



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322317-25

<b>Development</b>	Construction of a 24 metre high telecommunications monopole and all associated site works.
<b>Location</b>	Eir Exchange, Carrownluggaun (Td) Beech Park, Ballyhaunis, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	2560043.
<b>Applicant(s)</b>	Towercom Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Friends of the Irish Environment CLG.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19 <sup>th</sup> June 2025.
<b>Inspector</b>	C. Daly

## **1.0 Site Location and Description**

- 1.1. The subject site consists of the site of an existing utilities facility consisting of a 15m high lattice mast and metal services box surrounded by a high metal fence on a rectangular site. There is a single storey pitched roof building adjacent for the exchange. Around the site and exchange there is a high wall and gate surrounding the site which is adjacent to existing houses on all sides at St Gerard's Court and Beech Park.
- 1.2. The site is within the town of Ballyhaunis at its northern end and is within 100m of the main street. There is one other telecoms mast on lower ground in the town to the south of main street close to the Supervalu shop c.210m from the subject site at Friarsground / Hazelhill.

## **2.0 Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
  - The removal of the existing 15m lattice telecoms structure and fencing.
  - The erection of a 24m high telecoms monopole on a 1m high raised foundation with associated antennas and dishes, to an overall height of 27.8m.
  - The erection of ground-based equipment cabinets enclosed within wooden security fencing.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Mayo County Council granted permission for the proposed development subject to 11 no. conditions. Notable conditions include:

- Condition no. 2: The existing 15m high lattice mast shall be removed prior to the operation of the new replacement monopole.
- Condition no. 3: The structure shall be capable of facilitating other operators for co-location.

- Condition no. 4: The transmitter power output, antennae type and mounting configuration shall be in accordance with the details submitted.
- Condition no. 5: No material change of use of the telecommunications structure shall be made without a prior grant of permission.
- Condition no. 6: Further lighting proposals required to be submitted for agreement.
- Condition no. 7: Requires the submission of a Construction Environmental Management Plan prior to commencement.
- Condition no. 11: Requires reinstatement of the site on removal of the telecommunications structure and ancillary structures with details required to be agreed with the P.A. as soon as practicable.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report notes that Ballyhaunis is a designated Tier II settlement in the CDP and the site is zoned residential. It notes that utilities are permitted in principle. It noted the existing telecoms infrastructure on the site and considered that the proposal would not unduly conflict with the zoning objective for the site.

The report notes how the infrastructure would allow for the enhancement of telecoms services for Ballyhaunis. It noted the submitted ComReg coverage map. It notes the rationale submitted in relation to the proposed mast and other mast locations. It considered the location in the absence of the availability of a more suitable location to meet the coverage objectives to be appropriate.

In relation to visual impact, the proposal was not considered to significantly alter the appearance of the area and was considered to be limited, localised and acceptable. It considered that the location in the absence of a more suitable location being available to meet the coverage objectives for the area would be appropriate. It noted the applicant demonstrated a need for such infrastructure in the general area and the provision of such infrastructure accords with the CDP. Overall the proposal was considered acceptable.

It noted that the P.A. does not have the competence for health and safety matters and that it is regulated by other codes and that such matters should not be additionally regulated by the planning process and that the guidelines do not stipulate a minimum separation distance. No issues in relation to access or flooding were noted. The report noted that such development is exempt from development contributions.

### 3.2.2. Other Technical Reports

- Area Engineer: No comment.
- Road Design: No objection subject to conditions.
- National Roads Office: No issues raised.
- Environment Section: No objection subject to condition requiring the submission of a Construction and Environmental Management Plan.
- Conservation Architect: No report received.

### 3.3. Prescribed Bodies

- Transport Infrastructure Ireland: Regard to be had to official policy in relation to national roads and the existing light rail network.

### 3.4. Third Party Observations

One third party observation was received from Friends of the Irish Environment CLG, the concerns of which can be summarised as follows:

- Eir did not take up the previous permission and continued operating from the Friarsground mast 280m to the south-east.
- Failure to assess other locations or the sharing of existing structures.
- Absence of compliance with CDP policy.
- There is a commercial advantage from a proliferation of telecoms masts and commercial arrangements between telecoms operators for site justification reports may be an issue.
- Application relates to a commercial arrangement between Eircom and the applicant.

- No EIA Screening Report on the spatial extent of the Towercom portfolio and including the required Schedule 7 information. Therefore the P.A. cannot deal with the application.
- Per the EIA Directive, the project is part of the applicant's deployment of telecoms infrastructure on Eir Exchange sites per contract with Eircom Ltd and is a class under Schedule 5.
- A cumulative impact assessment is required as part of an EIA.
- Exposure to EMF will result to the residents of St Gerald's Court.

## 4.0 Planning History

### Subject Site

**22/858:** Permission granted by the P.A. to erect a 20 metre high lattice tower together with antennas, dishes and associated telecommunications equipment and remove a 15 metre high lattice tower.

The applicant states that the existing 15m high mast was erected under exemption rules at the time and it is used by Tetra for emergency services.

