



An
Bord
Pleanála

Inspector's Report

ABP-321751-25

Development

The erection of a 24m lattice telecommunications support structure on a 1.2 metre high raised foundation (providing an overall height of 25.2 metres) together with associated antennas and dishes and to remove the existing 15 metre lattice telecommunications structure with antennas (providing an overall height of 16.5 metres). The proposed development is all enclosed within an existing compound.

Location

Colt, Ballyroan, Co. Laois.

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

2460664

Applicant(s)

Vantage Towers Limited

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)	Transport Infrastructure Ireland
Observer(s)	None.
Date of Site Inspection	15 th April, 2025
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Colt, Ballyroan, Co. Laois, approximately 5.0km north of Abbeyleix and 8.8km south of Portlaoise, where it occupies a position on the eastern side of the N77 National Secondary Road along a section of roadway subject to speed limit of 100kph. The immediate site surrounds are characterised by an open lowland landscape interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings while the site itself is bounded by agricultural fields to the north, east and south.
- 1.2. The appeal site has a stated site area of 0.007 hectares and includes an existing telecommunications mast / support structure set within an established compound with access obtained via a pedestrian entrance from the grass verge bounding the national road. The perimeter site boundary is broadly defined by a combination of low chainlink fencing and hedgerow while a line of coniferous tree planting to the west serves to screen the site in part from the public road.

2.0 Proposed Development

- 2.1. The proposed development involves the removal of an existing 15m high lattice-type telecommunications support structure and its replacement through the construction of a 1.2m high raised foundation pad (on top of the existing foundation) followed by the erection of a 24m high lattice-type telecommunications support structure (together with associated antennas and dishes) resulting in an overall height of 25.2m. The entire development will be enclosed within an existing compound while the existing equipment shelter is to be retained.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 18th December, 2024 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 10 No. conditions which can be summarised as follows:

- Condition No. 1: Refers to the submitted plans and particulars.
- Condition No. 2: States that when the development is no longer in operation, the mast, equipment cabinets and security fencing are to be removed and the site reinstated within one year of obsolescence.
- Condition No. 3: Requires the facility to be operated and maintained in compliance with the International Commission on Non-Ionising Radiation Protection Guidelines.
- Condition No. 4: Refers to the co-location of other users / operators.
- Condition No. 5: Prohibits any material change of use of the mast without a prior grant of permission.
- Condition No. 6: Requires the transmitter power output, antennae type and mounting configuration to accord with the submitted particulars.
- Condition No. 7: Requires a low intensity red obstacle light to be fixed as close to the top of the mast as practicable which is to be visible from all angles in azimuth.
- Condition No. 8: Refers to the maintenance / condition of the public road during development works and requires all works adjacent to the public road to be carried out under a traffic management plan designed by a competent designer.
- Condition No. 9: Prohibits the deposition of any debris or construction material on the public road or in the vicinity of the site during the construction works.
- Condition No. 10: Refers to the maintenance of existing drainage arrangements.
- Condition No. 11: Requires any external lighting to be cowled and directed away from the public roadway.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Details the site context, planning history and the relevant policy considerations before stating that the existing mast (to be replaced by the proposed development) was constructed by way of exempted development pursuant to Class 29 of the Local Government (Planning and Development) Regulations, 1994, and that while approval was given under PA Ref. No. 12/42 to increase its height from 15m to 27m, those works were not undertaken. It proceeds to note the rationale and technical justification submitted with the application wherein it has been detailed that the proposed development is required to address an infrastructure deficit with a view to satisfying current and future demands for improved 4G & 5G coverage and connectivity in the wider area. Reference is also made to the sharing of the proposed infrastructure and its adherence to the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP). In terms of siting and design, it is noted that the proposed development will serve to replace an existing telecommunications mast etc. within an existing compound and that the visual impact arising will not be detrimental to the surrounding area. With regard to the site location off the N77 National Secondary Road and the assertion by Transport Infrastructure Ireland that the proposal is at variance with official policy in relation to development on national roads, the report notes that the existing site is accessed by way of a pedestrian entrance and that no alteration has been sought to this arrangement. It subsequently emphasises that the proposal is for a replacement mast and determines that the development would not give rise to such a traffic hazard as to preclude a grant of permission. The report thus concludes by stating that the proposed development complies with the provisions of the Laois County Development Plan, 2021-2027 and accords with the proper planning and sustainable development of the area before recommending a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports*

Roads Dept.: Refers to the submission received from Transport Infrastructure Ireland and the requirements of TII Standard '*Technical Acceptance of Road Structures on Motorways and Other National Roads*' (TII Publications DNSTR-03001) before recommending that the applicant be required to submit a Technical Acceptance Report (TAR) approved by TII by way of a request for further information.

