



An  
Bord  
Pleanála

1.0

## Inspector's Report ABP-321817-25

### Development

Erect a 24m lattice telecommunications support structure on a 1.2 metre high raised foundation together with associated antennas and dishes and to remove the existing 15 metre lattice telecommunications structure with antennas.

### Location

Morette, Emo, County Laois.

### Planning Authority

Laois County Council

### Planning Authority Reg. Ref.

2460688

### Applicant(s)

Vantage Towers Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

William Keegan

### Observer(s)

None

### Date of Site Inspection

9<sup>th</sup> April 2025

### Inspector

Aoife McCarthy

## 2.0 Site Location and Description

- 2.1. The subject site has a stated area of 40m<sup>2</sup>, and is located in the townland of Morette, Emo, Co. Laois.
- 2.2. The wider area is agricultural in character.
- 2.3. The site is located c.2.2km to the south of Emo village and c.140m to the west of the M7 motorway.
- 2.4. The site is accessed off the R445 (Regional road), via a gated pedestrian gate.
- 2.5. The site is bound by a dwelling to the north with access from the R445, and with lands in agricultural use to the east and west of this property.
- 2.6. The site comprises a telecommunications compound, including a 15m high telecommunications mast, equipment shelter with a fenced compound to the rear. The northern boundary is bound by mature hedges/planting.

## 3.0 Proposed Development

- 3.1. The proposed development consists of the erection of a 24m high lattice telecommunications support structure on a 1.2 m high raised foundation (providing an overall height of 25.2 m) together with associated antennas and dishes and to remove the existing 15m lattice telecommunications structure with antennas (providing an overall height of 16.96 metres).

- 3.2. The proposed development is all enclosed within an existing compound.

### 3.3. Planning Authority Decision

- 3.3.1. The local authority issued a Notification of Grant Permission on 10<sup>th</sup> January 2025, subject to 11 No. conditions. Condition 1 states the following:

The development shall be carried out in accordance with plans and particulars received by the Planning Authority on 12/11/24, except where conditions hereunder specify otherwise.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

- 3.3.2. The remainder of the conditions are typical for this type of development.

### **3.4. Planning Authority Reports**

#### **3.4.1. Planning Reports (10<sup>th</sup> January 2025)**

- The planning report is the basis of the planning authority decision.
- The report includes a description of the site context and proposed development.
- The site is located in a Lowland Agricultural Area Landscape Character Area (LCA).
- The report includes a detailed summary of relevant local planning policy framework.
- The report includes a summary of the 4 no. submissions received (see below).
- The surrounding area is largely characterised by agricultural lands and one off housing and is not a fragile or sensitive landscape. As such, the visual impact of the development is not detrimental to the area.
- There are 3 no. dwellings located within 200m of the subject site, one of which is within 60m. Visually the proposed structure will be most prominent for this property, noting that submissions have been made from this address with respect to visual impact. The proposed increase in height while not insignificant will not have a detrimental or overbearing impact on this residential property beyond that which already pertains.
- The development will not have an overbearing impact on the visual amenities of any residential property in the wider area or landscape.
- The proposed development will not negatively impact upon residential values given the nature of the existing development on the subject site.
- The proposed development is required by Vodafone, due to inadequate infrastructure in the wider area to fulfil current and future demand, with a noted deficiency in 4G and 5G coverage. Increased height of the infrastructure on site will rectify coverage issues, substantially improving 4G and 5G connectivity.
- The PA notes health concerns as raised by the third party submissions and makes reference to the (Circular Letter: PL 07/12 and the relevant provisions of the Telecommunications Antennae and Support Structures Guidelines (1996)).

- The Road Design Office have assessed the proposal and subject to condition have no objection to the development.
- There are no issues arising with respect to AA or EIA.
- Development contributions are exempt under section 12.9 of the Council's Development Contribution Scheme 2023 – 2029.
- Having reviewed the application against policies outlined in Laois Development Plan and the Guidelines, the PA recommends that planning permission should be granted in this instance, subject to conditions.

#### 3.4.2. **Other Technical Reports**

- **Area Engineer' Report (10<sup>th</sup> December 2024):** No objection, subject to condition.