### Sites in the vicinity

**15/116:** Permission granted by the P.A. at Greenwood (c.4km west of Ballyhaunis) for retention of a 28m high telecoms support structure. (Financial contributions were appealed under ABP ref. PL16.224856).

## 5.0 Policy Context

### 5.1. Mayo County Development Plan 2022-2028 (the CDP)

The subject site is zoned for 'existing residential' development. This is "*To protect the amenity and character of existing residential areas*".

"Utilities" is permitted in principle under the zoning.

### Volume 1

Per Table 2.6, Ballyhaunis is designated as a Tier 2 Self-Sustaining Growth Town. Per Section 2.8.1.5 "*these are towns with a moderate level of jobs and services with*

*capacity for continued commensurate growth, in order to become more self-sustaining”.*

## Chapter 2 – Core and Settlement Strategy

### Section 2.3 Strategic Aims

*Infrastructural Development - To protect, improve and provide water, wastewater, surface water and flood alleviation services throughout the county, and to facilitate the provision of high-quality information communication technology, broadband, telecommunication information and electricity network required to support and enhance the key aims of best place to live, work, visit and invest.*

## Chapter 7 – Infrastructure

### Section 7.1 Strategic Aim

*The strategic aim of this chapter is to protect, improve and provide water, wastewater, surface water and flood alleviation services throughout the county, and to facilitate the provision of high-quality information communication technology, broadband, telecommunication information and electricity network required to support and enhance the key aims of best place to live, work, visit and invest and facilitate the transition to a low carbon and climate resilient society.*

#### Section 7.4.4.4 Telecommunications

*Mayo County Council recognises the essential need for high quality communications and information technology networks in assuring the competitiveness of the county's economy and increasing the quality of life of its people. The Council also recognises the need to balance the requirement to facilitate mobile telecommunications infrastructure in the county to address existing coverage blackspots and the need to protect residential, visual amenity, the natural environment and built environment. In considering proposals for telecommunications infrastructure, the Council will have regard to the Department of the Environment, Heritage and Local Government's "Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities" 1996 and Circular Letter PL07/12 'Telecommunication Antennae and Support Structures' and any amendments thereof.*

#### Telecommunications Policies

**INP 19** *To support the delivery of telecommunication infrastructure in the county, having regard to the Government Guidelines ‘Telecommunications Antennae and Support Structures- Guidelines for Planning Authorities’ 1996 (DoEHLG), the ‘Guidance on the potential location of overground telecommunications infrastructure on public roads’, (Dept of Communications, Energy & Natural Resources, 2015) and Circular Letter PL 07/12 (as updated) and where it can be demonstrated that the development will not have significant adverse impacts on communities, public rights of way and on the built or natural environment, including the integrity of the Natura 2000 network.*

**INP 20** *To promote Mayo as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities, at appropriate locations.*

#### Telecommunications Objectives

**INO 32** *To maximise and widely promote connectivity of Mayo based on building on existing ICT infrastructure and sub-sea fibre optic cables where possible.*

**INO 33** *To encourage the location of any telecommunications structure, have regard to the Landscape Appraisal of County Mayo, and where possible, advise on a less intrusive location in areas where they are unlikely to intrude on the setting of, or views of/from national monuments or protected structures.*

**INO 34** *To maintain and update the council’s register of approved ducting and telecommunication structures in the county, to assist in the assessment of future telecommunication developments. The Council will encourage co-location of antennae on existing support structures and 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.*

#### Chapter 12 – Settlement Plans

##### Section 12.3.1.1 Tier II Settlements

##### Table 12.2 Land Use Zoning Objectives for Settlement Plans

##### Table 12.3 Land Use Matrix for Tier II Settlement Plans

##### Section 12.5 Ballyhaunis (Tier II)

*BSP 1 To promote the development of Ballyhaunis as a driver of economic growth for the southeast region of County Mayo and fulfil its role as a designated Self-Sustaining Growth Town and to further investigate the potential for the creation of an Economic Growth Cluster, in tandem with the towns of Ballinrobe and Claremorris.*

*BSO 10 To encourage development in the town of Ballyhaunis in accordance with the Land Use Zoning Map.*

## Volume 2

### Section 8.10 Telecommunications

*The Council recognises the importance of telecommunication infrastructure which is important in removing the peripheral barrier that the county experiences. It is also recognised that the location of telecommunication infrastructure is dictated by service provision and hence each application will be determined on its own merits. Planning applications relating to the erection of antennae and support structures shall be accompanied by:*

- A reasoned justification as to the need for the particular development at the proposed location in the context of the operator's overall plans for the county having regard to coverage.*
- Details of what other sites or locations in the county were considered, and reasons why these sites or locations are not feasible.*
- Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered; and*
- Detailed proposals to mitigate the visual impact of the proposed development, including the construction of access roads, additional poles and structures. Where possible they should be located so as to benefit from the screening afforded by existing tree belts, topography or buildings. On more exposed open sites, the Council may require an alternative design or colour finish to be employed, unless where its use is prohibited by reasonable technical reasons.*

## Volume 4 – Record of Protected Structures



This lists 5 no. protected structures in the town.