3.3. **Prescribed Bodies**

3.3.1. *Transport Infrastructure Ireland*: States that the proposed development is at variance with official policy in relation to control of development on / affecting national roads, as outlined in the DoECLG's '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reasons:

- Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads.
- The proposed development, because of its location where particular vigilance is required, would endanger public safety by reason of traffic hazard due to its scale and distraction of drivers.

Reference is also made to the requirements of TII Standard: '*Technical Acceptance of Road Structures on Motorways and Other National Roads*' (TII Publications DN STR-03001) which specifies the procedures to be followed in order to obtain Technical Acceptance for structures on motorway and other national road schemes. More specifically, it has been submitted that should a third party wish to construct a structure at a distance from the boundary of a motorway or national road that is less than the fall distance (i.e. the total height of the structure above ground when laid horizontally), then technical acceptance of that structure is required to be obtained from TII. Alternatively, any such structures are to be sufficiently set back from the boundary to avoid such a requirement.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. **On Site:**

- 4.1.1. PA Ref. No. 1242. Was granted on 1st October, 2012 permitting Vodafone Ireland Limited permission to extend an existing 15m high telecommunications structure to 27m, along with the relocation of existing antenna, dishes and frame to upper section of tower (to allow continuance and improvement of Vodafone's existing GSM and 3G telecommunications network).

5.0 Policy and Context

5.1. National and Regional Policy

5.1.1. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996:

These guidelines detail the various technical and other criteria to be considered in the assessment of applications for telecommunications apparatus. They provide details of the technical specifications of such apparatus in addition to advising on suitable locational options.

5.1.2. Circular Letter: PL 07/12: 'Telecommunications Antennae and Support Structures Guidelines':

This Circular was issued by the Department of Environment, Community and Local Government on 19th October, 2012 under Section 28 of the Planning and Development Acts, 2000-2012 to update certain sections of the '*Telecommunications Antennae and Support Structure Guidelines, 1996*'. It advised planning authorities of the following changes:

- Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission. Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.
- Planning authorities should not specify minimum separation distances between telecommunications structures and houses and schools as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

- Having reviewed experience since 1996 and the limited number of sites that have become obsolescent in that time, it is considered that the lodgement of a bond or cash deposit is no longer appropriate. It is therefore advised that, in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

In addition to the foregoing, the Circular advises that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators. Furthermore, on the issue of health and safety, it is reiterated that planning authorities should not include monitoring arrangements as part of planning permission conditions nor should they determine planning applications on health grounds. In this respect it is stated that planning authorities are to be primarily concerned with the appropriate location and design of telecommunications structures as they do not have the relevant 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.

Finally, with regard to development contributions, the Circular refers to the then Draft Guidelines on Development Contributions issued under section 28 of the Act which require that all future Development Contribution Schemes must include waivers for broadband infrastructure provision and that these waivers are intended to be applied consistently across all local authority areas.

5.1.3. Circular Letter: PL 03/2018: 'Revision of Development Contribution Schemes in respect of Telecommunications Infrastructure':

This Circular was issued by the Department of Housing, Planning and Local Government on 3rd July, 2018 under Section 28(1C) of the Planning and Development Acts, 2000-2017 to update the '*Development Contribution, Guidelines for Planning Authorities, 2013*' such that waivers be applied in Development Contribution Schemes in respect of both mobile phone and broadband infrastructure.

5.2. Development Plan

5.2.1. Laois County Development Plan, 2021-2027:

Chapter 10: Infrastructure:

Section 10.1: Transportation:

Transportation Policy Objectives:

TRANS 1: Maintain, improve and protect the safety, capacity and efficiency of Laois's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

TRANS 4: Prevent inappropriate development on lands adjacent to the existing road network, including the intensification of the use which would adversely affect the safety, current and future capacity and function of national roads and having regard to possible future upgrades of the national roads and junctions.

TRANS 6: Discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern. The Council also encourages and promotes shared access points in all circumstances.

TRANS 8: Require development proposals accessing onto Laois's roads network to comply with the Council's road standards contained in the Road Design Section document titled Roads and Parking Standards (2007) and to any subsequent revisions thereto.

Where developments are permitted in rural areas along National, Regional and County Roads that they must conform to the minimum distance listed in Table 4.1 – Minimum Desired Building Lines and Fence Lines, of the Laois County Council Roads and Parking Standards (2007) guidelines.