#### 3.5. **Prescribed Bodies**

3.5.1. None received.

#### 3.6. **Third Party Observations**

3.6.1. A total of 4 no. submissions have been received, all notably from the same Keegan family/address, the grounds of which are summarised below:

- The 15m telecommunications tower is an industrial eyesore detracting from the natural beauty of the area. Increasing the height will have a significant negative effect on the landscape.
- Families have chosen this area for its tranquil, unspoiled environment.
- The photomontages fail to accurately represent the visual dominance of the proposed structure, particularly during the winter months. These images sufficiently assess the impact on residential properties.
- The tower's location at the entrance to a dwelling will have significant impact on the quality of life for the residents.
- The proposal would reduce property values significantly.
- The larger tower will require increased maintenance introducing additional noise, vehicle traffic and disruption to the area, eroding the quality of life for local residents.

- The site is accessed off the N7 construction and maintenance traffic would disrupt what is considered a heavily trafficked route, noting the potential hazard that this would create for road users, pedestrians and cyclists.
- This site is limited to a single entry point. This increases the risk of congestion and creates challenges for emergency access.
- Family members are exposed to electromagnetic fields (EMFs). Increasing the tower height and output would raise EMF output. No ongoing EMF monitoring or reporting is proposed. The community includes many elderly residents and young children who maybe more vulnerable to the potential effects of EMF exposure.
- The current telecommunications infrastructure has adequately met the area's needs. There has been no documented public demand for expanded capacity, nor is there evidence that the existing tower is insufficient. Expanding the structure is unjustifiable.
- The application does not demonstrate sufficient exploration of alternative solutions.
- The proposal will affect the character and quality of life in Morette.
- The red line boundary is incorrect, extending into the applicant's lands.

## **4.0 Planning History**

### **4.1. Subject Site**

- 4.1.1. There is no planning history relating to the site.
- 4.1.2. The applicant notes that the existing 15-metre-high mast was erected by Bord Telecom Eireann in accordance with Class 29 of Statutory Instrument No. 86/1994 – Local Government (Planning and Development) Regulations, 1994.

## **5.0 Policy Context**

### **5.1. National and Regional Guidance**

### **5.2. Climate Action Plan (CAP) 2025**

- 5.2.1. CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.

- 5.2.2. Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- 5.2.3. The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- 5.2.4. Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

### **5.3. Harnessing Digital. The Digital Ireland Framework**

- 5.3.1. Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

### **5.4. Project Ireland 2040 National Planning Framework, First Revision, April 2025**

- 5.4.1. National Policy Objective **31**: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.
- 5.4.2. National Policy Objective **62**: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

### **5.5. National Development Plan 2021-2030**

- 5.5.1. The government recognises that access to quality high speed broadband is essential for today's economy and society.

### **5.6. National Broadband Plan 2020**

- 5.6.1. The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

### **5.7. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996**

- 5.7.1. These guidelines provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities. The Guidelines note that national policy requires that all development should conform to the concept of environmental sustainability, meeting socio-economic while conserving the natural resources upon which development ultimately depends, stating the following:

Areas legally designated for environmental conservation must be given the required protection when considering planning applications for mobile telephony infrastructure. Accordingly, fragile landscapes have to be treated sensitively, scenic views preserved, archaeological/geological sites and monuments and buildings of historical and architectural interest protected and sacred areas respected.

**5.8. Circular Letter: PL 07/12 (October 2012)**

- 5.8.1. Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Broadly these are:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Register or database of approved structures;
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds; and

The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

**5.9. Eastern & Midland Regional Spatial & Economic Strategy 2019-2031**

- 5.9.1. The RSES includes Regional Strategic Outcomes (RSOs) aligned with planning policy, setting framework for development plans. Notably,

**RSO 9:** Support the Transition to Low Carbon and Clean Energy - Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050.

#### **5.10. Laois County Development Plan 2021-2027**

#### **5.11. Telecommunications Masts and Antennae (Section 10.6.4)**

##### **5.11.1. The Development Plan includes the following relevant Policy Objectives:**

**TEL 1** Encourage and facilitate the coordinated development and extension of broadband infrastructure throughout the county, by state or private operators.

