



An
Bord
Pleanála

Inspector's Report

ABP-318786-24

Development	Erection of a 30m high telecommunications lattice mast
Location	Kiltubbrit Island, Kinnity, Birr, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2360076
Applicant(s)	Vantage Towers Limited
Type of Application	Permission
Planning Authority Decision	Granted subject to 7 no. conditions
Type of Appeal	Third Party
Appellant(s)	Brendan & Dagmar Daly & Others
Observer(s)	None
Date of Site Inspection	7 th April 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located in Kiltubbrid Island which is a rural area located approximately 4km NW of Kinnity village and approximately 9km NE of Birr town in Co. Offaly. The site is accessed via a single lane private road leading west from the L6041 public road.
- 1.2. The lands within the immediate vicinity of the site are in agricultural use – tillage and grazing lands and the appeal site is located along the western hedge and tree boundary of a large pasture field. The nearest dwelling lies approximately 300m to the east of the appeal site.

2.0 Proposed Development

- 2.1. The development will consist of construction of a steel lattice telecommunications mast 30m in height excluding an undimensioned lightning finial on top of the mast. The mast and compound location are approximately 50m south of the access gate to the field. The mast will carry three sets of antennae, 9 no. antennae in total to serve Vodafone and two as yet unnamed operators.
- 2.2. It is also proposed to provide several ground equipment cabinets and a 2.4m high palisade boundary fence. A 4m wide access track is also proposed.
- 2.3. The appeal site is stated to be 0.029ha in area.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 7th December 2023 subject to 7 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report makes the following points:

- The proposed mast is located in a rural area classified as being of low visual sensitivity in the Development Plan and is located approximately 300m away from the nearest dwelling.

- The Planning Authority notes that the information submitted in the application details other sites/locations that were considered for this proposal. The applicant notes that the proposed development site is the only viable option to ensure adequate and high-quality coverage for the target catchment area of Kinnity Village and the surrounding area.
- The photomontages submitted with the application are noted and it is the view of the Planning Authority that the potential resulting visual impact of the proposed development is deemed acceptable. The nearest residential dwelling is approximately 300 metres from the proposed development site. It is the view of the Planning Authority that the proposed development will have a minimal impact on the amenity of dwellings within the surrounding area.
- Access to the site for construction traffic along the private lane from the L6041 is deemed satisfactory following the receipt of Further Information.
- The Planning Authority notes the 1996 Guidelines and Circular Letter PL 07/12 which advise 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. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- The Planner's Report did not deem that either AA or EIA was required in relation to the proposed telecommunications mast.

3.2.2. Other Technical Reports

- District engineer –noted that the junction of the private access lane with the L6041 is deemed capable of accommodating construction traffic following autotrack details submitted on foot of a Further Information request.

3.2.3. Prescribed Bodies

- Irish Aviation Authority – noted that there is no requirement for obstacle lighting at this location.

3.2.4. Observations

- Observations were received from 3 no parties during the determination of this application, one of which is the Third Party appellant in this case.

4.0 Planning History

4.1. On the Appeal Site

- Ref. 23/60049: Erection of a 30m high telecommunications lattice structure together with antennas, dishes, access track and associated telecommunications equipment, all enclosed by security fencing – Incomplete Application.

4.2. In the Vicinity of the Site

- None relevant.

5.0 Policy and Context

5.1. National Planning Guidance Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996 as amended by Circular letter PL 07/12.

The aim of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996” is to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities. Section 4.3 of the Guidelines states with respect to Visual Impact: Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly, along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect.

- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

Circular Letter: PL 07/12 made revisions to the Guidelines.

The Circular included the following:

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 additionally be regulated by the planning process. (Section 2.6). Emissions from telecommunication masts are governed by International Radiation Protection Association (IRPA) Guidelines (Jan 1988) or the equivalent European Pre-standard 50166-2. As emission levels are governed by a separate legislative code, potential health impacts do not form part of planning assessment or planning conditions as stipulated in the Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures (1996) as amended by Circular letter PL 07/12.

5.2. Development Plan

The Offaly County Development Plan 2022-2028 is the statutory Development Plan for the area within which the appeal site is located.

Knockbarron Wood is listed in Table 4.15 'Coillte Recreational Woodlands in County Offaly' as a group of trees that contributes to amenity.

The landscape classification of the location of the proposed mast is low and Table 4.18 of the Development Plan sets down policy in relation to such 'Low Sensitivity Areas in County Offaly'.

Low sensitivity areas are robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development.