## 5.2. National and Regional Guidance

### Climate Action Plan (CAP) 2025

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- 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.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- 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.

### Harnessing Digital. The Digital Ireland Framework.

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

### National Planning Framework 'Project Ireland 2040'

- First Revision (April 2025)
- 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.
- 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.

### National Development Plan 2021-2030

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

### National Broadband Plan 2020

- 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.

### Regional, Spatial and Economic Strategy

#### Northern & Western Regional Assembly 2020-2032

- Section 3.5: Telecommunication infrastructure is essential for accessing employment, education and healthcare lifelines.

### **5.3. Ministerial Guidelines and Circulars**

The following Ministerial Guidelines and Circulars are relevant:

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) (the Telecommunications guidelines)
- Circular Letter PL07/12 relates to Telecommunications Antennae and Support Structures Guidelines.
- Circular Letter PL 03/18 relates to Revision of Development Contribution Guidelines in respect of telecommunications infrastructure.

### **5.4. Natural Heritage Designations**

In relation to designated sites, the subject site is located:

- c.2.3km south-east of Mannin and Island Lakes Proposed Natural Heritage Area (PNHA) (site code 001910).
- c.2.3km south-east of the River Moy Special Area of Conservation (SAC) (site code 002298).
- c.6.4km south-west of Errit Lough SAC and PNHA (site code 000607).

- c.7.1km north-west of Attishane PNHA (site code 001618)
- c.7.5km south-west Carrowbehy/Caher Bog SAC and PNHA (site code 000597).
- c.8.4km west of Lough O' Flynn PNHA (site code 001645).
- c.8.5km south of Urlaur Lakes SAC and PNHA (site code 001571).
- c.8.6km north-east of Lough Corrib SAC (site code 000297).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal on behalf of Friends of the Irish Environment can be summarised as follows:

#### Ground 1 – Extent of Towercom Portfolio

- The portfolio of telecommunications masts per the contract between Eircom and Towercom includes the Eir Exchange at the subject site and together these sites have a considerable spatial impact and have the potential for significant effects on the environment in the form of impacts on cultural heritage and in terms of public health given their close location to residential developments.
- There is a history of objective bias at the Board in relation to such masts, for example under the decision granted permission per ABP-311081-21.
- The Board should request further information in relation to the extent of the applicant's portfolio and geographic locations of current and proposed masts as this constitutes a project for EIA purposes as is required to determine this appeal and if such information is not sought the Board is obliged to give reasons for such decision (Supreme Court Balz and Anor v An Bord Pleanála [2019] IESC 90).
- The extensive Towercom portfolio of masts constitutes an integrated network and many are located in proximity of Protected Structures and Architectural Conservation Areas.

## Ground 2 – Lack of EIA Screening

- As the portfolio network is a project it is not possible to assess whether the portfolio exceeds the threshold of Category 10 (iv) of Part 2, Schedule 5, of the regulations.
- EU Commission guidelines note that telecommunications can be included in the urban development project category (page 59 of Guidelines on the Interpretation of definitions of project categories of annex I and II of the EIA Directive (October 2024)).
- The Board previously did not consider telecom masts to fall within the category of urban development for the definition of a project and this approach is no longer tenable.
- As no EIA Screening Report has been submitted including the required Schedule 7 information then the Board cannot deal with the appeal in light of the Article 4(4) requirements of the EIA Directive which require such information.
- The Board is obliged to seek further information given the EU guidance and to ensure the effectiveness of EU law.

## Ground 3 – Health Impacts

- There has been no assessment up to this point as to the suitability of the site, surrounded by residential development, for telecommunications masts and health impacts are a planning consideration in relation to the location of telecommunications masts.
- The 1996 guidelines do not state that health effects are not a relevant planning consideration but that the Board should not impose monitoring conditions related to health impacts (5 specific requirements).
- Circular Letter PL07/12 did not alter the jurisdiction of the Board in relation to electromagnetic frequency radiation as it is an administrative circular and notes that distance requirements are permissible on a case by case basis.

- There is a planning requirement to know that electromagnetic radiation requirements will be met and a requirement to determine if the location is appropriate having regard to potential health impacts.
- Recent EU Scientific Reports indicate risk uncertainties in relation to potential health effects of radiation on people, particular on the health of children and adolescents although methodological weaknesses were noted in the research such that no tightening of standards was recommended.
- The precautionary principle per Article 191 of the Treaty on Functioning of the EU requires action to be taken where a risk exists and cannot be ruled out.
- No health related information has been presented other than a statement that the upgraded exchange will be in compliance with ICNIRP.
- No useful information is presented in terms of the effects on residents in the vicinity and the ICNIRP regulations do not address prolonged exposure.
- The development is unnecessary given the excellent coverage from the Friarsground mast nearby.
- The Board should request an independent report detailing the exposure of the residents in St Gerard's Court to non-ionizing radiation from the maximum number of antenna which can be installed and then consider in a holistic manner whether this is an appropriate location for the mast. It is submitted that it is not an appropriate location.

