



An
Bord
Pleanála

Inspector's Report ABP 318821-24

Development	Installation of a telecommunications support structure, carrying antenna, new access track and associated works.
Location	Drumacarrow, Bailieborough, Co. Cavan.
Planning Authority	Cavan County Council.
Planning Authority Reg. Ref.	23272
Applicant(s)	On Tower Ireland Ltd
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Michael O Neill and others Sadie Smith and others Ciaran and Bernie Lynch
Observer(s)	None
Date of Site Inspection	03 rd of March 2024.

Inspector

Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site is part of an agricultural field within the townland of Drumacarrow, c. 2km to the southwest of Bailieborough, Co. Cavan. The site is located at the top of a hill elevated from the surrounding landscape which is relatively flat. The field is visible from the surrounding area although not readily accessible.
- 1.2. The site is accessed from a rural road which radiates from the L7585. There are several one-off rural dwellings along the L7585 which have views of the site. The local road adjoining the site has a few one-off rural dwellings and the proposed access is via a small laneway and field.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - a telecommunications support structure, carrying antenna and dishes enclosed within a 2.4m high palisade fences compound and associated ground equipment cabinets and all other associated site works.
 - New access track.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 12 no conditions of which the following are of note:

C2: Removal and reinstatement of site following the cessation of works for 6 months.

C3: Inclusion of a low intensity fixed red obstacle light.

C7: Shared location of other telecommunications infrastructure operators.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission, following the submission of additional information, as summarised below:

Additional Information:

- Request to redesign the mast from a lattice type support structure to a slimmer monopole structure.

Technical

- The applicant's technical justification includes the coverage from the Com Reg maps. The area is poorly serviced. The area has been identified in the National Broadband Plan as a target area for state intervention.

Visual Impact

- The mast is at the top of a local hill c. 19m above sea level. There are no protected areas or special landscape designations. There would be intermittent views of the proposal from all directions. There are no other masts in the vicinity.
- The further information was accompanied by a revised visual impact. The height of the monopole has been increased from 24m to 27m although the visual mast and scale has been adequately reduced.
- The Visual impact assessment include 19 viewpoints with no significant impacts recorded.

Impact on the Local Amenity

- The third-party submissions are noted, and separation distances detailed. There are 6 dwellings within 300m of the site.
- Circular PL 07/12 prevents planning authorities setting minimum distances from masts to dwellings.
- Objective ICT 04 of the development plan supports the balance between facilitating telecommunications infrastructure and sustainable residential amenity.
- There are no public amenities or tourism assets in the area.

Impact on the Built Environment

- The proposal is separated from any natural or built heritage designations.
- The site is outside a notification zone of the nearest Recorded Monument.

Health and Safety

- Circular PL07/12 states that health and safety is regulated under other codes and not within the planning authority assessment.

3.2.2. Other Technical Reports

Council Engineer: No objection to the proposal.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

A large number of submissions were received from residents of dwellings in the vicinity of the site and the surrounding areas, and many submissions are counter signed. The issues raised are like those raised in the grounds of appeal, and are summarised below:

- Site access and road safety
- Impact on residential amenity
- Sufficient broadband provision in the area.
- Impact on visual amenity
- Health concerns
- Property values

4.0 **Policy Context**

4.1. **National Guidance on Telecommunications Structures**

4.1.1. **Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996).**

- Section 4.3 include guidance on the visual impact. Care should be given when dealing with sensitive landscapes and other designated areas.

4.1.2. **Circular Letter PL 07/12, DoECLG 2012**

This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

4.2. **Cavan County Development Plan 2022-2028**

4.2.1. Telecommunications Guidance

ICT 01- Support the delivery of high-capacity broadband etc

ICT 02- Support the co-ordinated and focused development and extension of broadband infrastructure throughout the county.

ICT 03- Co-operate with the Department of Communications, Energy and Natural Resources and public and private agencies where appropriate, in improving high quality broadband infrastructure throughout the county

ICT 04- Achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress, and sustainable residential amenity and environmental quality

ICT 05- Ensure the locations of telecommunications structures minimise and/or mitigate any adverse impacts on communities, public rights of way and built or natural environment.

ICT 06- 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.

ICT 07- 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' July 1996 and Circular Letter PL 07/12 or any update thereof

4.3. Natural Heritage Designations

None of relevance

5.0 EIA Screening

- 5.1. The proposed development does not fall within the scope of any Class of development for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Third Party Appeal

The appeal is submitted by three residents in the vicinity of the site. One of the submissions has been countersigned by other residents. Photographs accompanied one of the submissions.