- In situations where there is an established building line, new houses, where appropriate, shall conform to the established building line. Building lines in developed areas will be determined having regard to the historic urban grain of the area and the need to provide pedestrian friendly streets with a sense of enclosure.

Section 10.1.3: *Roads Infrastructure:*

Section 10.1.3.2: *National Routes:*

National Routes Policy Objectives:

TRANS 17: Avoid the creation of any new direct access points from development or the generation of increased traffic from existing direct access/egress points to the national road network to which speed limits greater than 60kmph apply.

TRANS 20: To develop policy that provides a framework for a less restrictive approach to non-residential development of strategic or national importance or extensions to such developments accessing onto the National Road Network in accordance with the provisions of Section 2.6 of the 'Spatial Planning and National Roads - Guidelines for planning authorities' (2012) with TII within 1 years of adoption of the County Development Plan.

Section 10.6: *Telecommunications:*

The development of high-quality telecommunications infrastructure is critical to advance the economic and social development of the county. The development of telecommunications infrastructure is essential to attracting investment and facilitating economic development. The Council is committed to enhancing the telecommunications network and infrastructure throughout the county. However, this must be managed to ensure a balance between the provision of telecommunications infrastructure in the interests of social and economic progress, and sustaining residential amenity and environmental quality.

Section 10.6.4: *Telecommunications Masts and Antennae:*

An efficient telecommunications system is important in the development of the economy of which the provision of masts and associated antennae are an essential element. The Council will have regard to the document titled Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (DoELG, 1996) when considering applications for masts and antennae.

(Relevant) Telecoms Policy Objectives:

- TEL 1:* Encourage and facilitate the coordinated development and extension of broadband infrastructure throughout the county, by state or private operators.
- TEL 2:* Support the delivery of the National Broadband Plan and implement the objectives of the Laois Local Digital Strategy 2020 – 2024.
- TEL 5:* Facilitate the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county having regard to the guidelines for “Telecommunications Antennae and Support Structures”, Circular Letter PL07/12 and any updated documents issued by the DoECLG or relevant authority.
- TEL 6:* Co-operate with telecommunications service providers in the development of infrastructure, having regard to the proper planning and sustainable development of the area, normal planning and environmental.
- TEL 7:* Adopt a presumption against the location of structures in vulnerable landscapes as identified in the Landscape Character Assessment (Appendix 6) and in areas where views are to be preserved and in areas adjacent to national monuments, sites of archaeological heritage or protected structures.
- TEL 8:* Existing Public Rights of Way will be identified prior to any new telecommunication developments (including associated processes) which will be prohibited if they impinge thereon or on recreational amenities, public access to the countryside, communities or the natural and built environment.
- TEL 9:* 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.
- TEL 10:* Assess proposals for the location of telecommunication structures in sensitive landscapes in accordance with the policies set down within the Landscape Character Assessment.

Telecommunications Development Management Standards:

DM TEL 1: Telecommunications Structures:

To facilitate the evaluation of development proposals for the erection of antennae and support structures, applicants/developers/operators will be required to:

- 1) Submit a reasoned justification as to the need for the particular development at the proposed location in the context of the operators overall plans to develop a network in County Laois and strive to reduce the number of telecommunication structures by ensuring that ComReg's Code of Conduct is implemented.
- 2) Indicate what other sites or locations in the County were considered;
- 3) Submit evidence of consultations, if any, with other operators with regard to the sharing of sites and/or support structures;
- 4) Where masts are located in areas of high amenity, landscapes of exceptional or high value or international or national importance and high sensitivity as indicated in the Landscape Character Assessment, there shall be a presumption to provide a "Landscape Impact Report" to allow proper assessment of the visual impact. Surrogate (coniferous trees) shall be considered.
- 5) Masts will only be permitted if supported by an acceptable Visual Impact Report.
- 6) Furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1(Jan) 1988) or the equivalent European Prestandard 50166-2 which has been conditioned by the licensing arrangements with the Department of Transport, Energy and Communications;
- 7) Cumulative effect of dishes in the area should be considered.
- 8) Furnish evidence that an installation of the type applied for complies with the above Guidelines.

