwater River SAC (Site Code 002170) which is 1800m to the south of the site

### **Development, Decision and Grounds of Appeal**

**6. PA Decision.** Permission was granted for the said development. The following conditions are noted:

Condition 2: The developer/applicant shall provide and make available, on reasonable terms, the support structure for the provision of mobile telecommunications antennae of third- party licensed mobile operators.

**Reason:** To avoid a multiplicity of masts, in the interests of visual amenity and in the interests of the proper planning and sustainable development of the area.

Condition 12: Prior to the commencement of any development on site landscaping proposals to screen the proposed compound shall be submitted for the written approval of the Planning Authority.

**Reason:** In the interests of visual amenity and preservation of the natural character of the area having due regard to the elevated nature of the site.

Condition 13: Details of the proposed colour scheme for the ancillary structures and palisade fencing shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

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

**7. Internal Reports**

None received

**8. External Reports**

None received

**9. Submissions**

*There are 6 valid submissions on file which in summary raise the following issues*

- Proximity to residential dwellings
- The need for the mast having regard to similar existing structures in the area
- Impact upon visual amenities; tourism, the environment and employment
- The height, having regard to the elevated nature of the site and the scenic quality of the area
- Lack of details submitted about the antennae/dishes
- Health impacts
- Noise Impacts
- Devaluation of property
- The efforts of the local community work to create a habitat for bird species and the impact the mast will have on the same
- Lack of public consultation process

**10. Grounds of Appeal**

There are three third party appeals as follows:

William & Mary Power (received 30<sup>th</sup> November 2023)

- That they are the nearest neighbours and that it will impact upon their own private amenity space at the rear of their home due to its scale and height
- There are other telecommunications masts in the area and there is no justification for the proposed development.
- St Declan's Way is in close proximity to the mast

- Structure is too high and that no justification for its height has been submitted. Monamon Upper is very windy and exposed and there are no trees planted close to the mast
- A lower height of 15 metres would meet the requirements of the operator.

Ian and Nicola Kearney (received 30<sup>th</sup> November 2023)

- That the change to a monopole type structure at further information stage is welcomed
- That the height of the proposed mast is still excessive in this upland location
- Nowhere in the application has the height of the mast been justified. The appeal recommends that a monopole 15 metres in height should be more than adequate to facilitate all the necessary requirements

Mary Rose Richardson (received 4<sup>th</sup> December 2023)

- With respect to condition 12, which imposes a requirement for landscaping , she states that trees interrupt shorter wave lengths used in 5G
- That felling of currently existing trees is at odds with climate change.
- That the structure cannot be camouflaged with greenery to a height of 24 metres
- Loss of tourism
- Impact to wildlife from radiation
- The newly approved Melleray Pilgrim Paths are close by
- Noise Pollution
- Reception of telecommunications services is already instant and efficient in surrounding areas

#### **11. PA Response (received 10<sup>th</sup> January 2024)**

- That the height and the location of the development has been justified having regard to the Comreg information submitted.
- That the Planning Authority sought further information and clarification of further information with respect to visual impact and having regard to the

Low Sensitive scenic classification of the area the visual impact is considered proportionate

- Landscaping proposals have been imposed by condition to screen the proposed development
- No appropriate assessment issues arise in this case

## **12. First Party Response**

- The site has been chosen to provide excellent coverage and a reliable level of indoor coverage
- The site is located away from dwellinghouses
- That a lattice structure is the preferred option as it allows a greater number of equipment to be added which will mitigate the need for more masts in the area. Lattice masts can also facilitate antennae and dishes at the same height
- Dishes must be placed at sufficient distance above ground level to ensure a line of sight can be established thus ensuring better coverage.
- That the proposed structure will improve services in Monaman, Cooladalane, Ballygalance, Gloutane West, Toornagoppoge. The proposed structure will also improve coverage to the local road network including sections of the N72 national road and the R668 Regional Road.
- Existing telecommunication structures have been examined and it was found that they were not suitable for coverage requirements
- Comreg maps show that there is a deficiency in basic 4G and 5G coverage in the area.
- That the proposed development complies with national, regional, local development plan policy and other guidance issues by the Government with respect to Telecommunications Masts
- The proposed structure and any future equipment will be compliant with health and safety legislation and will be operated in accordance with the Comreg Guidelines.