**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 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.

##### **5.11.2. 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 colocation. 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.

### **Landscape Character Area**

5.11.3. The site is located within a Lowland Agricultural Area. The Plan includes the following relevant policies:

**LCA 13** 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 14** 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.

### **5.12. Natural Heritage Designations**

5.12.1. The subject site is not located within or adjacent to any designated European Site. The nearest site is River Barrow and River Nore SAC, located c.7.1km to the north-west of the subject site.

5.12.2. The closest site with a natural designation is the Great Heath Of Portlaoise pNHA (Site Code: 001732), located c.1.2km to the south-west of the site.

### **5.13. EIA Screening**

5.13.1. The proposed development constitutes a 'project' for the purposes of EIA Directive, but does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, and therefore no preliminary examination or EIA screening is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A single third party appeal has been received from William Keegan, resident of an adjoining dwelling to the north and farmlands to the east and west of the subject site. The grounds of appeal are summarised below:

- The existing structure dominates the visual environment within the Appellant's property, exacerbated by the proposed extension, the structure being visible from every front facing room.
- The photographs selected excludes the Appellant's dwelling, presenting a misleading visual assessment of the subject proposal.
- The application boundary lines are incorrect extending into land in the appellant's ownership.
- There is often debris from existing structure (cable ties etc.) in the Appellant's garden after maintenance works, which will be exacerbated by the proposal.
- The concern with respect to EMF has been ignored, noting the WHO classify radio frequency EMF as possibly carcinogenic to humans. Given proximity to dwelling, there is concern with respect to this exposure.
- No reference has been made to on-going monitoring and public health assessment in the application, as required under ICNIRP Guidelines.

- Increasing the tower height and output will likely raise EMF output with potential health issues arising. The community includes many elderly residents and young children who maybe more vulnerable to the potential effects of EMF exposure.
- The appellant considers his human rights under Article 8 of the European Convention on Human Rights have been affected.
- The only access route to the site is via the N7, with noted heavy traffic. Construction and maintenance traffic will exacerbate this with potential impacts for road users, pedestrians and cyclists.
- This site is limited to a single entry point. This increases the risk of congestion and creates challenges for emergency access.
- No technical need for project. Queries whether a mast would be made available at any other location that is as close to the appellants dwelling.
- No public benefit or justification for the project.
- Mature hedgerow as referenced for screening is within the Appellant's ownership and does not provide screening to this structure.
- The appeal is accompanied by commentary on the application documentation as submitted to the P.A. The commentary includes that the scale of the proposal has been underplayed in the assessment.
- The family are all Vodafone 5G customers and have no signal issues.

## **6.2. Applicant Response (24<sup>th</sup> February 2025)**

### **6.2.1. The response of the applicant may be summarised as follows:**

- Acknowledges that the existing structure creates a visual impact from the house and driveway, and that additional planting isn't practical or effective in reducing this impact.
- Refers to Justification Report as submitted with the application.
- The applicant considers that at 57m, the property is not dangerously close to the appellant's home and that shadows would be cast over the appellant's farmland rather than the house.
- No deliberate intention to conceal any information with respect to the Appellants home.

- The verified views have been undertaken by an independent specialist. No attempt to hide anything within the photographs.
- Due to the size of the site, red and blue lines are indicative, and the details of the site are clear.
- No record of complaints have been received with respect to servicing this site. Health and safety matters have not been ignored. Commission for Communication Regulation (Com Reg) is the licensing authority for the use of radio frequency. The existing and proposed installation and any future equipment will be fully compliant the Health and Safety legislation and operated in accordance with Com Reg Guidelines.
- The proposed development will not generate additional maintenance traffic to the site, estimated with 4-6 visits per annum. The mast includes 4 no. 6m lengths, constructed on site, and will be undertaken in stages in accordance with a CMP.
- The investment is not taken lightly. The proposed structure will provide enhanced service over a much wider area than it currently achieves, to the benefit of a wider community.
- The question of human rights under Article 8 has not arisen before, noting it is the prerogative of the third party the matter.
- The current mast at 15m is small compared to the majority of masts.
- The site does not include 5G services. The upgrade will enable 5G coverage for the target area.
- There are another two Vantage Towers sites in Laois with masts within 56m of residential dwellings.