- 9) Cables and wire connections shall be located underground where feasible.
- 10) The design of the mast structures should be simple and well finished; monopoles are preferred to latticework types. Where appropriate, masts, antennae and fencing should be in harmony with their surroundings and should be of dull or neutral sky grey colour so as to be less visually obtrusive. Green or black is the preferred colour at ground level.
- 11) Subject to visual and landscape considerations, support structures will normally be required to be designed to facilitate the attachment of additional antennae to facilitate co-location. The number of ancillary buildings/containers shall be kept to the minimum and the need for each structure must be clearly justified. They should be located in accordance with the provisions of the DoECLG Guidelines 1996 (or as may be amended).
- 12) Restoration plans shall be submitted with the application for when antennae and their support structures are no longer being used and no new user has been identified.
- 13) Access roads will be permitted only where they are absolutely necessary.
- 14) Where it has been proven that there is a need for new/expanded coverage in a particular area, the applicant shall show that all existing masts and support structures have been examined to determine if the attachment of new antennae to existing structures can provide the coverage required, the applicant shall submit either a Discovery Series Map or similar map type (to be agreed with planning authority) to the scale of 1:50,000 the location of all telecommunication structures within a radius of 1km of the proposed site, indicating the coverage area of the proposed facility and a technical evaluation of the capabilities of these masts to take additional antennae and provide the coverage required be considered.

Chapter 11: Biodiversity and Natural Heritage

Section 11.10: Landscape:

(The proposed development site is located within a 'Lowland Agricultural Area' as illustrated on Map 11.7: 'Landscape Character Assessment' of the Development Plan).

Table 11.6: Landscape Sensitivity:

Lowland Agricultural Areas: Low Sensitivity

Description: Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.

Policy Objectives for Landscape Character Areas:

- LCA 1:* Ensure that consideration of landscape sensitivity, as indicated in Table 11.6 of the Plan, is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of proposed development in the landscape will also be critical considerations.
- LCA 2:* Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape and conserve valuable habitat including any European and National Designations.
- LCA 3:* Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.

Policy Objectives for Lowland Agricultural Areas:

- LCA 12:* Recognise that this lowland landscape character area includes areas of significant landscape and ecological value, which are worthy of protection, particularly the 18th and 19th century estate landscapes and

associated parkland & woodland to develop them as a tourism resource.

LCA 13: Continue to permit development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of the visual absorption opportunities provided by existing topography and vegetation.

LCA 14: Recognise that the lowlands are made up of a variety of working landscapes, which are critical resources for sustaining the economic and social wellbeing of the county.

LCA 15: Promote good agricultural practices to create a sustainable rural economy and support incentives for smaller rural/family farms to manage their land to avoid loss of hedgerows and field patterns.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), approximately 3.4km west-southwest of the site.
- The Shanahoe Proposed Natural Heritage Area (Site Code: 001923), approximately 3.4km west-southwest of the site.
- The River Nore / Abbeyleix Woods Complex Proposed Natural Heritage Area (Site Code: 002076), approximately 5.2km southwest of the site.

5.4. EIA Screening

5.4.1. The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore does not require preliminary examination or environmental impact assessment. See Form 1 (attached).

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development has the potential to compromise the safety and efficiency of the national road network at a location where the national secondary road maximum speed limit of 100kph applies. It is further considered to be at variance with official policy and the interests of road safety, in particular by not considering the requirement for compliance with Transport Infrastructure Ireland's technical acceptance procedures for structures under TII Publication '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*'.
- The appellant's initial submission noted that the information supplied with the application did not appear to specify the construction methodology or temporary access arrangements required for the demounting of the existing mast on site or the erection of the replacement structure. Further concerns arise as regards the apparent failure to consider the requirements of TII Publication '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*'.
- Issues pertaining to '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*' are set out in the appellant's initial submission. In this regard, it is submitted that as the replacement mast will be significantly taller than the existing construction, its erection on such a constrained site (with or without a road verge) presents a risk that the structure could fall / collapse onto the N77 National Road. Given the site location alongside a heavily trafficked national secondary route, it is essential that the structural integrity of the mast be addressed prior to commencement of development in the interests of road and public safety.
- The internal report of the Local Authority's Roads Dept. recognises the appellant's concerns and refers to the requirements of TII Standard '*Technical Acceptance of Road Structures on Motorways and Other National Roads*' (TII Publications DNSTR-03001) before recommending that the applicant be required to submit a Technical Acceptance Report (TAR) approved by TII by

way of a request for further information. Notwithstanding this recommendation, the Planning Authority opted to grant permission without recourse to a request for further information.