The issues raised are summarised as follows:

Site Access

- The laneway on the folio is not owned or maintained by Cavan County Council and is only accessible by neighbouring properties.
- The lane is maintained by the residents along the lane and there has been no consultation in relation to any works.
- The increased commercial activity and heavy vehicles are not appropriate for this lane.
- The road is only 9ft and not possible for merging traffic and can't be widened because of land ownership along the sides.
- The council have refused permission for houses because of access along the road (Reg Ref 07/2234 and Reg Ref 07/2357)
- The ownership of "the bog pass" has been queried with the council. It is understood that the road is a Local Improvement Scheme Road and only for the residents and farmers who have a right of way to pass.

- The road is not well maintained and and potholes and deep culverts.

Negative Visual Impact

- The structure has been increased by 3m to ensure maximum commercial capacity.
- A 27m mast and supporting structures of this scale is not justified and uncharacteristic of the surrounding area.
- There are no similar structures in the area.
- The proposed site is one of the highest points in the area.
- No effort has been made to mitigate the visual impact.
- The proposal breaks the skyline.

Impact on Residential Amenity

- The structure is visible from the rear of the dwelling and towers down.
- The proposal will overshadow our house.
- The proposal will have a major negative impact on the light and views from all the rooms to the rear of the house.
- The visual impact assessment does not adequately reflect the impact of the mast on the surrounding area and the residents in Drumnacarrow, Dromore, Monaghanoose and Greghlough areas.
- The photos in the visual impact assessment are strategically taken to positively support the application at a time of year when the trees and hedging are in full foliage.
- The laneway is used by residents for walking and exercising by adults and children and increased traffic will have a potential to damage the lane and create a hazardous environment.
- Construction and maintenance workers will be looking into properties.

Devaluation of property

- The value of the property will be affected.

Servicing of the site

- There is no power to the site.

Need for the Development

- There is no need for additional coverage in the area as it is already well served.
- There is no disruption to the Three or Vodaphone connection at the adjoining residents or surrounding area.
- The area is also located within the National Broadband plan (NBP) area with fibre broadband connection anticipated within the next two years.
- The local need has not been considered.

Health Concerns

- The health implications are very worrying.

6.2. Applicant Response

The applicant has responded to the third-party grounds of appeal. The submission is summarised below:

Visual Impact

- The documentation submitted with the application demonstrates the impact on the amenity of the properties in the vicinity and surrounding landscape.
- The photomontages demonstrate the visual impacts on the surrounding area are to an acceptable standard.
- The appellants images do not represent the structure permitted against the landscape area and sensitivity.
- The planning authority have accepted that the revised design is acceptable within the rural area.

Site Access & Road Safety

- Once built the monopole will operate remotely and does not require any public access.

- The access has been deemed acceptable by the engineers for the construction of the structure.
- The lane can accommodate the crew and transport associated with the construction. (4 no lorry deliveries of concrete, one mobile crane, 2 lorry deliveries for the lower section and 2–3-man erecting crew).
- The construction works will be carried out in compliance with all health and safety legislation and traffic control.
- Any inspection of the monopole will be carried out sporadically and will have limited vehicle movements on an annual basis.

Health Impacts

- A statement of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) has been submitted with the application. This is a legal requirement for all applications in Ireland.
- Circular PL 07/12 states that health and safety aspects are not a matter for the planning authority.

Impact on property values

- There is no evidence to suggest that the proposal will have a negative impact on property values.
- The proposal will provide additional communication via enhanced wireless broadband, a necessary utility.

Justification for new site and power connection.

- A technical justification report submitted by Three Ireland demonstrates the proposal is necessary for a coverage blackspot in the network.
- The ComReg maps illustrates that there is limited coverage in the area.
- Once built the tower will be offered to other wireless network providers.

6.3. **Planning Authority Response**

The PA responded to the grounds of appeal referring to the Planners Report. The proposed development meets the requirements of Objectives ICT 01-07 of the development plan set within the framework of Objective 24 of the NPF.

