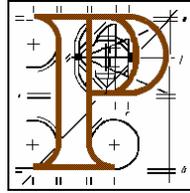


An Bord Pleanála



Inspector's Report

Development: 30 metre telecommunications monopole with 3 no. antennae, 3 no. link dish, cabin and fencing

Planning Application

Planning Authority: Westmeath County Council
Planning Authority Reg. Ref.: 08/4210
Applicant: Vodafone Ireland Limited
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Vodafone Ireland Limited
Type of Appeal: First vs Refusal
Observers: None
Date of Site Inspection: 2nd April 2009

Inspector: Roy Curnow

1 SITE LOCATION AND CHARACTERISTICS

The site is located within the Midland Gateway Business Park, a relatively modern business park situated a little to the north of the centre of the village of Kilbeggan.

The site lies towards the middle of the park, amongst a number of fairly large light industrial buildings, in the yard area to one of these. Immediately adjacent to the proposed site is a large steel silo and a little to the southwest, outside the application site and the business park, is a small collection of trees.

The landscape in the area undulates gently and there is a gentle gradient uphill away from the village to the business park.

2 THE PROPOSED DEVELOPMENT

It is proposed to erect a monopole mast, some 30 metres in height, attached to the top of which would be three 1.9 metre antennae and, lower down, three 0.3 metre dishes. The mast would sit within a 60 square metre compound along with an equipment cabinet. The compound would be surrounded by a metal palisade fence 2.5 metres high.

3 PLANNING AUTHORITY DECISION

Westmeath County Council REFUSED permission for the development for the following reason:

“Having regard to the lack of justification for selection of this urban site, and the lack of any evidence to indicate that the applicant has made a reasonable effort to share or cluster with the existing mast sites in the vicinity in particular that which was granted under permission reference 06/4479, it is considered that the current proposal is contrary to DoEHLG document ‘Telecommunications Antennae and Support Structures’ 1996, and Section 7.13 of the Westmeath County Development Plan 2008-2014 and would therefore be contrary to the proper planning and sustainable development of the area”

Planning Officer’s Report

- The site is zoned for light industrial technological development within the Gateway Business Park.

- No objections were received from consultees.

- 4 letters of objection were received from third parties referring to health and safety issues and welfare of people.

- The policy considerations were set out, as was the location of the site in relation to dwellings and schools.

- The location is preferable to one in a more densely developed area. However, the immediately adjacent land is zoned for residential purposes.

- The applicants state that there is not a suitable mast sharing site in the area.

- In conclusion, it states that there are numerous other preferable locations in the town and area which would not impinge on people in the same manner as a mast here would.

- A 3G mast has been granted permission at Kilbeggan Racecourse.

- There were four letters and a petition objecting, raising issues relating to the health and welfare of people living close to the site.

4 PLANNING HISTORY

There is no relevant history on the site.

5 DEVELOPMENT PLAN POLICIES

The development plan is the Westmeath County Development Plan 2008-2014.

The land is zoned for employment and enterprise purposes

The Objective for the zoning is “To provide for enterprise, employment and related uses including industry and service uses such as Class 3 offices, which due to their scale or nature cannot be located within the town centre”.

7.13 Telecommunications

Highlights the importance of a modern telecommunications system, and that the Planning Authority will take the contents of the Department of Environment and Local Government Planning Guidelines for Telecommunications Antennae and Support Structures 1996.

- Telecommunications structures will not be favoured in residential areas

- Sets out minima distances from residential properties and schools

- Mast sharing is encouraged and reasonable efforts of this should be demonstrated

- Permissions should only be granted for 5 years

- Health standards should be met.

Policy O-KB1 – “Residential development will only be permitted on up to 50% of the remaining undeveloped Residentially zoned lands in the Kilbeggan village Plan for the term of the County Development Plan 2008-2014”.

Telecommunications antennae and support Structures: Guidelines for Planning Authorities’ issued by the Department of Environment (1996), outlines the considerations to be taken into account in the assessment of planning applications.

6 GROUNDS OF APPEAL

- This is the best site for coverage in the Kilbeggan area.