Characteristics: County Offaly is largely a rural county which comprises of a predominantly flat and undulating agricultural landscape coupled with a peatland landscape. Field boundaries, particularly along roadside verges which are primarily composed of mature hedgerows typify the county's rural landscape.

Sensitivities:

- These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures).
- Within the rural areas, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.
- New housing proposed in rural areas should respect Offaly County Councils Rural Housing Design Guidelines, together with conformity with development standards.
- Acceptability of Development for consideration: A wide range of development subject to appropriateness / conditions.
- Need for Landscaping and Appropriate Design: High.

Section 5.8.2 Telecommunications

The Council recognises that there is a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. When considering proposals for telecommunications infrastructure, the Council will have regard to the Department of the Environment, Heritage and Local Government's "Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities" 1996 and Circular Letter PL07/12 'Telecommunication Antennae and Support Structures' and any amendments thereof.

Communications Infrastructure – Policies

- ENTP-40 It is Council policy to promote and facilitate the sustainable development of a high quality Information and Communications Technology (ICT) network in the county in order to achieve balanced social and economic development whilst protecting the amenities of urban and rural areas.

- ENTP-41 It is Council policy to support and facilitate the delivery of the National Broadband Plan and the Offaly Digital Strategy as a means of developing further opportunities for enterprise, employment, education, innovation and skills development.
- ENTP-42: It is Council policy to require underground telecommunications ducting to be provided in all new developments and public realm schemes as appropriate, to support the rollout of all digital infrastructure including the National Broadband Plan throughout the county.
- ENTP-43 It is Council policy to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and protecting residential amenity and environmental quality. The Council will have regard to the Department of the Environment, Community and Local Governments Guidelines on Telecommunications Antennae and Support Structures (and any future editions) and Circular Letter PL07/12 (Telecommunications Antennae and Support Structures) in assessing development proposals.
- ENTP-44 It is Council policy to avoid the unnecessary proliferation of masts in the county through colocation of antennae on existing support structures and masts. Masts and antennae shall be restricted in the following areas:
 - Upland areas of the Slieve Bloom Mountains, masts will not be permitted in areas above the 150-metre contour, unless it can be clearly demonstrated that it is not possible to locate antennae on the existing mast clusters at Wolftrap Mountain or Coolcreen;
 - Designated Areas of High Amenity; and
 - Within significant views or settings of recorded monuments and places, national monuments, protected structures, architectural conservation areas and archaeological sites.

Development Management Standards Chapter 13 of the County Development Plan outlines the general development management principles and standards that will be applied by the Council to ensure that future development is in accordance with the policies and objectives set out elsewhere in this County Development Plan.

DMS-111: Telecommunications

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 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.

5.3. Natural Heritage Designations

The following natural heritage designations are located in the vicinity of the appeal site:

- Slieve Bloom SPA 004160 – approximately 4.5km from appeal site.
- Slieve Bloom Mountains SAC 000412 – approximately 8.5km from appeal site.
- Slieve Bloom Mountains pNHA 000412 – approximately 8.5km from appeal site.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ 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. The relevant planning grounds of the Third Party appeal are, in summary, as follows:

- The proposed mast can be seen from the protected but not designated Knockbarron Woods and its eco walk and the mast would lead to loss of amenity for locals and tourists using the woods for recreational purposes.
- Given the close proximity of the proposed mast from the woods and to the species of trees in the wood not being evergreen, little or no screening of the proposed mast will be provided by the Knockbarron Woods.
- None of the photomontages submitted by the applicant are taken from view points within Knockbarron Woods.
- The proposed mast would have a detrimental impact on the local economy due to the visual impact of the mast on the tourist trade.

6.2. Planning Authority Response

- The Planning Authority asks that the Board uphold its decision to grant permission with conditions.

6.3. Observations

- None received.

6.4. First Party Response

The First Party has responded to the grounds of appeal as follows:

- The location of the proposed mast has been carefully chosen within this rural area to minimise any visual impacts on protected and amenity areas as well as dwellings and residents in the area while maximising the ability of the proposed mast to improve coverage in the overall area.
- Knockbarron Woods are between 1km and 1.5km from the location of the proposed mast and notwithstanding the appellant's claims that the woodland would not provide adequate screening of views of the proposed mast from the woods, the First Party is of the opinion that tree growth in Knockbarron Woods is sufficiently dense to provide sufficient screening of views from the woods to the proposed mast location and therefore the visual amenity of the area is not adversely impacted upon.
- In any event, given the distance between Knockbarron Woods and the location of the proposed mast, the mast will be scarcely visible in the landscape. Photomontage 4 is taken from a point 549m from the proposed mast location to the west of Knockbarron Woods [Inspector's Note: The First Party response states Photomontage 2 but this is a typographical error] and Photomontage 3 is located 1,407m from the mast and the viewpoint is located to the west of Knockbarron Woods and both photomontages show minimal visibility of the proposed mast.
- The Knockbarron Woods eco walk and the castle ruins in these woods will not be visually compromised by the proposed mast.
- The provision of a mast at this location would be in compliance with Government Guidelines and the County Development Plan 2022-2028.