#### Ground 4 – Development Plan requirements in respect of telecommunications infrastructure

- The requirements of Section 8.10 of the CDP have not been met with no information presented in relation to alternative locations, or why out of town locations are not feasible, there is an existing higher mast in the immediate location which all the main operators use which provides 5G services, no evidence of special consultations with other operators.
- The business model is primarily concerned with increasing the number of masts and not to address coverage issues in the county.

- Failure to demonstrate compliance with policy INP 19 of the CDP in relation to impacts on communities.
- Section 4.3 require the location of free-standing masts in smaller towns only as a last resort and sites already developed for utilities should be considered first.
- No last resort test has been carried out given the interests of the applicants.
- The Board is entitled to depart from the Antenna Guidelines and not apply the last resort test but in this case it cannot do so as the applicant has not presented the information on alternatives.
- The Board is required to engage with the Development Plan and should it grant permission is must recognise that it would be materially contravened.

#### Background to the application

The appeal letter also noted some background information including that:

- The previous grant of permission was to facilitate Eir but that a number of years later Eircom had not taken up the permission granted and they remain operating from the Friarsground mast.
- Voadfone and Three also operate from the Friarsground structure.
- The ComReg coverage map shows excellent 5G coverage from Eircom from the Friarsground mast to the town. Three and Eir are operating 5G services from the Friarsground mast.
- No technical explanation has been offered to why Vodafone cannot similarly provide 5G services from the Friarsground mast.
- 5G services for the town are being better facilitated without any difficulty by the Friarsground mast.
- Operators gain a commercial advantage from a proliferation of masts.
- The Vodafone site justification test does not disclose its current operations from the Friarsground mast.
- The Towercom acquisition of rights to develop the Eir exchange sites in towns and villages such that the necessity to assess alternative sites is foregone.

## 6.2. First Party Response

A response to the third party appeal was received from Towercom Ltd which can be summarised as follows:

### In relation to Ground 1 of the appeal

- The contractual and private arrangements between the site owner and the applicant are outside the scope of the application and appeal.

### In relation to Ground 2 of the appeal

- In relation to EIA screening, the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the regulations.
- The EIA Directive does not apply to all projects which have the potential to have significant effects on the environment but rather to types or classes or projects within Annex I and Annex 2 to the Directive and where not within the types of classes of projects in Schedule 5, the project is not subject to any requirement for preliminary examination, EIA Screening or EIA.
- In relation to category 10(iv) of Part 2, Schedule 5 of the regulations, while urban development is not defined, the EC guidance references development similar to shopping centres or car parks as having similar urban characteristics and telecoms masts are a very different category of development.
- Based on the urban development threshold of the regulations, it would clearly not meet the land area threshold as it is minor in nature, scale and extent and does not require significant ground works or construction methods.
- Based on Article 3 of the Directive, it is clear no likely significant effect to the environment will arise.
- The masts in the applicant's portfolio do not constitute a single project for EIA purposes. The proposal can function independently and provide coverage without connecting to all other mast developments by Towercom.

#### In relation to Ground 3 of the appeal

- Questions related to health impacts are not appropriate to the planning process and should be addressed to the Commission for Communications Regulation and the International Commission for Non Ionising Radiation Protection (ICNIRP) and the application includes confirmation of compliance with these requirements.

#### In relation to Ground 4 of the appeal

- A list is provided of CDP policies in favour to telecommunications and greater demands are being placed on 4G and 5G services with the switching off of 3G.
- The town has two masts which should be considered to avoid the proliferation of further masts within the town.
- Vodafone prefer to connect the 5G services through the exchange and fibre due to enabling back-haul facility with connections to 6 surrounding sites.
- A mast is required adjacent to the exchange building for back-haul purposes.
- The Mayo radio mast at Friarsground is at maximum loading capacity.
- The difference in ground level between the two masts is c.9m with the higher height at the subject site important for both coverage and line of sight.
- The Mayo Radio mast will not enable Vodafone to link into the Vodafone national fibre network planned at the Eircom exchange.
- The mast is required to secure the line of sight and Section 8.10 of the CDP has been complied with.
- The P.A. had no issue with visual impact or compliance with the 1996 guidelines.
- The guidelines note the benefits of locating on existing structures and concede it may be necessary to located in small towns and villages.
- If the Commission considers that a material contravention of the CDP arises, references are made to national and regional policy and the guidelines such



that would allow a grant of permission under Section 37(2)(b) of the 2000 Act as amended.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Ground 1 – Applicant’s Portfolio
- Ground 2 – Lack of EIA Screening
- Ground 3 – Health Impacts
- Ground 4 – Development Plan Policy
- Other Matters

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

7.2.1. I note that per the site zoning for “*existing residential*” development under the CDP that “utilities” are permitted in principle. I consider that telecoms infrastructure falls under the utilities definition such that I consider the proposed development to be acceptable in principle subject to the below assessment.