- None of the conditions attached to the grant of permission specify measures requiring demonstration of compliance with TII Publications or specific development mitigation, including traffic management, having regard to the status of the N77 as a national secondary route.
- It is concerning that the report of the case planner has confined itself to recounting policy objectives and development management extracts from Section 10.6: '*Telecommunications*' of the County Development Plan and has not taken account of issues related to roads, including road safety, with particular reference to Section 10.1: '*Transportation*' of the Plan and the Transportation Policy Objectives which provide for the protection and maintenance of the safe and efficient operation of the national road network.
- There are concerns that the omission of any acknowledgement of the Transportation Policy Objectives relevant to the national road network is indicative that the assessment was not informed by relevant road safety matters alongside telecommunications policy.
- The report of the case planner does not appear to have considered the substantive matters raised in the internal report of the Local Authority's Roads Dept. and the appellant's initial submission.
- The decision to grant permission is premature pending technical advice and is contrary to the safe and efficient operation of the national road network.
- There appears to be no evidence of appropriate technical evaluation of the requirement for adherence to, and compliance with, TII Publications procedures, nor mitigation of impacts on the national road network.
- The proposed development, as permitted, is at variance with national, regional and local policy. It is essential that the proposal be evaluated by reference to the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' and in consideration of TII Publications for

potential impacts on the safe and efficient operation of the national road network.

- No exceptional reasons or evidence have been offered by the Planning Authority to justify a departure from official policy and road safety considerations as regards the proposed development.
- The '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' outline that the creation of new accesses and the intensification of existing accesses to national roads give rise to additional turning movements that introduce additional safety risks to road users.
- The proposed development is at variance with official policy to preserve the level of service, safety and carrying capacity of national roads and to protect public investment in such roads as outlined in the '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' and would establish an undesirable precedent for further similar development that requires Technical Acceptance under TII Publication '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*' and detailed traffic management proposals for the construction phase for a site directly accessing the strategic national road network.
- Transport Infrastructure Ireland has a range of functions under the Roads Act, 1993, as amended, to support the general function of providing a safe and efficient national road network. Section 19(1)(e) of that Act provides the authority to TII to specify standards in relation to design, construction or maintenance works to be complied with by a person, road authority or public authority carrying out works on a national road. Such standards are set out in a suite of technical design standards collectively referenced as TII Publications.

TII Publication '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*' specifies the procedures to be followed in order to obtain Technical Acceptance for structures on motorways and other national roads and for the submission of as-built records. In this respect, given that the proposed structure is immediately adjacent to the N77

National Road, a Technical Acceptance procedure must be fulfilled and approved by TII ahead of the design and construction of any works.

- The report of the case planner makes no reference to any pre-planning discussions and the appellant can also confirm that it was not consulted on any preliminary design for the proposed replacement mast. In addition, the Planning Authority proceeded to make a decision without the available engineering assessment contained in the report of the Roads Dept. that recommended further information be sought as regards an approved Technical Acceptance Report.
- Based on the information available It is not considered that the development granted permission complies with TII Publications design standards and procedures, nor safeguards all road user safety in accordance with official policy.
- The development is not consistent with the nationally recognised need to develop a safe road system that underlies the policies and objectives of the Laois County Development Plan, 2021-2027.
- The proposed development, located on a national road where the maximum speed limit applies, would endanger public safety by reason of a traffic hazard and obstruction of road users due to the site location, access arrangements and the height of the proposed structure.
- The proposed development, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard and will interfere with the safety of all road users on the national road by reason of the proposed development and associated construction methodology access requirements on the N77 not meeting the required road safety standards.
- The Planner's Report does not consider the Transportation Policy Objectives for the national road network set out in the Development Plan and fails to fully assess the proposal against the contents of the appellant's initial submission, including the limited extent of the application site, the pedestrian access only, the site location where a speed limit of 100kph applies along a national road, and the height of the proposed structure relative to the site which engages the

requirements of *TII Publication 'DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads'*.

- The grant of permission as issued does not provide for TII Publication compliance. Furthermore, the conditions related to construction traffic management are deficient having regard to the extant access arrangement at the site, the dearth of construction methodology and access information supplied with the application, and the site location on a national road subject to a speed limit of 100kph. In the interest of road and public safety, and subject to written approval, a considered Construction Traffic Management Plan setting out such matters as vehicular access, including sightlines, to the site and related details such as construction traffic management duration requirements, and temporary speed limits is required.
- There are concerns that the proposal has the potential to fall onto the N77 National Road and that the process required to ensure this does not happen has not been addressed by the Planning Authority.
- The grant of permission is considered premature pending Technical Acceptance of the proposed structure in accordance with TII Publication *'DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads'*.
- The grant of permission in its current form is at variance with the *'Spatial Planning and National Roads, Guidelines for Planning Authorities'* and conflicts with the objective to safeguard the strategic function of the national road network, to safeguard the investment made in the transport network to ensure quality levels of road safety, service, accessibility and connectivity to transport users and would set an undesirable precedent for other similar development impacting on road user and public safety.