### **6.3. Planning Authority Response**

6.3.1. None received.

### **6.4. Observations**

6.4.1. None received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the main issues in this appeal relates are as follows:

- Principle of Development
- Justification
- Design
- Landscape and Visual Impact
- Roads and Traffic
- Health and Safety

### **7.2. Principle of Development**

- 7.2.1. At the outset I note the third party has raised a series of issues which are outside the scope of this appeal, relating to landownership, compliance with relevant health and safety codes of practice.
- 7.2.2. With respect to development within the existing compound and fence line, it is not clear what encroachment onto third party lands arises. No related evidence has been presented with respect to the ownership of this land. In this context, I refer the Board to Section 34(13) of the Planning and Development Act 2000 as amended, (the Act), which states that 'a person shall not be entitled solely by reason of permission under this section to carry out any development'.
- 7.2.3. Additional non-planning matters, beyond the scope of the Act relate to alleged breach of human rights under Article 8 of the European Convention on Human Rights. The impacts on residential amenities are considered further below.
- 7.2.4. The proposed development relates to the replacement of an existing 15m high lattice telecommunications structure (overall height 16.96m) with a 24m high lattice telecommunications support structure (overall height of 25.2m) in a rural area.
- 7.2.5. In the context, the following relevant policies of the Laois County Development Plan 2021-2027 are noted:

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.

- 7.2.6. The site is located within a Lowland Agricultural Area LCA as designated under the Development, noted to have a low sensitivity rating. The site is not located within a designated site or within immediate proximity to a Natura 2000 sites.
- 7.2.7. From a review of the file the development proposal is noted to meet the provisions of the DM Tel 1 of the Development Plan, noting the inclusion of a reasoned justification for the proposal; consideration of alternate sites in the county; the submission of a visual impact assessment of the proposed development; a statement of compliance with the IRPPA Guidelines, 1998. The proposal relates includes a latticework design type, as to monopole design, which in this instance is considered suitable, as discussed below.
- 7.2.8. As such, having regard to the planning history on this site, location, within the Lowland Agricultural Area LCA, policies of the Plan as referenced above, I consider the proposed development to be acceptable in principle, subject to assessment with respect to the following relevant planning matters.

### **7.3. Justification**

- 7.3.1. The application is accompanied by a Planning cover letter (dated 12<sup>th</sup> November 2024) and Technical Justification prepared by Boldyn Networks. The letter states that the applicant is one of Europe’s leading tower companies, created by the Vodafone Group in 2020 and owns 1,300 masts in Ireland.
- 7.3.2. The proposed development includes the replacement of the existing tower (15m) with a 24m high tower, with space for Vodafone and two other operators allowing for the installation of wideband antennas that support the full frequency bands for all technologies as well as giving the ability for three operators to deploy equipment on the structure.

- 7.3.3. The increase in height and size is stated to improve voice and broadband services, through the installation of high gain antennas that support full frequency bands for all technologies and remote radio units (RRUs). Cable losses are minimised with the use of RRUs, improving coverage footprint and the capacity of the site and therefore overall broadband speeds and signal quality in the area.
- 7.3.4. The letter states that the operator's network planning teams identify prioritise blackspots based on a significant cluster of residential and commercial customers along with any key road or rail infrastructure. The report includes coverage plots for the blackspots, demonstrating the improvement in services within the blackspot areas.
- 7.3.5. In this instance, upgrading an existing structure was selected as the best approach. The report notes that the upgraded lattice tower at Morette would significantly improve the coverage and broadband services in the area. To improve the voice and data services in the area Vantage Towers has identified deploying a 24m lattice structure at Morette as being necessary to enable the delivery of high-quality voice and data services.
- 7.3.6. The applicant has analysed existing sites which could service the target areas for the service blackspots, identifying 4 sites (Carn Emo, Ballybrittas, Garryvacum Killeslin Hotel). In this instance, upgrading the existing structure at Morette was selected as the best approach. Having analysed these maps against online ComReg mapping, which confirms the availability of space at these areas.
- 7.3.7. In this context, based on the information as provided by the applicant, I am satisfied that the applicant has provided sufficient information to demonstrate the need for the proposed development, as required under DM TEL 1 of the Development Plan.