7.2.2. Arising from Section 7.6.68 and 7.6.17, where I note the monopole would appear out of character with the traditional residential development in the vicinity and overbearing on residences in close proximity, I consider that this would fail to protect residential amenity and would be contrary to the “existing residential” zoning objective which is “*to protect the amenity and character of existing residential areas*”. On the basis of this significant issue, I recommend that permission be refused.

### **7.3. Ground 1 – Applicant’s Portfolio**

- 7.3.1. To note the site is located within a Tier II town in the settlement hierarchy of the Development Plan. The appeal raises the issue as to whether the applicant’s contract for other telecoms sites means that these sites need to be cumulatively considered together in relation to spatial impact and potential significant impacts on the environment in relation to cultural heritage and in terms of public health. I note the list of applications made by the applicant furnished in the third party observation at application stage and the assertions made in the appeal in relation to the applicant having a considerable number of such sites which they have not identified.
- 7.3.2. In relation to cultural impact such as impacts on Protected Structures or on Architectural Conservation Areas, in planning terms I do not consider cumulative impact to be relevant in relation to the subject site and proposed development given the separation from the other telecoms sites. I note there 5 no. protected structures listed for Ballyhaunis Town with the nearest located to the south of the main street c.120m away. The 5 include listed include St Patrick’s RCC, Former St Joseph’s Convent, St Mary’s Abbey Chapel, Ulster Bank and Holywell House. I also note there are no ACA’s in Ballyhaunis.
- 7.3.3. The nearest NIAH site is to the south at the nearest junction with main street. In this regard, also noting my visual impact assessment below, I note no potential significant impacts would arise on these sites or other built heritage sites further away. In this context I note no potential for cumulative impacts with other telecoms sites. This is notwithstanding that it appears the locations of the applicant’s other telecoms are unknown in many cases. I consider that such other sites can be assumed to be outside the zone of influence of the subject site having examined the pattern of development in the vicinity and noting that the applicant has only identified one other telecoms site in the town.
- 7.3.4. I note the appellant has not specifically identified any protected structures or ACAs that would be affected by the proposed development. I have also not identified any significant impacts from the proposed development on protected structures or ACAs in this regard, for example in relation to visual impact.
- 7.3.5. While the applicant’s other telecoms sites may not be known, there is sufficient information available in relation to the immediate receiving environment to conclude

that significant impacts in relation to Protected Structures and ACAs are not at issue in this case and therefore no significant cumulative impacts would arise as a result of the proposed development.

- 7.3.6. There is no mechanism by which significant cumulative impacts could arise in this instance. Accordingly, I do not consider that ground 1 of the appeal merits a recommendation to refuse permission.

#### **7.4. Ground 2 – Lack of EIA Screening**

- 7.4.1. I note the appellant considers the applicant's portfolio of masts to be an integrated network and by reference to Class 10(iv) of Part 2, Schedule 5 of the regulations, notes that it is not possible to assess whether the applicant's portfolio of telecoms developments cumulatively exceeds the relevant threshold. The threshold cited in this instance is urban development which would involve an area greater than 10 hectares in the built-up area. I note the appellant's reference to EU Commission guidance that notes that telecoms infrastructure can be considered part of Class 10. However the proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
- 7.4.2. Given that I have found that the project does not constitute a class, there is no requirement for EIA or for a screening determination such that I am satisfied that no significant issues arise in relation to EIA screening or EIA and I find no grounds for recommending refusal in relation to ground 2 of the appeal.

#### **7.5. Ground 3 – Health Impacts**

- 7.5.1. I note the appellant has noted the site is surrounded by social housing and has concerns in relation to the close proximity of residences to the development, the potential for prolonged exposure to radiation associated with the development, potential combined impacts on human health as the appellant asserts that this development is part of a telecoms network being developed by the applicant and that health effects were not assessed by the P.A. in this application or the prior application on the site. The appellant has stated that a planning assessment is required to determine if the location is appropriate in this regard.

- 7.5.2. While I note the concerns put forward that recent EU scientific reports indicate risk uncertainties in relation to health effects of radiation on people, I also note that no recommendation was made at EU level to change current guidance. In this context, I am satisfied that there is no requirement to apply the precautionary principle referred to by the appellant other than to the extent applied below in relation to assessing the appropriateness of the site for the proposed development.
- 7.5.3. I note the applicant has submitted a letter of 'Declaration of Conformity with ICNIRP Public Exposure Guidelines' which states that the proposal "*is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12 July 1999 "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".*" The applicants Vodafone Justification Report also notes that it will comply with stringent health and safety policies and codes for its staff and the public for physical safety.
- 7.5.4. While I note the assertions made in the appeal that no health information is presented with the application in terms of the effects on the residents in the vicinity, I note that no contrary scientific information has been submitted in this regard. While the appellant states that the ICNIRP regulations do not address prolonged exposure, I am satisfied with the undertaking that the relevant regulations would be followed and I note, in any event, that such matters are regulated under separate codes. I note that distance limits cannot be applied at a Development Plan or policy level and Planning Authorities are precluded from applying them per Circular 07/12.
- 7.5.5. Overall in relation to health considerations, Circular Letter 07/12, issued by the then DoECLG, 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. Accordingly, I do not consider that ground 3 of the appeal merits a recommendation to refuse permission.