7.0 **Assessment**

7.1. The main issues would comprise of the following:

- Justification for location
- Site Access
- Impact on the visual amenity
- Impact on the residential amenity
- Other
- Appropriate Assessment

7.2. **Justification for location**

7.2.1. The site is in the rural area of Drumacarrow, to the southwest of Bailieborough, Co. Cavan. The site is surrounded by one-off rural dwellings and the grounds of appeal has been submitted by residents in the vicinity of the site. The proposed location of the telecommunications mast is at the top of a hill and the surrounding area is relatively low lying in comparison to the subject site. The grounds of appeal do not consider the proposal is necessary as the existing coverage is sufficient and there is no justifiable need for another mast.

7.2.2. In terms of assessing the proposal, the Telecommunications Antennae and Support Structures Guidelines (the Guidelines) state the first step is to consider if any alternative locations, outside large towns, and villages. The Guidelines note that upland/mountainous areas and hilltops are favoured by operators. The Guidelines do not preclude any locations rather the need for appropriate consideration of visual impact is required.

- 7.2.3. The application is accompanied by a Technical Justification Report prepared by the radio engineer for Three Ireland which provides justification for the location of the monopole. It states that the site has been chosen to provide an optimum location for delivering and improving service in Greaghalough and wider area and increase band width particularly at peak times and for 4G. Four existing sites were analysed for potential co-location. Three sites located between 5.6km and c. 6.km away were considered too far for any coverage. The closest site, c.3.2km was already a shared site.
- 7.2.4. The outdoor mobile coverage map ¹ illustrates a fairly poor 4G and 5G network in the rural area, outside Bailieborough for most network providers. The application is by On Tower Ireland Ltd, the structure owner, although it is stated in the documentation that it will be utilised by Three. The coverage information for Three for most technology types (3G, 4G and 5G) range from good to fringe. The applicant states that the structure will be available for other operators to share. I consider the justification for the mast at this location is reasonable and necessary to provide coverage for the surrounding area.
- 7.2.5. Having regard to the location of the site outside any town or village, in an area identified which has poor telecommunications coverage, and the location of the site from any other structures, there is no objection to the justification of the site for the proposed development, subject to normal planning considerations.

7.3. Site Access

- 7.3.1. Access to the site is via a substandard local road and then a small laneway which runs into a field. The laneway provides access to several dwellings and vehicle access is difficult and there is only space for one car and no passing. The local road has been eroded and is damaged in parts.
- 7.3.2. This substandard nature and limited accessibility to the site has been raised in several submissions. It is stated that the construction traffic will have a negative impact on the road and those pedestrians who use it for amenity value. The

¹ [Service Coverage - Commission for Communications Regulation \(comreg.ie\)](http://comreg.ie)

ownership of the access from the local road into the site has been questioned and third parties do not believe the applicant has the right to access the site.

- 7.3.3. Although the road to the site is substandard, vehicular access was still possible and I note there were areas available to pull over and accommodate other traffic. The documentation submitted with the application clearly indicates the applicant has control and/or agreement of the landowner to undertake the works for the access and the mast. The applicant's response to the grounds of appeal has indicated that their engineers are satisfied that the works can be undertaken in compliance with the necessary health and safety. The planning authority have not raised any issues with the access to the site and Condition No 10 requires the applicant to ensure no structural damage to the public road because of heavy plant.
- 7.3.4. While I note the current rural road has limited access, I consider the access for the proposed development would be mostly limited to the construction traffic and thereafter maintenance of the mast. I consider the inclusion of a condition like No. 10 would ensure no further damage to the rural road.
- 7.3.5. Therefore, having regard to the applicants' agreement to access the site and the limited traffic required for construction, I am satisfied that the proposed access would not have a significant negative impact on the road users or cause a traffic hazard.

7.4. Impact on the visual amenity

- 7.4.1. The proposed location for the monopole is at the top of a hill, elevated from the surrounding area which is relatively flat. The proposal will be visible from the surrounding area and at the side and rear of several rural dwellings located along the L7585. The area is not designated as a sensitive landscape.
- 7.4.2. The grounds of appeal have raised the impact on the visual amenity. Illustrations of the potential impact of the mast from adjoining properties has been submitted and it is stated that neither the original or revised version and accompanying photomontages clearly illustrate the visual impact of the proposal.
- 7.4.3. Following a further information request by the planning authority the applicant submitted a redesigned telecommunications structure. The design was amended from the traditional lattice type to a more modern monopole structure. To allow full coverage the applicant consider the height had to be raised from 24m to 27m. The

planning authority was satisfied with the amended design and consider it was appropriate to the location.