6.2. Applicant's Response

- The construction methodology report and the structural stability of the replacement mast are both integral and extremely important matters within the development process undertaken by the applicant. For cost reasons, these matters are usually undertaken by the development team and the Local

Authority after planning consent has been received in order to avoid abortive costs in the event of a refusal of permission.

- The appellant is not objecting to the actual development proposal, but rather its concern is in respect of the structural integrity and build management of the proposed structure.
- Through the Roads Design Office and Roads Dept., the Planning Authority was aware of the appellant's observations in its assessment of the application. It is also apparent from the conditional grant of permission that the roads reports were taken into consideration (as evidenced by the inclusion of Condition Nos. 8, 9, 10 & 11).
- To undertake the development the applicant must liaise and comply with the requirements of the Local Authority Road Department. This is usual practice and varies from site to site on individual circumstances, including the occasional unknowns arising during the development process. Any queries raised by TII would normally be addressed through this process.
- The applicant has lodged multiple planning applications for very similar developments throughout the country, all of which involved the erection of a 24m high lattice telecommunications support structure on a 1.2m raised foundation in close proximity to a road. All of those proposals were granted permission, subject to conditions, and it is unclear why the appellant has only raised a query with respect to the subject site.
- The submitted design is based on an overall assessment of the existing and proposed structures. The proposals and application drawings at the planning application stage are therefore not detailed in nature. Ground investigations, foundation design and the production of detailed design drawings are typically completed following a grant of permission.
- The telecommunications structure will be provided by Delmec, an international provider of telecommunications towers. It is a legal requirement that all structural steel have CE marking while Delmec's design and manufacture (including welding) of structural components for steel structures accords with IS EN 1090. Furthermore, Delmec manufacture to a certified Factory Production Control (FPC) process, with certified Responsible Welding

Coordinators (RWC) managing all welding activities, and issue a Declaration of Performance (DOP) with all supplied structures. Within this DOP document the structures execution class, analysis details etc. are all referenced. In reality, the TII TAR process is a duplication of the CE standards process. Accordingly, Delmec should be able to submit the applicant's Standard Analysis & DOP to conform to all the requirements of TII.

- The foundation design is based on the information provided in the relevant ground investigations report and accords with the relevant standards having regard to the maximum reaction forces included in the manufacturer's / designer's structural analysis report.
- It is usual for developments of the nature proposed to undertake detailed assessments, including site specific investigations, requirements for site & construction management access, services, and Local Authority / road conditions, in order to finalise the Construction Management Plan.

The site specific requirement includes an assessment of the foundation requirements. The foundations for similar developments have involved piling, although the depths will depend on the ground conditions. This will be included in the Construction Management Plan.

Subject to agreement with the Local Authority, it is envisaged that the grass verge adjoining the application site will be incorporated into a hard surface lay-by area. The mast comprises 4 No. x 6m lengths and its construction is much easier to deliver than a single structure as the structure will be bolted together on site. The existing compound is surrounded by fields and, subject to agreements, approvals and consents, it is envisaged that there are opportunities available to use and include such areas within the Construction Management Plan.

- Numerous attempts have previously been made by the applicant's representatives to contact Transport Infrastructure Ireland in relation to the appeal site and other locations elsewhere, however, these have proven extremely difficult and frustrating as there is no direct person of contact or coherent liaison taking place. Accordingly, it has not been possible to comply

with TII's certification process ahead of the timeline allocated for a response to the grounds of appeal.

- The applicant is amenable to complying with such conditions as the Board considers necessary to alleviate the concerns of TII. It is also accepting of the imposition of those conditions suggested in the grounds of appeal.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Impact on the N77 National Secondary Road
- Appropriate assessment

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. The '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities*' (DOE, 1996) state that it is national policy to develop a comprehensive mobile telecommunications service within Ireland in order to promote industrial and commercial development, to improve personal and household security, and to enhance social exchange and mobility. This strategic policy is reiterated in the National Planning Framework: Project Ireland 2040 (with National Policy Objective

48 aiming to develop stable, innovative and secure digital communications and services infrastructure on an all-island basis) whilst the National Broadband Plan also aims to deliver a high-speed broadband network throughout Ireland. Chapter 10: '*Infrastructure*' of the Laois County Development Plan, 2021-2027 also recognises the importance of a modern, efficient and reliable telecommunications system in advancing the economic and social development of the county and seeks to support a balanced spread of telecommunications infrastructure in the area. In this respect, it is the policy of the Council to encourage and facilitate the coordinated development of broadband infrastructure along with the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county, having regard to the guidelines for "*Telecommunications Antennae and Support Structures*", Circular Letter PL07/12, and any updated documents issued by the relevant authority.