- 7.5.6. On this basis, I also do not consider it necessary that the Board request an independent report in relation to the effects of potential prolonged exposure of the residents of St Gerard's Court to non-ionizing radiation from the maximum number of antenna that can be installed on the mast.

#### 7.6. **Ground 4 – Development Plan Policy**

- 7.6.1. The appeal states that the requirements of Section 8.10 of Volume 2 of the CDP have not been met particularly in relation to the consideration of alternative locations. I propose to now assess the proposed development by reference to Section 8.10 of Volume 2 of the CDP.

*The Council recognises the importance of telecommunication infrastructure which is important in removing the peripheral barrier that the county experiences. It is also recognised that the location of telecommunication infrastructure is dictated by service provision and hence each application will be determined on its own merits. Planning applications relating to the erection of antennae and support structures shall be accompanied by:*

- *A reasoned justification as to the need for the particular development at the proposed location in the context of the operator's overall plans for the county having regard to coverage.*

- 7.6.2. The applicant's Vodafone Justification Report states that the proposed development will enhance and improve telecoms and mobile broadband services in accordance with CDP policies, guidelines and the report of the Mobile and Broadband Taskforce. It is stated that the application is to address "Vodafone's requirement to enhance 4G services and to provide 5G services for Ballyhaunis, the immediate surrounding areas and via a backhaul facility associated at the exchange, to locations further afield". This, it is stated, will provide a marked improvement in Vodafone's coverage and capacity in target areas. It is stated that it will also improve services for Tetra who serve emergency services and others.

- 7.6.3. It notes a requirement to be close to the source of demand (population) and this must be tailored with site coverage, gaps and overlaps. It notes an expected jump in demand for enhanced 4G and 5G services. It notes that the 25m height is required to secure links to enable a backhaul facility to improve coverage for other sites further away. It notes the obligation on network operators to provide services in

areas identified as weak and that telecoms are now critical utility infrastructure. The exchange is planned to be on the Vodafone fibre network enabling a “*back-haul facility via direct and indirect line of sight links to six surrounding sites*”.

7.6.4. The Vodafone Justification Report states that the target area is without good 4G and 5G services and that Comreg maps are based on outdoor coverage levels and that indoor levels vary by topography and location. The applicant has submitted maps showing 4G coverage in and around Ballyhaunis which is considered to be “very good outdoor” and 5G coverage which is absent. It notes that the 4G services are secured from the existing tower in the town behind Supervalu at Hazelhill (Friarsground).

7.6.5. The applicant’s Vodafone Justification Report states that “*a failure to grant permission would have an enduring negative effect on local mobile phone and broadband service provision, as expressed by the local community’s inability to connect wirelessly or to participate in high-speed, high-capacity data availability*”. It notes that the 2022 permission was delayed and re-evaluated based on increased demand for services and technology changes.

7.6.6. Noting the applicant’s Vodafone Justification Report and its justification, I consider the provision of such services to be generally justified having regard to the above part of Section 8.10 of the CDP and noting other CDP policies which encourage such provision such as Section 7.4.4.4 (Telecommunications) and Objective INO 36. I will examine the appropriateness of the subject site for this purpose below.

- *Details of what other sites or locations in the county were considered, and reasons why these sites or locations are not feasible.*
- *Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered; and*

7.6.7. In relation to alternative sites, the applicant’s Vodafone Justification Report notes one other site in the town, the Mayo Radio Mast at Friarsground, Hazelhill and it notes that Vodaone, Eir, Three Ireland and Imagine Communications transmit from

this location. It notes that this mast does not enable Vodafone to link into the Vodafone National fibre network planned at the Eircom exchange but that Vodafone will remain at this structure as it is required to maintain premium indoor coverage. It plans that the proposed exchange will have a status for “*wide area coverage and capacity*” and that the Friarsground site status will be for “local infill” needs. In relation to other sites, it notes that the subject site is the only and best option for required coverage. The submitted Radio Engineering Site Justification report maps the connection points that will be linked via radio link to the fibre point of connection at the subject site.

