



An
Bord
Pleanála

Inspector's Report ABP-320524-24

Development	Installation of telecommunications structure and all associated site works.
Location	Lecks, Shercock, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2460110
Applicant(s)	On Tower Ireland Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	On Tower Ireland Ltd
Observer(s)	None
Date of Site Inspection	25/11/24
Inspector	Kathryn Hosey

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1.0 Site Location and Description

- 1.1. The appeal site is located in an unzoned rural area within a drumlin upland landscape at Lecks, Shercock, Co. Cavan. The appeal site is located c.2km to the south of Shercock Urban Centre and approximately 2.1km from Shercock Primary School.
- 1.2. The appeal site is to be accessed off a narrow local road via proposed access lane through existing farmyard/lands. The proposed development is located on lands significantly above road level currently comprising a mix of grassland and gorse. The proposed development is to be sited at setback of c.130m from the public road.
- 1.3. There is an existing ComReg stealth cabin located c.50m north-west of the appeal site on the same landholding. This cabin is intended to be replaced and upgraded by the proposed telecommunications development.
- 1.4. The nearest dwelling is located c. 80m to the south-west.
- 1.5. The site has a stated area of 0.002ha
- 1.6. The Board should note that there is a live permission for a telecommunications mast located c. 2.5km to the south of the appeal site.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for the installation of a 24m multi-user monopole telecommunications structure.
- 2.2. The proposed development is to include carrying antenna and dishes enclosed within a 2.4metre high palisade fenced compound together with associated ground equipment cabinets. The works also include for a new access track.

3.0 Planning Authority Decision

3.1. Decision

Cavan County Council issued notification of decision to refuse permission by order dated 26th of July 2024 for the following reason:

“Having regard to technical justification submitted in relation to the proposed development, and to the further information and clarification of further information responses received in relation to same with reference to the extant permission Planning Register Reference 21/288, the Planning Authority is not satisfied that a need for the proposed development has been sufficiently demonstrated in line with Objectives ICT02 and ICT06 of the Cavan County Development Plan 2022-2028, which supports the co-ordinated and focused development and extension of broadband infrastructure throughout the county, and the need to provide a sufficient technical justification where there is a possibility by successive permissions of a concentration of masts being developed in a single area. The proposed development is, therefore, considered to be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planning report

The initial planners report detailed their assessment of the proposed development. The following provides a summary of the key points raised;

- Relevant planning policy applicable to the application site.
- The site planning history.
- Objections to the development were outlined.
- The planning assessment detailed visual impact and technical justification as the main issues to be addressed and further information was requested with regards to these issues.

Further Information Response Assessment Report

This report provides an assessment of the applicant's further information response. The planners report concluded that overall the applicant had not satisfactorily addressed the items of further information sought. The following matters were of concern;

- The applicant's failure to address technical justification matters raised within a previous An Bord Pleanála report **ABP-313433-22** with regards to why an extant permission **21/288** located at Ralaghan could not fulfil the technical need of the current application site.
- The proposed compound height of the site relative to O.S Datum.

This report concluded that clarification of further information was required requesting the applicant to clarify the circumstances around the non-progression of the permitted development under pl. reg. ref: 21/288 which is live until 2027.

Final Planning Report

This report concluded that the applicant failed to provide a full technical justification of both existing and permitted telecommunications sites. This report recommended that permission be refused due to lack of compliance with objectives ICT02 and ICT06 of the *Cavan County Development Plan 2022 – 2028*.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

Two no. third party observations were received. The observations outlined as follows:

- Impact on visual amenities and residential amenities

- Contrary to objectives **PLO118, PLO122 & PLO125** of *Cavan County Development Plan 2014 – 2020* with regards to reasoned justification for proposed development. Concerns development would result in proliferation of telecommunications structures within the area.
- Health and Safety concerns due to close proximity of the proposed development to St Patricks National School Shercock.
- Overshadowing and overbearing impact on nearby residential properties.
- Traffic hazard due to narrow substandard road.

4.0 Planning History

Onsite

ABP. Ref No. 313433-22 (pl. ref: 21558); Planning permission was refused on '12/10/23' by An Bord Pleanála for 24m lattice mobile and broadband tower with headframe carrying telecommunications equipment, associated equipment and cabinets, 2.4m palisade fence compound and access track. Permission was refused due to limitations of the Visual Impact Assessment.

P.A. Ref. No. 17/454; Planning permission was granted on '06/12/17' by Cavan County Council for the construction of a 21m high telecommunications slimline monopole carrying antennas and transmission dish, with associated equipment units, security fencing and access track.

This permission has now expired with no works commenced.

Planning history for telecommunications structures within the surrounding area

P.A. Ref. 21/288; Planning permission was granted on '08/02/22' by Cavan County Council for the construction of a 24 metre high multi-user lattice tower telecommunications structure, carrying antenna and dishes enclosed within a 2.4metre high palisade fence compound together with associated ground equipment

and associated site works including new access track at Ralaghan, Co. Cavan c.5km from the appeal site and c.8km from Shercock Primary School.