- With respect to impact to wildlife, there is a lack of any information with respect to the same.
- With respect to visual impact it is stated that the mast would be noticeable rather than intrusive and would reasonably assimilate into the surrounding landscape.
- With respect to distances to houses, the response states that separation distances are not stipulated in any plans or statutory guidelines.
- That the proposed mast will enhance tourism in the area by providing much needed coverage for people walking in isolated areas and where emergency help is needed.
- That the landscaping as imposed under Condition 12 is for the purposes of hiding the compound at the base of the mast. The antennae and dishes cannot be blocked by trees nor foliage.

## Environmental Screening

### **13. EIA Screening**

*Telecommunication mast/antenna is not a class of development designated in Parts 1 or 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. Therefore, the requirement for submission of an EIAR and carrying out of an environmental impact assessment may be set aside at a preliminary stage.*

### **14. AA Screening**

*Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.*

## **2.0 Assessment**

### **2.1. Introduction**

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of the Third Party Appeals relate to the following matters:

- Development Plan Policy/Requirement for a Mast at this location
- Residential Amenities
- Visual Amenity
- Impact on tourism trails
- Health Implications
- Impact on Wildlife

### **2.2. Development Plan Policy**

2.2.1. The provision of masts is generally supported in Policy UTL 16 of the Waterford County Development Plan 2022-2027 which seeks to 'facilitate the continued provision of communication networks, smart infrastructure, broadband and appropriate telecommunications infrastructure and services, subject to environmental considerations, in order to contribute to economic growth, development, resilience and competitiveness'

2.2.2. Policy UTL 16 goes on to state that 'In considering proposals for such infrastructure and associated equipment, the following will be taken into account:

- The installation of the smallest suitable equipment to meet the technological requirements,
- Solutions to deliver shared telecommunication physical infrastructure in new development to facilitate multiple service providers at a non-exclusive basis and at economically sustainable cost to service providers and end users,

- Concealing or disguising masts, antennas, equipment housing and cable runs through design or camouflage techniques; or
- A description of the siting and design options explored and the reason for the chosen solution, details of the design, including height, materials and all components of the proposals,
- A landscaping and screen planting plan (if appropriate),
- An assessment of the cumulative effects of the development in combination with existing equipment in the area; and a visual impact assessment (if relevant).
- Proposed development will be required to have regard to the “Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, 1996 and Circular Letter PL07/12” issued by the Department of the Environment Heritage and Local Government and to any subsequent amendments as may be issued.

2.2.3. With respect of the above, I consider that the proposed development compiles with the above development criteria and is therefore compliant with development plan policy.

2.2.4. I refer to concerns raised by the third parties with respect to the need for the said mast and secondly the requirement for the proposed 24 metre height. The appellants suggest that a 15-metre mast would be more than sufficient.

2.2.5. I refer to the first party response to the appeal where it is stated that the proposed mast is located in an area where there is no 4G & 5G coverage. With respect to the issue of the height requirement, this is to provide coverage to a wider area. Telecommunications masts and their associated dishes require an unobstructed line of sight to the receiver/cell to operate successfully. A lower mast would not provide appropriate coverage as the line of sight would be obstructed by the landscape, trees etc. This is clearly illustrated in the details submitted with the application.

2.2.6. In addition, the applicant has provided sufficient details with respect of co-location with other masts which were deemed not suitable.

2.2.7. I note from the planning authority’s response to the appeal they are satisfied that the said mast is required in the area to provide coverage.

- 2.2.8. On the basis of the above, I am satisfied that the proposed mast is a necessary requirement in the area to provide enhanced 4G and 5G coverage. I also consider that the proposed 24 metre height is required to serve as a wide an area as possible.

### 2.3. Residential Amenities

- 2.3.1. I note issues with respect of the impact the proposed mast has on residential amenities has been raised by one of the appellants whom state that they are the closest house to the proposed mast.
- 2.3.2. I note that the closest house is circa 115 metres to the north west. Other houses are at least 200 metres from the proposed development site. I note that there is no statutory guidance with respect of separation distances to private residences in any local, regional or national development plans nor in any Section 28 guidelines.
- 2.3.3. I would consider in any the nearest house is far enough removed from the proposed mast that it would not have an undue impact upon the residential amenities of this property though it is accepted that it would likely be visible from the same however I fail to see how that would result in a residential amenity issue.