- 7.6.8. The central location justification from the applicant’s Vodafone Justification Report appears to be that “*The exchange enables Vodafone to benefit from the provision of the back-haul facility available through the Vodafone National fibre network. The exchange has been established for many years and in addition to providing telecommunication services also provides services for Tetra, the emergency services provider. Located on raised lands compared to the main town, it is in a strategic position to ensure and provide the offered services. Significant technological and work practice efficiencies are also secured, which is economical for the business and avoids the need for alternative development in the area*”. It notes that the back-haul facility terminates at the exchange with a mast required adjacent to the exchange building to “*allow connection to surrounding sites via radio link dishes which then connect onto this fibre network*”. The height increase to 25m is stated to be obtain required line of sight for these connections and to protect these locations into the future from risks to the lines of sight. However, it is not stated if it is possible to obtain required lines of sight at the existing Friarsground telecoms site.
- 7.6.9. I also note the applicant’s response to the appeal which notes the radio mast at Friarsground to be at maximum loading capacity. However no documentation in support of this is presented. It notes the advantages of the higher ground level (9 metres difference) at the subject site for both coverage and line of sight. It notes that the Mayo Radio mast will not enable Vodafone to ink into the Vodafone national fibre network at the Eircom exchange.
- 7.6.10. Based on the above, I note the site appears to be suitable for the proposed development but note a lack of information stating why the alternative Friarsground site could not be used for the same purpose. I note that the topography of the area

was considered and it noted the subject site to be the ideal location given the higher topography to the north-west and the higher topography of the site by comparison with the town to the south. However, while the site may be ideal, CDP Section 8.0 seeks to know if alternative sites are feasible. For example, from a technical perspective why could the exchange building not be relocated to the Friarsground site and why could the height of the mast at the Friarsground site not be somewhat increased if required notwithstanding that the alternative site is located at a lower level within the town? I note there is a lack of technical information provided in relation to the current mast at Friarsground and the capacity of that site to accommodate the proposed development. I also note no information is presented as to why the Eircom exchange site could not be linked to the Friarsground site via underground cables for example.

- 7.6.11. I also note that written evidence of consultations with other operators in relation to alternative sites is required and that this information has not been submitted by the applicant.
- 7.6.12. The Telecoms guidelines where it states the locations in residential areas or schools should only be considered as a last resort. I do not consider there to be over-riding policy or planning considerations, balancing other CDP policies favouring telecom development, such that the alternative location at Friarsground cannot be ignored in the absence of required technical information as to why it is not suitable. I also note this in the context of the absence of details on consultations with other operators regarding alternative sites. The replacement mast is also noted to be a more substantial structure in a residential area.
- 7.6.13. In this regard, while acknowledging the advantages of the location for the applicant, I do not consider the applicant's argument that the location is a last resort to be persuasive in this residential area. I also note no specific reference in the applicant's documentation as to why industrial zoned lands have not been considered. For these reasons, I do not consider that the applicant has demonstrated a sufficient consideration of alternatives to the subject site.
- Detailed proposals to mitigate the visual impact of the proposed development, including the construction of access roads, additional poles and structures. Where possible they should be located so as to benefit from the screening



afforded by existing tree belts, topography or buildings. On more exposed open sites, the Council may require an alternative design or colour finish to be employed, unless where its use is prohibited by reasonable technical reasons.

- 7.6.14. In relation to visual impact, I note the site location largely surrounded by existing houses, the existing mono pole on the site and the permitted 20m lattice structure. I note the site is not located close to any protected structures or ACAs or other sensitive receptors such as protected/sensitive landscapes or sites. I note the wider town context and the proposed height up to 27.8 metres and that the existing access would remain. I note that the structure would have a greater scale at greater height than the current and permitted structures with the operator equipment to be located towards the top of the pole and with the emergency services equipment at the top.
- 7.6.15. Having visited the site and walked in the town and noting the submitted photomontages including those taken from outside the town, I note that within the town views of the structure would be intermittent and limited due to the height of buildings between the streets and the structure. I consider the scale to be such that the structure would not be overly visually dominant or overbearing within the commercial area of the town. It would not intrude on any sensitive views or prospects within or outside the town and I note no concerns in relation to views from outside the built-up area, particularly from the west and north where distance to the site would further mitigate impacts.
- 7.6.16. I note that views in the immediate vicinity would be of a substantial monopole metal structure with operator equipment attached close to the top and emergency services equipment at the top. Noting this, the submitted elevations and Photomontage View 3, I consider that the views of the proposed structure would appear visually obtrusive and out of character with the residential setting when viewed from the north and east. This is evident by comparison with views of the existing structure which are prominent from the public roads to the north and east in Beech Park. I note an absence of photomontages from the immediate streets. I also note that in the context of the limited separation distances from adjacent residences from all sides (c.7m from the east), that the views from adjacent residences towards the structure would appear visually obtrusive and out of character in the residential setting given the height and metal nature of the structure by comparison with the traditional suburban type housing estate.