Note to the Board: This permission does not expire until 2027 and no works have commenced on the site to date.

P.A. Ref. 20/361; Retention permission was granted on '14/10/20' by Cavan County Council for an existing 30m high telecommunications support structure carrying antennas and link dishes together with associated equipment units & security fencing. Planning permission also granted for the addition of 6 antennae located at Taghart South c. 6km from the appeal site.

5.0 Policy Context

National Guidance on Telecommunications Structures

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

Section 4.3 Visual Impact

The guidelines provide guidance with regards visual impact on the surrounding area and emphasises that visual impact is one of the more important considerations that needs to be considered in the assessment of telecommunications Structure. In particular regard shall be had to the location, nature and sensitivity of the particular environment where the telecommunications structure is proposed.

The guidelines state that only as a last resort should free-standing masts be located within or immediately surrounding smaller towns or villages. The guidelines also state that only as a last resort and if suitable alternatives as suggested in the guidelines '*are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools*'.

Section 4.5 Sharing Facilities and Clustering

The guidelines clearly set out the need to encourage sharing and clustering of telecommunications infrastructure. The guidelines state;

“All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.”

Circular Letter PL 07/12, DoECLG 2012.

This circular letter provides further guidance on health and safety matters and states that this is regulated by other codes and is therefore not a planning matter.

National Broadband Plan, Irelands Broadband Intervention Strategy, December 2015.

The aim of this plan is to deliver high speed broadband to domestic and business operators throughout Ireland. This is to be achieved by way of commercial investment and state intervention to areas that currently cannot accommodate commercial sector investment.

Development Plan

The appeal site is governed by policies and objective outlined within the *Cavan County Development Plan 2022 – 2028*. The following objectives are applicable;

7.12 Information Technology and Broadband

ICT 01- Support the delivery of high capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the county, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices.

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.

6.0 Natural Heritage Designations

The following natural heritage designation is located in the general vicinity of the proposed development site;

- Loughbawn House Loughs Proposed Natural Heritage Area (Site Code:001595), approximately 6km to the north of the appeal site.

7.0 EIA Screening

- 7.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. Refer to Form 1 in Appendix 1 of report.
- 7.1.2. Having regard to the nature, scale and extent of the proposed development, site location, the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this instance.

8.0 The Appeal

8.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- On Tower Ireland Limited is a company of Cellnex. On Tower Ireland Limited was established following the purchase of CK Hutchison Networks (Ireland) Limited portfolio by Cellnex in November 2020. On Tower Limited plans to add new developments to support ongoing telecommunications infrastructural requirements and provision of broadband in current black spot areas. The applicant also states that they aim to facilitate higher data transmission speeds in both urban and rural areas.
- On Tower will offer other operators' space to co-locate services on this site.
- The stealth cabin needs to be replaced and upgraded to enable a 4G/5G compatible telecommunications base station.
- The existing site serving Shercock is extremely limited being a single sector site as opposed to the standard 3 sector design resulting in a smaller coverage footprint.
- The outdoor coverage provided by Three, Vodafone & Eir mobile is identified as fair and fringe in Shercock and there are areas with no coverage (white shading) surrounding the site. A ComReg coverage map has been submitted to illustrate this statement.
- A list of existing base stations in the area have been outlined. It has been stated that the coverage cannot extend to the target area of Shercock. It has been stated that the base station at Shercock Garda Station is unsuitable for co-location and the site is not available for upgrade.
- Clustering of equipment is not favoured to ensure no interference with other equipment using the same radio frequencies, reduce the need to deploy unnecessary equipment servicing the area reducing the cost of roll-out equipment.

- The applicant and operators themselves, would not deploy unnecessary duplicate infrastructure in locations with sufficient infrastructure to co-located equipment.
- Reference has been made to permitted site under pl. ref: 21/288. The appellant stated that this site did not progress as Three determined that the site did not meet the coverage requirements of their respective networks and therefore was not built. The appellant states that this site will not progress to build stage within the lifetime of its permission to 2027.

8.2. Applicant Response

- None

8.3. Planning Authority Response

- None

8.4. Observations

- None

8.5. Further Responses

- None

9.0 Assessment

Having examined the application details and all other documentation on file, including all the reports of the local authority, planning history and having inspected the appeal site, and having regard to the relevant local/regional/national policies and

guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Technical Justification
- Visual Impact
- Public Health

9.1. Principle of Development

- 9.1.1. The proposed telecommunications development is to provide a telecommunications mast and replace site that currently contains a stealth cabin located 50m to the north-west of the appeal site. The board should note that this site is not located within the red lined appeal site boundaries but is on the same landholding. The removal of the stealth cabin is considered to be provided for under exempted development provisions and therefore does not require assessment under the current appeal application.
- 9.1.2. The objectives outlined under section 5 of this report generally support the provision of telecommunications infrastructure. I therefore consider that the proposed development is acceptable in principle subject to compliance with normal planning criteria, at this location.