7.4.4. The national guidelines for telecommunications structures provide guidance on the appropriate location of monopoles and although it is recognised that operators prefer upland/ hilly locations there is a need for appropriate visual assessment. A visual impact assessment accompanied the application with photomontage drawings of the monopole from a range of locations (c. 19). Seven of the viewpoints are in the immediate vicinity of the site while the remaining viewpoints are from long range. The policies of the development also support the development of telecommunications masts where they do not have an adverse impact on communities and there is not an overconcentration of structures.

7.4.5. I note those photomontages submitted with the visual impact assessment, which I consider a reasonable representation of the proposal at the locations chosen. The monopole structure is slim with a minimalist design and having regard to the undulating landscape, the structure will be more visible from the south. The monopole structure will be visible from several of the one-off dwellings in the vicinity although some illustrations submitted with the grounds of appeal include the original lattice type structure rather than the monopole design. This aside, I note the site is elevated in comparison to surrounding area and dwellings in the vicinity and although there is a potential for the structure to be visible to the rear of some of those dwellings, having regard to the distance and design of the structure I do not consider there would be a significant negative visual impact.

7.4.6. Therefore, having regard to the design of the monopole structure, the rural setting, and objectives in both the national telecommunications guidance and the development plan, for facilitating telecommunications masts, I do not consider the proposal will have a significant adverse impact on the visual amenities of property in the vicinity of the site.

7.5. Impact on the residential amenity

7.5.1. The impact on the residential amenity of property in the vicinity of the site has been raised by the appellant's, residents of properties around the site. The visual impact, loss of light and potential for overshadowing are raised as issues of concern.

7.5.2. The impact on visual amenity has been addressed above. In relation to the overshadowing, I note the location of the mast is c. 200m from the closest dwelling. The height of the mast is 27m and has a minimalist design as a monopole mast. Having regard to the location from any dwelling and the design of the mast, I do not consider there is any potential form overshadowing on any property in the vicinity and I do not consider the proposal would have a significant negative impact on any residential amenity.

7.6. **Other**

7.7. The grounds of appeal have raised several other concerns in relation to the proposed development as summarised below:

7.8. Servicing the site: The grounds of appeal do not consider the site can be adequately serviced and there is no power. The applicant's response has stated that the engineers have assessed the site and are satisfied that the site can be adequately serviced for the proposal. I do not consider there is any significant issue with servicing the site.

7.9. Devaluing Property in the vicinity. The appellants consider the telecommunications mast will devalue their property. The applicant's response to the grounds of appeal doesn't not consider the applicant has submitted sufficient evidence to suggest that the proposal will have a negative impact on property values and considers the sites will benefit from enhanced wireless broadband, a necessary utility. I note the information submitted with the grounds of appeal and I do not consider there is any evidence to suggest the proposal would depreciate the value of any property in the vicinity of the site.

7.10. Health: Circular Letter PL07/12, DoELG, specifically clarifies that health and safety matters in relation to telecommunications infrastructure are regulated by other codes and are not matters for the planning process.

7.11. **Appropriate Assessment**

7.12. Having regard to the nature and scale of the proposed development within a serviced urban area, the nature of the receiving environment and the proximity to the nearest European sites, I am satisfied that 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

8.1. I recommend that permission is granted for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the guidance for locating telecommunications masts in the Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996) and policies and objectives of the Cavan County Development Plan 2022-2028, it is considered that the proposed development would not have a significant negative visual or residential impact on the properties in the vicinity of the site and would be in keeping 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, as amended by the further plans and particulars submitted, 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>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenity of the area.</p>

3.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers 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 amenity of the area.</p>
4.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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 shall provide and make available on reasonable terms, the proposed mast for the provision of mobile telecommunications antennae / dishes of third party licensed mobile telecommunications operators.</p> <p>Reason: To avoid unnecessary proliferation of telecommunications structures in the landscape, in the interest of visual amenity.</p>
7.	<p>The applicant shall be responsible for the full cost of repair in respect to any damage caused to the public road arising from construction work and shall either make good any such damage forthwith to the satisfaction of the planning authority or pay the planning authority.</p> <p>Reason: In the interest of road traffic safety.</p>
8.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth.</p> <p>Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of public safety.
9.	<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>
10.	<p>All existing hedgerow along the access track save for the section to be removed, as specified in the submitted plans, shall be protected during construction, and permanently retained thereafter.</p> <p>Reason: In the interest of visual amenity and the protection of wildlife habitats.</p>

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

Karen Hamilton
Senior Planning Inspector

04th of March 2024