- 7.6.17. I consider that this would result in unduly adverse impacts on residential amenity in terms of overbearing impacts. While noting that the visual impact in the wider town area would be not be unduly prominent given the intermittent views that would be available in the town, I note that for the residential area in close proximity, the visual impacts would be excessive and I do consider that the structure would be excessively visually obtrusive in this residential setting.
- 7.6.18. The appeal has also noted a failure to demonstrate compliance with policy INP 19 of the CDP in relation to impacts on communities. This policy supports the delivery of telecoms infrastructure where it can be demonstrated there would be no significant adverse impacts on communities, public rights of way and on the built or natural environment, including the integrity of the Natura 2000 network. I note there would be no significant impacts on public rights of way and this report has previously noted no undue significant impacts on the built environment. Having regard to the visual impact, the AA Screening in section 9.0 below and potential human health issues assessed above, I note no adverse impacts on the natural environment or on communities within the town.
- 7.6.19. I consider that the proposed development would be contrary to Policy Objective INO 34 in that the applicant has failed to provide documentary evidence as to the non-availability of a co-location option with other telecoms structures in the town. Accordingly for the reasons outlined above in Section 7.6, I consider that ground 4 of the appeal merits a recommendation to refuse permission given the failure to demonstrate compliance with the above cited relevant CDP policies and objectives.

## **7.7. Other Matters**

- 7.7.1. I note the appellant has requested that the Board request further information in relation to the applicant's telecoms sites portfolio, its locations and extent. In relation to cumulative impacts including by reference to cultural heritage issues and EIA screening, given my above assessment above I do not consider this information is required to assess the planning, EIA and AA issues associated with the proposed development.
- 7.7.2. Various references have been made in the appeal to the business model operated by the applicants with it asserted that there is a commercial requirement to increase the number of masts rather than a requirement to address coverage issues. Even if

commercial considerations are exclusively the driving force for the application which has not been demonstrated, I do not consider this to be a relevant consideration as it does not prevent me from assessing the merits of the application by reference of the CDP policies and objectives. Similarly, I also do not consider it to be a relevant consideration that the previous permission was not take up by Eircom.

- 7.7.3. In relation to development contributions, the applicant notes that there is now a waiver for broadband masts and antennae as well as mobile phone masts and antennae. This is supported by Circular 03/2018 such that should the Board consider a grant of permission to be merited, I note development contributions under Section 48 would not apply.
- 7.7.4. I note an issue of objective bias was raised into a small number of historical An Bord Pleanála decisions in relation to telecoms masts. I do not consider this relevant to this assessment which I have considered on its merits.
- 7.7.5. In terms of procedural matters and the alleged irregularities in terms of the nature, position and timing of the erection of the site notices, I note that both matters were considered acceptable by the planning authority. The site notice locations would have satisfied the regulations and I note the photos from the Planner's Report of same in place and with one such notice visible from the public realm. I am satisfied that this did not prevent other third parties from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.
- 7.7.6. To note, in my above assessment I have not identified any material contraventions of the Development Plan. While I recommend refusal in relation to CDP policy, I do not consider these refusal reasons to be of such weight that they constitute a material contravention of the Development Plan, particularly noting other CDP policies which generally favour this type of development.

## **8.0 EIA Screening**

- 8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is

also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **9.0 AA Screening**

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.2.3km south-east of the River Moy SAC (site code 002298) and c.6.4km south-west of Errit Lough SAC (site code 000607).
- 9.2. The proposed development comprises a 24m telecommunications monopole and associated structures. No nature conservation concerns were raised in the planning appeal.
- 9.3. 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. The reason for this conclusion is as follows:
- The scale and nature of the development.
  - The distance from the nearest built heritage sites.
  - The distance from the nearest European site and lack of connections.
  - Taking into account the screening report/determination by the P.A.
- 9.4. 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive**

- 10.1. The subject site is c.220m uphill from the River Dalgan\_010 (code IE\_WE\_30D010200, status noted to be poor). The proposed development comprises the construction of a 24 metre high telecommunications monopole. No water deterioration concerns were raised in the planning appeal. (Delete/include where appropriate)

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- The scale and nature of the development.
- The distance from the nearest water bodies.
- The absence of significant ground works or construction methods.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

I recommend that permission be refused.

## 12.0 Reasons and Considerations

1. Having regard to the Mayo County Development Plan 2022 – 2028 and the zoning of the site for “*existing residential*” where the objective is “*to protect the amenity and character of existing residential areas*”, the telecommunications monopole would appear out of character with the residential setting in the vicinity and would be overbearing on residences in close proximity. This would fail to protect residential amenity and would be contrary to the zoning objective for the site and to the Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and to the Mayo County Development Plan 2022-2028, insufficient technical detail has been provided in respect of alternative sites to demonstrate why such sites in the town are not feasible for the proposed development. Noting that the visual impact would be obtrusive and out of character in the residential setting and that the applicant has not provided documentary evidence that the co-location option is not available and has not submitted written evidence of site-specific consultations with other operators regarding the sharing of sites and support structures, the proposed development is therefore contrary to the requirements of Volume 1 Policy Objective INO 34 and Volume 2 Section 8.10 (Telecommunications) of the Development Plan. In this context, the location within a residential area has not been demonstrated to be a last resort. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Ciarán Daly  
Planning Inspector

1<sup>st</sup> July 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322317-25
<b>Proposed Development Summary</b>	A 24 metre high telecommunications monopole and all associated site works
<b>Development Address</b>	Eir Exchange, Carrownluggaun (Td) Beech Park, Ballyhaunis, Co. Mayo.
	<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	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><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></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_