9.2. Technical Justification

- 9.2.1. The key issue in this case is whether the appellant has clearly demonstrated within their technical justification that there is a need for the proposed new telecommunications structure to be sited at this proposed site rather than co-located at an existing base station within the vicinity.
- 9.2.2. The Planning Authority refused permission as it was considered that the applicant had not satisfied a need for the proposed development in accordance with **ICT02** and **ICT06** of the *Cavan County Development Plan 2022 – 2028* in terms of the

appropriate co-ordinated and focused development and extension of broadband infrastructure throughout the county.

- 9.2.3. I have examined the technical justification submitted to the Planning Authority and the appeal documentation submitted. I note that the appellant has provided no significant additional information with regards to the technical justification from that submitted to the Planning Authority.
- 9.2.4. I note the ComReg Outdoor Coverage Map submitted which identifies the appeal site area as fair and fringe and also areas with no coverage. I consider that there is a need for additional infrastructure to expand the broadband reach in the area.
- 9.2.5. The appellant has outlined base stations within the vicinity that are unsuitable. I note with reference to Shercock Garda Station base the appellant states that this site is unsuitable for co-location due to the single user pole and that the site is not available for upgrade. The appellant has provided no supporting technical documentation to support this statement. From the documentation submitted the appellant does not appear to have explored the possibility of upgrading this site to accommodate co-location. In the absence of supporting technical documentation I am not satisfied that the appellant has adequately justified that there are no other suitable alternative sites available.
- 9.2.6. The appellant has also made reference to an extant permission under **pl. ref: 21/288** for a 24 metre high multi-user lattice tower telecommunications structure. This structure is proposed to be located within the vicinity at Ralaghan. The appellant contends that this site has not progressed to build stage as operator Three have stated that this permitted site does not meet the coverage requirements of their respective networks. The appellant states that this site will not progress to build stage within the lifetime of its permission to 2027. This statement has not been supported with technical documentation. I consider given this permission is live until 2027 and in the absence of technical supporting documentation justifying it's unsuitability and the absence of a formal rescindment of the permission the appellant has not adequately justified that the permitted site under **pl. ref: 21/288** cannot be utilised eliminating the need for the development of a new site within this area.
- 9.2.7. I am not satisfied that the proposed development is compliant with **ICT02** and **ICT06** of the *Cavan County Development Plan 2022 – 2028* due to the potential for

proliferation of telecommunications mast within the vicinity given there is an existing live permission until 2027 under **pl. ref: 21/288**.

9.3. Visual Impact

- 9.3.1. The proposed development is to be sited at the summit of elevated lands and will be visible from the surrounding area.
- 9.3.2. The Planning Authority sought information on visual impact by way of additional information with regards to the Landscape Character and Visual Impact Assessment submitted. The Planning Authority considered subject to implementation of mitigation measures that the proposed structure would be acceptable visually. The mitigation measures included for landscaping at the proposed telecommunication compound and the field boundary to the North-West of the site.
- 9.3.3. I have examined the appeal site and the Landscape Character and Visual Impact Assessment submitted although the proposed telecommunications structure will be visible from the surrounding area I am satisfied due to the height of the structure, the nature of the lands and surrounding area that the visual impact would not be to an unacceptable level.

9.4. Public Health

- 9.4.1. It has been noted within the submissions received to the Planning Authority that public health concerns were raised. I do note these concerns however the statutory body responsible for the regulation of radiation emissions is the Commission for communications Regulations (ComReg) and therefore this is not a matter for An Bord Pleanála.
- 9.4.2. Circular Letter PL07/12 clearly outlines that Planning Authorities should primarily be concerned with appropriate location and design of telecommunications infrastructure and that matters relating to public health are regulated by other codes.

10.0 AA Screening

Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects either individually or in combination with any other plans or projects, on any Nature 2000 site. Therefore, I conclude that no appropriate assessment issues arise.

11.0 Recommendation

I recommend that planning permission be refused.

12.0 Reasons and Considerations

The proposed development is located approximately 2.5km to a permitted telecommunications support structure **pl. ref: 21/288**, granted to the same applicant, which has not yet been developed.

Having regard to the absence of technical supporting documentation on the absence of coverage, the Board is not satisfied that the proposed development would not give rise to the proliferation of telecommunications structures, would contravene objectives **ICT02** and **ICT06** of the *Cavan County Development Plan 2022 – 2028*, and would be contrary to the proper planning and sustainable development of the area.

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.

Kathryn Hosey
Planning Inspector

8th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320524-24		
Proposed Development Summary	The installation of a 24m multi-user monopole telecommunications structure.		
Development Address	Lecks, Shercock, Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes X	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	Tick or leave blank	X	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____