- 7.2.2. The need for the proposed development arises from a desire to provide for improved mobile coverage for both voice and broadband data services in the surrounding area following the identification of certain coverage or service blackspots (please refer to the accompanying '*Technical Justification*' prepared by 'Boldyn Networks'). It is anticipated that the increased size and height of the replacement support tower will improve voice and broadband services (both indoor and outdoor) as it will allow for the installation of high gain antennas (that support full frequency bands for all technologies: 2G/3G/4G/5G) and remote radio units (RRUs). It is further stated that by using remote radio units, cable losses will be minimised, which will greatly improve the coverage footprint and the capacity of the site thereby improving overall broadband speeds and signal quality in the area. Cognisance has also been taken of the need to accommodate the co-location of multiple service providers with reference being made to the proposed installation as having the capacity to facilitate at least three operators. In this regard, and noting that the provision of a modern telecommunications network in the county is a key objective of the Development Plan which necessitates the development of a structured network of base stations and masts throughout the county, it is my opinion that the applicant has set out a satisfactory case for the subject proposal in the documentation provided.
- 7.2.3. In addition to the foregoing, I would emphasise to the Board that the proposed development involves the replacement of an existing telecommunications support

structure with a new construction within the same compound. In this regard, while I would acknowledge that the overall size and height of the proposed development will extend beyond that presently on site, it is of relevance to note that a comparably sized structure was previously approved by the Planning Authority at the same location under PA Ref. No. 12/42.

- 7.2.4. Accordingly, having regard to national policy and County Development Plan statements which emphasise the importance of improved telecommunications, the well-established use and planning history of the site, the rationale for the selection of the subject site, and the potential for the co-location / sharing of the proposed installation with other service providers / operators, in my opinion, the subject proposal is acceptable in principle at this location.

7.3. Impact on the N77 National Secondary Road:

- 7.3.1. The primary concerns raised in the grounds of appeal relate to the potential impact of the proposed development on road safety considerations by reason of its siting and proximity to the N77 National Secondary Road at a location where the maximum speed limit of 100kph applies. More specifically, it has been submitted that the proposal is not in receipt of a '*Technical Acceptance Report*' approved by the appellant pursuant to TII Publication '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*', the determination of which would entail an assessment of certain issues, including the construction methodology (and any temporary access arrangements required for the demounting of the existing mast on site or the erection of the replacement structure) and the structural integrity of the proposal (due to the risk that the structure could fall / collapse onto the national road) in advance of any development. Reference is also made to the need to consider the relevant provisions of the Development Plan and the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' as regards the avoidance of any new access point or the generation of increased traffic from an existing access onto a national road where a speed limit greater than 60kph applies (with the assertion being made that the proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads).

- 7.3.2. At present, the appeal site is only directly accessible via an existing pedestrian gateway onto the grass verge alongside the N77 National Secondary Road and this arrangement is to remain unchanged as part of the proposed development. Accordingly, given the confined nature of the application site and its limitations in terms of accessibility, and noting that the applicant has indicated that the grass verge bounding the site will be incorporated into a larger hard surfaced lay-by area with a view to accommodating the construction works (presumably through its use as a construction compound for the receipt of deliveries and the storage / operation of machinery & plant etc.), I would acknowledge the legitimacy of the appellant's concerns as regards the potential impact of the construction phase on road safety along the national road. However, I note that the applicant has also suggested in response to the grounds of appeal that access to the development site may also be possible through adjoining agricultural fields, subject to the necessary agreements, approval and consents being put in place.
- 7.3.3. Notwithstanding that construction of the proposed development will likely necessitate some element of access via the national road, I am cognisant that no alterations are proposed to the existing pedestrian only access arrangement to the appeal site and that the development itself involves the replacement of an existing telecommunications structure at an established installation. Given the specifics of the site location and the nature of the development works, I am inclined to suggest that matters pertaining to the construction methodology to be employed at the site along with the implementation of any necessary traffic control / safety measures along the public road during the course of the construction works can be satisfactorily addressed by way of an agreed Construction Management Plan. When coupled with adherence to the appellant's own consent procedures as the authority with responsibility for the national roads network (in reference to the requirement for the applicant to obtain a '*Technical Acceptance Report*' pursuant to TII Publication '*DN-STR-03001 – Technical Acceptance of Road Structures on Motorways and Other National Roads*', it is my opinion that this provides for a sufficiently robust mechanism by which to ensure continued road safety along the public road during the course of the interim construction works. Such an approach would not be entirely uncommon and allows for any necessary temporary traffic management measures to be agreed by all parties and put in place in advance of any development works.