### 2.4. Visual Impact

- 2.4.1. The proposed development site is located within an area designated with a 'Low Sensitivity' classification in the Landscape and Seascape Character Assessment of the Waterford City & County Development Plan 2022-2028. A "Low Sensitivity" classification is defined in Appendix 8 of the Plan where it is described as
- 'A large area of County Waterford is designated as a landscape of low sensitivity. These areas have potential to absorb a wide range of new developments subject to normal planning and development control procedures'*
- 2.4.2. I note that the applicant initially proposed a lattice type structure which then after further information was submitted it was changed to a monopole structure.
- 2.4.3. I note the extensive visual impact studies carried out by the applicant with respect of the submission of numerous photomontages taken from different viewpoints.

- 2.4.4. Firstly, on the basis of the rural nature of the site and on the basis of its 'Low Sensitivity' classification in the Landscape and Seascape Character Assessment of the statutory plan serving the area, I do not consider that the said communications mast will have an adverse impact upon the visual amenities of the area though it is accepted that the said mast will be visible. The policy for Low Sensitivity' classification, as stated in the statutory plan states that *These areas have potential to absorb a wide range of new developments subject to normal planning and development control procedures'*. The proposed mast therefore is an appropriate form of development in this landscape.
- 2.4.5. I note that in the response to the appeal lodged by the first party that a lattice structure would be more appropriate as it can carry more equipment at the same level and is therefore more appropriate for co-location purposes for other providers. I would have considered that a lattice type structure would not be inappropriate at this location and would provide the added benefits of being able to carry more communications devices. However, what is currently proposed and under consideration is a monopole structure. To change this to a lattice type structure would require the benefit of a new planning application.

## **2.5. Impact on Tourism Trails**

- 2.5.1. The third parties have raised concerns that the proposed mast will impact upon tourist walking trails in the area and they have in this regard cited the St Declan's Way Trail and the Melleray Pilgrim Paths
- 2.5.2. I note that these trails are located at least 4.5km to the north east as the crow flies
- 2.5.3. While the proposed mast may be visible from the said trails, because of the distance from the same I do not consider that there will be any significant impact visual or otherwise on these tourist trails.

## **2.6. Health & Safety**

- 2.6.1. The first party appeals have also raised the issue of potential health arising from the proposed development.
- 2.6.2. In relation to these matters I note the provisions of Circular Letter PL07/12 issued by the Minister under section 28 of the Planning and Development Act 2000, as amended,

which 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. The letter further advises that health and safety matters are regulated by other codes and such matters should not be additionally regulated by the planning process. Accordingly, the issue of health and safety will not be considered further within this report.

## **2.7. Impact on Wildlife**

- 2.7.1. I note that one of the appellants raises concerns with respect of impact to wildlife. There is no specific statutory guidance with respect of the same other than Circular Letter PL07/12 as set out under paragraph 2.5.2 above and that this is an issue that is dealt with outside of the planning remit. In this respect, I do not consider it appropriate to consider this aspect any further in this report.

## **3.0 Recommendation**

- 3.1. Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

## **4.0 Reasons and Considerations**

- 4.1. Having regard to:

(a) National policy regarding the provision of mobile and telecommunications services,

(b) The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996, as updated by circular Letter PL07/12, issued by the Department of the environment, Community and Local Government on the 19th of October 2012,

(c) The policy of the planning authority as set out in the Waterford County Development Plan 2022-2028 to support the provision of telecommunications infrastructure,

(d) The location of the site within an isolated rural area with few residents in close proximity and

(e) The nature and scale of the proposed telecommunications support infrastructure, It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not be contrary to the overall provisions of the current development plans for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 5.0 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 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. The developer/applicant shall provide and make available, on reasonable terms, the support structure for the provision of mobile telecommunications antennae of third- party licensed mobile operators.

**Reason:** To avoid a multiplicity of masts, in the interests of visual amenity and in the interests of the proper planning and sustainable development of the area.

3. 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 the commencement of development.

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

4. The proposed cabinets at the base of the free-standing structure shall be acoustically insulated in order to minimise any potential noise nuisance to the

occupants of nearby residential units. Details of the insulated cabinets shall be submitted, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 Monday to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including hours of working, noise management measures and offsite disposal of construction and demolition waste.

Reason: In the interests of public safety and residential amenity

7. Prior to the commencement of any development on site landscaping proposals to screen the proposed compound shall be submitted for the written approval of the Planning Authority.

**Reason:** In the interests of visual amenity and preservation of the natural character of the area having due regard to the elevated nature of the site.

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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Andrew Hersey

Planning Inspector

21<sup>st</sup> March 2024