## **7.1. Design**

- 7.1.1. As outlined above, the existing compound is accessed off the R445, by way of a pedestrian gate, with chain-link and concrete post fence around the perimeter of the compound. Existing hedgerow/planting is located within the northern side of the site, noted to be within the ownership of the adjoining landowner/appellant. Notwithstanding, I do not consider the possible future loss of this hedgerow would affect the acceptability of the subject proposal.



- 7.1.2. The existing equipment shelter will be maintained.
- 7.1.3. The development includes the replacement of the 15m high lattice telecommunications structure with a 24m lattice support structure, together with associated antennas and dishes.
- 7.1.4. The new mast includes 3 no. lighting finials and new handrail at base level.
- 7.1.5. In this context, DM TEL 1 states the Council preference is for a monopole rather than latticework structure type. In this instance, as the proposal involves the replacement of an established permitted latticework structure with another, that the preference for a latticework structure should not apply in this instance.
- 7.1.6. In conclusion, I am satisfied that the design of the structure is typical of this form of development and is otherwise acceptable from a design perspective. I do not consider that planning permission should be refused on this basis.

#### **7.1. Landscape and Visual Impact**

- 7.1.1. The subject application includes the replacement of a 15m high lattice telecommunications structure with a 24m high lattice structure.
- 7.1.2. The subject site sits within the Lowland Agricultural Area LCA within the County Plan, referred to a Landscape Area with Low Sensitivity, and as an Area “with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.”
- 7.1.3. The application includes a visual impact assessment (Section 7.2.2 of the Applicant’s cover letter, dated 12<sup>th</sup> November 2024 refers) along with a series of Verified Views, to assess the visual impact of the proposed development. The letter states that the views have been taken from a range of radial routes approaching the site, noting the process sought to capture the structure at its greatest visibility. The images, prepared by an independent specialist is noted to include photography, survey, modelling, camera matching, and view creation. With respect to commentary from the third party, I consider this methodology for viewpoint selection process to be typical and suitable for this type of development.
- 7.1.4. The viewpoints are taken from a bridge over the M7 looking east (View 1); and from three positions along the R445 (Views 2, 3 and 4). The assessment considers that the impacts range from medium (View 3), minimal (View 4), Medium to Minimal (1

and 2 Views). The greater impact arises with the closest proximity to the subject site. The assessment notes that within all viewpoints, the structures are considered to assimilate well with the surrounding landscape. The assessment concludes that, the difference between the two structures creates a minimal to medium visual impact on the environment.

- 7.1.5. From a review of the file and images and site visit, I consider that these viewpoints do not include every possible position, however, they do provide a representative sample of viewpoints in the area. In addition, I concur with the conclusions of the visual impact assessment as referenced above.
- 7.1.6. As noted by the Planning Authority, there are 3 no. dwellings located within 200m of the site, the closest of which is located within 60m of the subject proposal, the residence of the Appellant.
- 7.1.7. From a review of the file and site visit, the subject proposal will result in an increase in height of c.8.2m over the existing mast height. Whilst not insignificant, this does not adversely affect the visual and residential amenities of the subject site, over the baseline scenario. Other dwellings are at a greater distance from the proposal and/or have restricted views to the site. The proposal would also be seen from those travelling along the R445 Regional Road. The proposed development would not, in my opinion, result in significant adverse impacts on the visual amenity of any property in the area, or within the wider landscape.
- 7.1.8. I do not consider therefore that permission should be refused with respect to landscape and visual impact.

## **7.2. Roads and Traffic**

- 7.2.1. The site is accessed off the R445 Strategic Regional Road, located within 140m of the M7 motorway.
- 7.2.2. The site is currently accessed from a pedestrian gate to the site and there are no changes proposed to this arrangement as part of this application.
- 7.2.3. The First Party Appeal Response notes that the proposed mast comprises 4 no. 6m lengths which would be bolted together on site within a single day, once the foundations are in place. It is intended that the construction phase will be undertaken in accordance with a site-specific Construction Management Plan (CMP). The

planning authority have recommended that the applicant submit a Traffic Management Plan (TMP) rather than CMP, and I agree with this suggestion, having regard to site size and proximity to the R445. In the event the Board decide to grant permission for the subject proposal, it is recommended that a condition is attached, requiring the submission of such a document with the Planning Authority prior to the commencement of development.