7.3.4. With respect to the appellant's concerns as regards the need to ensure the structural integrity of the replacement telecommunications structure given its overall height and proximity to the national road so as to obviate the risk of collapse onto the carriageway, I would concur with the applicant that such matters are most appropriately dealt with through recourse to the existing procedures set out in TII Publication 'DN-STR-03001 – *Technical Acceptance of Road Structures on Motorways and Other National Roads*'. Indeed, it is my understanding that the requirement to obtain a Technical Acceptance Report from TII is in advance of the commencement of development as opposed to the receipt of a planning consent and thus any grant of planning permission would not negate the applicant's obligations in this regard (with Section 34(13) of the Planning and Development Act, 2000, as amended, stating that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*').

7.4. Appropriate Assessment:

7.4.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive):

7.4.2. I have considered the proposed development, which comprises the erection of a 24m high lattice telecommunications support structure on a 1.2m high raised foundation (providing an overall height of 25.2m) together with associated antennas and dishes and the removal of an existing 15m high lattice telecommunications structure with antennas (providing an overall height of 16.5m), all within an existing compound at Colt, Ballyroan, Co. Laois, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

7.4.3. The subject site is located approximately 3.4km east-northeast of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162).

7.4.4. The proposed development involves the removal of an existing 15m high lattice-type telecommunications support structure and its replacement through the construction of a 1.2m high raised foundation pad (on top of the existing foundation) followed by the erection of a 24m high lattice-type telecommunications support structure (together with associated antennas and dishes) resulting in an overall height of 25.2m. The entire development will be enclosed within an existing compound while the existing equipment shelter is to be retained.

- 7.4.5. No nature conservation concerns were raised in the planning appeal.
- 7.4.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 7.4.7. The reasons for this conclusion are as follows:
- The small scale and nature of the proposed development;
 - The distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site; and
 - The contents of the appropriate assessment screening report and determination completed by Laois County Council.
- 7.4.8. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 7.4.9. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act, 2000) is not required.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to:

- a) the national strategy regarding the improvement of mobile communications services,
- b) the guidelines relating to 'Telecommunications Antennae and Support Structures' issued by the Department of the Environment and Local Government in July, 1996, for planning authorities, as updated by Circular Letter PL07/12 issued by the Minister for the Environment, Community and

Local Government on the 19th day of October, 2012 under Section 28 of the Planning and Development Act, 2000, as amended,

- c) the policy of the planning authority as set out in the Laois County Development Plan, 2021-2027, to support the provision of telecommunications infrastructure,
- d) the established use of the site,
- e) the planning history of the site,
- f) the potential for sharing of the structure and site with other operators, and
- g) the general topography and landscape features in the vicinity of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not endanger public safety by reason of traffic hazard, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations, 2001, and any statutory provisions amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

3. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast practicable and shall be visible from all angles in azimuth. 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.

Reason: In the interest of public safety.

4. Details of a colour scheme for the proposed mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

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

5. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of six months, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing with, the planning authority within seven months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the developer's expense.

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

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This landscaping shall be implemented not later than the first planting season after commencement of development. Any planting that is diseased or fails within two years of planting shall be replaced.

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

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained.

Reason: In the interest of visual amenity, residential amenity and biodiversity.

8. Prior to commencement of works, the developer shall submit, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including access arrangements, traffic management protocols, hours of working, noise and dust management measures, and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and amenity.

9. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications and broadband operators.

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.

10. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

11. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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.

Robert Speer
Senior Planning Inspector

17th April, 2025

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-321751-25		
Proposed Development Summary	The erection of a 24m lattice telecommunications support structure on a 1.2 metre high raised foundation (providing an overall height of 25.2 metres) together with associated antennas and dishes and to remove the existing 15 metre lattice telecommunications structure with antennas (providing an overall height of 16.5 metres). The proposed development is all enclosed within an existing compound.		
Development Address	Colt, Ballyroan, Co. Laois.		
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	✓
		No	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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to (Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____