- The setting would ensure that there would be no visual harm.
- There would be no harm to residential amenity, and is distant from school.
- The proposal accords with the terms of national guidance and the development plan.
- The only existing mast (Meteor) in the area is too far from the area requiring coverage and would not provide adequate 3G coverage; as are the nearest Vodafone masts.
- 3G coverage from a mast is not as wide as 2G coverage, hence the need for more masts. A 2G “cell” has a diameter of 15 kilometres, whilst a 3G cell is 2-4 kilometres, dependent on usage.
- More masts are needed and, preferably, these should be at the centre of the cell.
- Whilst the racecourse site was not on the Comreg site at the time of the appeal, Vodafone has looked at it and it is too distant to provide 3G coverage. As this mast is only 20 metres high, a new operator would have to be at 15 metres and the signal would not, therefore, reach the village or east to west along the N6.
- Alternative sites were looked at, as were opportunities for mast sharing. No workable opportunities arose.
- Vodafone Ireland Limited operates within the parameters of an ICNIRP certificate, and is therefore compliant with standards for health and safety.

7 OBSERVERS

There are no Observers in this case.

8 RESPONSE TO GROUNDS

There has been no Response.

9 ASSESSMENT OF THE APPEAL

As there seems to be no doubt as to the need for the proposed facility, the issues to be assessed in the appeal relate to: impact on health and safety; visual impact; and the possibility of alternative sites.

Before addressing these, it should be pointed out that the Planning Authority has not suggested that the proposal is contrary to the zoning for the area. I would agree with this.

It is inevitable that the issue of the safety of masts is addressed in any proposal for their erection. In this instance, the Planning Authority does refer to this issue in the planner’s report; it states that, in this regard, the site is better than a densely developed area, but raises the fact that the land immediately to land that is zoned for residential use is of concern.

On this point, the land has not been developed and I am not aware of any

permissions having been granted for its development. There are extensive residential lands zoned in the village plan and I note the terms of Policy O-KB1. There can, therefore, be no great certainty of the lands being developed within either the period of the plan or beyond.

However, health issues were considered and it was not felt that it would warrant refusal of the scheme. I would agree with the authority on this, as the applicant company has to comply with the strict guidance on emissions.

I am concerned at the visual impact of the erection of a 30 metre high mast at this location. Whilst it would have a slender monopole design, with antennae that are fairly tight to the pole, there is little doubt that this would have a considerable impact.

There would be some mitigation of its impact, from certain directions, through the trees and silo that are sited close to the site. However, this mitigation would not be enough to justify the siting of the mast – given my conclusions on the possibility of alternative sites, below.

The application drawings unfortunately do not show the existing silo. Had they done so, it would have allowed for a comparison with this. Board members will see, from the photographs, that the silo is visible from a number of vantage points both within and outside the village, including the Westmeath Way a north-south footpath across the county. The relationship between its height and that of the adjacent industrial building is also apparent. That building is shown in the plans and the mast would be some 23 metres higher than it. From this evidence, it is clear that the mast would be considerably higher than the silo and would, therefore, be seen over a considerable distance and have a considerable impact.

Had it been clearly shown that there was no alternative to this location, it may well be arguable that the provision of 3G coverage to the area and the N6 corridor outweighs the visual impact. However, this has not been clearly demonstrated. I note that the appellant has made statements that other existing locations do not lend themselves to sharing, or where they do they would not allow for sufficient coverage. This has not been sufficiently demonstrated to my mind; nor have any plans been produced that show cell coverage from these various locations.

Furthermore, whilst a proliferation of masts should usually be avoided, sometimes two lower masts can have far less impact than a single taller one. This one would have a significant impact on the village, and other than a bland statement relating to the lack of alternative sites no unequivocal assessment of the others that have been looked at has been put forward.

In conclusion, I agree that there is a need for the new mast, and that this would provide 3G coverage in the area. However, this would, due to its height, have a significant adverse visual impact on the village and its surroundings. I agree with the Planning Authority that such an impact should only be permitted if it could be conclusively shown that all other avenues had been assessed. There is no clear evidence that this has been done. In the absence of this, I feel that permission

should be refused.

10 RECOMMENDATION

REFUSE permission for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the height of the mast, the proposed development would have a serious adverse impact on the visual amenities of the area, and in the absence of adequate justification for granting permission for the development, including a detailed assessment of alternative sites, it is considered that the proposed development would contravene the development plan policy for this development. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

Roy Curnow, Inspector

6th June 2009