7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of the Third Party appeal and First Party response and I am satisfied that no other substantive issues arise.

The main issues to consider therefore are as follows:

- Principle and justification of development.
- Visual impact.
- AA Screening.

7.1. Principle and Justification of Development

7.1.1. In terms of justification for the location of the mast at this location I note that the cover letter submitted with the application provides a technical justification for the location of the mast and demonstrates the improved coverage that will result should permission be forthcoming for the proposed mast. I also note that this cover letter examined alternative sites for the proposed mast in the general vicinity of Kinnity Village which were all discounted for technical or other reasons. I see no reason to dispute the findings of this report.

7.1.2. The site of the proposed mast is agricultural land that is unzoned and is classified in the Development Plan as a landscape of low sensitivity capable of absorbing new development including telecommunications masts.

7.1.3. In principle therefore, there is no blanket ban on telecommunications structures at this location and a proposed mast at this site specific location can be decided on its own merits.

7.2. Visual Impact

7.2.1. The Third Party submits that the location of the proposed mast will compromise the visual amenity of Knockbarron Wood and the eco walk and castle ruins within these woods. The First Party counters that the woods themselves provide screening of views from the wood to the mast location and the distance between the two areas is sufficient to minimise the visual impact of the proposed mast to an acceptable degree.

- 7.2.2. Having inspected the site and driven along the public road network surrounding the appeal site, I can confirm to the Board that due to the topography of the area there are very limited opportunities to view the site and that such views are at a distance that renders the visual impact of the proposed mast to be on a minor scale.
- 7.2.3. The nearest dwelling 300m to the east of the proposed mast will have a clear view of the mast but this house is located on a private and not a public road. Views of the proposed mast from the L6401 to the east of the site (between the appeal site and Knockbarron Wood) are extremely limited due to the presence of hedgerows and the intervening topography.
- 7.2.4. Views of the proposed mast at the appeal site from Knockbarron Wood will be at best intermittent due to the screening effect of the trees and the distance from the proposed mast location and should not therefore have an adverse impact on the recreational or visual amenity of Knockbarron Wood.
- 7.2.5. The photomontages submitted by the First Party, in my opinion, confirm that the proposed mast as depicted is not readily visible from the public realm at the proposed location.
- 7.2.6. Having regard to the above, I conclude that the proposed mast, by virtue of its design, height and its location in an area of low landscape sensitivity, would not seriously injure the visual amenity of the area and that the mast is therefore an acceptable development at this location.

7.3. AA Screening

Having regard to the distance from 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 individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission for the proposed 30m lattice telecommunications mast be granted for the reasons and considerations set out below and subject to the conditions also set out below.

9.0 Reasons and Considerations

Having regard to:

- a) the Guidelines relating to Telecommunications Antennae and Support Structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996 as revised by Circular PL07/12;
- b) the polies and objectives regarding telecommunications structures contained in the Offaly County Development Plan 2022-2028;
- c) the topography of the area which provides significant screening of the proposed mast and hence minimal visibility of the proposed mast from surrounding areas; and
- d) the distance of the mast from sensitive human or environmental receptors;

it is considered that the proposed development would not lead to a proliferation of telecommunications structures in the area, would not pose an environmental risk and would not seriously injure the visual amenities of the area. The proposed development would also provide a co-location for other operators. The proposed mast 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 21st day of August 2023, as amended by plans and particulars received on the 13th day of November 2023 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>
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2.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<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 practice for the development, including noise, dust and vibration management measures, rock breaking/excavation methodologies and off-site disposal of construction/demolition waste. This plan shall also set down proposals for the regulation of construction traffic with regard to the junction of the private access road with the L6041 public road.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>
6.	<p>The developer/operator of the telecommunications mast shall facilitate the co-location of other third party telecommunications antennae and associated equipment.</p> <p>Reason: To encourage the co-location of telecommunications facilities and reduce the need for new telecommunications structures.</p>

7.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal.</p> <p>The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory reinstatement of the site.</p>
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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.

Bernard Dee
Planning Inspector

11th April 2024