7.2.4. The applicant notes that there will be no change to the operational maintenance of the replacement mast, with approximately 4 to 6 no. visits to the site per annum.

7.2.5. As such, I am satisfied that, subject to condition, the proposed development would not give rise to significant adverse with respect to traffic and transportation.

### **7.3. Health and Safety**

7.3.1. Health concerns across a range of matters have been raised within the third party submissions and the appeal, which have been considered.

7.3.2. Section 4.6 of the Guidelines requires that as part of the planning application operators 'should be' required to furnish a statement of compliance with the International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines (1998), or the equivalent European Pre-standard 50166-2. The ICNIRP are the competent experts for assessing the health and safety of masts.

7.3.3. The application is accompanied by a statement from Vodafone Ireland Limited, dated 5<sup>th</sup> November 2024, confirming that the site is compliant with the ICNIRP guidelines as required under DM TEL 1 of the Development Plan.

7.3.4. In this context, I refer the Board to Circular Letter 07/12, issued by the then DoECLG, which reiterates the advice contained in the Telecommunication Guidelines, specifically that planning authorities should not determine planning applications on health grounds, that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These matters are regulated by other codes and such matters should not be additionally regulated by the planning process.

7.3.5. Having regard to the above, I am satisfied that the planning permission should not be refused on the grounds of health and safety.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The proposed development comprises the removal of a 15m high structure and replacement with a 24m monopole telecommunications structure, and all associated site works in the townland of Morette, Emo, Co. Laois.
- 8.2.1. The closest European site is the River Barrow and River Nore SAC, located c.7.1km to the north-west of the subject site
- 8.2.2. No nature conservation concerns were raised in the planning appeal.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:
- The limited scope of works associated with the project.
  - The distance between the Project and closest European Site.
- 8.4. I conclude that 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.
- 8.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

- 9.1. I recommend that planning permission should be granted, for the reasons and considerations set out below, and subject to the attached conditions.

## **10.0 Reasons and Considerations**

Having regard to the nature, extent and location and the planning history of this site, the Telecommunications Antennae and Support Structures Guidelines 1996 as revised by Circular Letter PL 07/12, and Section 10.6.4 of the Laois County Development Plan 2021 – 2027, it is considered that, subject to conditions, the

proposal would contribute to the roll out of broadband services in accordance with national, regional, and local objectives. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 12<sup>th</sup> November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The 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 provision 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 as 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. 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, within seven months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.

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

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

6. (a) The developer shall ensure that no damage occurs to the public roadway during the construction phase of the development. In the event of any damage occurring, the developer shall liaise with the Road Design Office, Laois County Council to ensure that the public roadway is reinstated to a proper standard. The applicant shall be responsible for all cost relating to reinstating of same.

(b) All works adjacent to the public road shall be carried out under a traffic management plan designed by a competent designer under Chapter 8 of the Traffic Signs Manual.

**Reason:** In the interests of traffic safety.

7. The developer shall ensure that no debris or construction materials from the site shall be deposited onto the public roadway nor in the vicinity of the site during the construction phase of the proposed development.

**Reason:** To ensure that the developer keeps the public areas adjacent the development in a suitably clean state of repair during construction works

8. The development shall not interfere with or impair the operation of any existing surface water drainage system or land or roadside drainage

currently facilitating the application site. No run off shall be allowed on to the public road.

**Reason:** To prevent interference with existing land or road drainage and in the interests of proper development and in the interest of sustainable drainage of the catchment.

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

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Aoife McCarthy  
Planning Inspector

30<sup>th</sup> May 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	321817-25
<b>Proposed Development Summary</b>	Installation of a 24 metre monopole telecommunications structure and all associated site works
<b>Development Address</b>	Morette, Emo, Co. Laois.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	



<b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>