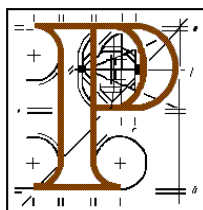


# An Bord Pleanála



## Inspector's Report

PL25M.245628

### **DEVELOPMENT:**

Permission for Retention of an existing 35 metre high mast with stay wires together with attached telecommunications/broadband antennas and dishes, existing telecommunications cabins/units all of which are within the confines of the existing compound, security perimeter fence and all associated site works. Planning permission is also sought for the demarcation of a new access route from the existing shared access road to the existing compound. This route does not involve any physical ground excavations and will be demarcated from surrounding lands at this site, at Frewin Hill, Wattstown, Mullingar, County Westmeath.

### **PLANNING APPLICATION**

<b>Planning Authority:</b>	<b>Westmeath County Council</b>
<b>Planning Authority Reg. No.:</b>	PP 15/6145
<b>Applicant:</b>	Line Investment Partnership
<b>Application Type:</b>	Permission for Retention
<b>Planning Authority Decision:</b>	<b>REFUSE PERMISSION for RETENTION</b> for Reasons and Considerations (1)

### **APPEAL**

<b>Appellant:</b>	Line Investment Partnership
<b>Type of Appeal:</b>	<b>FIRST PARTY</b>
<b>Observer:</b>	None
<b>DATE OF SITE INSPECTION:</b>	29 <sup>th</sup> January 2016
<b>INSPECTOR:</b>	Dermot Kelly

## 1. SITE LOCATION

The subject site is located at Frewin Hill, Wattstown, Mullingar, County Westmeath, as indicated on **APPENDIX A - LOCATION MAP**.

## 2. SITE DESCRIPTION

2.1 The subject site lands at Frewin Hill, Wattstown, Mullingar are approximately 0.83 hectares in area and were described in the Planning Report for the Planning Authority as follows:

‘Site located in rural area to the north of Mullingar. It is accessed via a track from local secondary road L5803. The site of the development is located adjoining the summit of Frewin Hill approximately 6 kilometres north-west of the town of Mullingar and 1 kilometre west of Lough Owel. Frewin Hill has commanding panoramic views eastwards over Lough Owel and is the highest point on the western shore. On Frewin Hill, there are two lattice steel telecommunications masts, each with a range of antennae of varying types and with associated containers at the bases of the masts. The application site is sited immediately east of the actual summit of the hill while the other support structure is located approximately 130 metres south-east of this location at a lower level. A reservoir is located immediately east of this latter structure and there is a communication dish sited thereon.

The surrounding area is predominantly agricultural with a number of one-off houses. The nearest dwelling is circa 500 metres away. The site is extremely elevated (circa 171 metres above sea level) providing exceptional views of the Westmeath hinterland and Lough Owel.

The site is located near Recorded Monuments WM 011-0133 (29 metres) and WM 011-0132 (59 metres).

The site is located within the Lough Owel High Amenity Area.

The site is located within the Lough Owel water catchment area.

The site is located approximately 960 metres to the Lough Owel NHA, SAC and SPA.

The site is affected by listed views: nos. 27, 28.’

2.2 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

### 3. PROPOSED DEVELOPMENT

#### 3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: Permission for Retention of an existing 35 metre high mast with stay wires together with attached telecommunications/broadband antennas and dishes, existing telecommunications cabins/units all of which are within the confines of the existing compound, security perimeter fence and all associated site works. Planning permission is also sought for the demarcation of a new access route from the existing shared access road to the existing compound. This route does not involve any physical ground excavations and will be demarcated from surrounding lands at this site, at Frewin Hill, Wattstown, Mullingar, County Westmeath.
- The submitted Planning Report included stating as follows:  
‘Changes presented under current proposal:  
This planning application differs from previous planning applications on the subject lands. The main changes presented under the current proposal are as follows:  
Retention of mast as opposed to replacement.  
Demarcated access track.  
Archaeological Impact Assessment.  
Landscape and Visual Impact Assessment.  
Appropriate Assessment Screening Report.  
Each new element of the proposed development is explained in greater detail.’
- The submitted Planning Report included stating as follows:  
‘The Archaeological Impact Assessment Report concludes that a visual impact is presented as a result of the introduction of the telecommunications mast on the archaeological setting, as well as a slight cumulative impact when considered in relation to a second nearby mast. The proposed demarcated track is considered to be the least intrusive means of providing vehicular access to the existing mast and compound. Significant direct and indirect impacts to the recorded or sub-surface archaeological resource as a result of the proposed new access arrangements are not anticipated. A number of mitigation measures are recommended having regard to the character of the area as an area of high archaeological importance.’ and also

‘In relation to visual impacts the following conclusion is presented in section 1.7.4.1 of the Landscape and Visual Impact Assessment: The visual impact ranges from Imperceptible to Moderate. The visual impact is more pronounced in the immediate vicinity of the mast and has an impact on the immediate landscape character and archaeological setting of Frewin Hill. The impacts on the viewpoints further from the site, and including protected views, range from Imperceptible to Slight, and though the mast is visible from these locations it does not significantly detract from the views and is at some distance. Thus the overall impact could be considered Long term, Slight to Moderate Negative impact.’

- The submitted Planning Report also included stating:  
‘There is an existing mast structure located approximately 74 metres to the south on lands in the ownership and control of Westmeath County Council and is shown in Figure 2.3 below. It is understood this mast has the benefit of planning permission under Part 8 of the Planning and Development Regulations, 2001 as amended.

It is worth noting that this structure, pictured above in figure 2.3, is not considered capable of accommodating the full weight loading of all dishes and antennae currently located on the subject mast. This is confirmed in a letter from Secto Services Limited, attached as part Appendix 1.

It is considered the existing mast is a vital piece of infrastructure in this location and there is no viable alternative site capable of accommodating the existing equipment. The removal of this structure will impact on broadband and mobile telecommunications in the wider rural area.’

- The submitted Archaeological Impact Assessment and Landscape and Visual Impact Assessment are noted as also the submitted Appropriate Assessment Screening Statement.

#### **4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports**

##### **4.1 Third Party Submissions on Planning Application**

No Submissions were received.

## **4.2 Area Engineer's Report**

This report, dated 3<sup>rd</sup> September, 2015 included noting that 'this development will create very low traffic movements' and permission for retention was recommended subject to a standard-type condition.

## **4.3 Environmental Health Department Report**

This report, dated 7<sup>th</sup> September, 2015 included stating as follows:  
'As no supporting documentary information has been provided in relation to this development and the compliance of the structures with international safety guidelines on electromagnetic radiation, we are unable to comment from a public health viewpoint.'

## **4.4 Planning Report for Planning Authority**

- The Planning Report, dated 17<sup>th</sup> September, 2015 included documenting the Planning History of the site and relevant Development Plan provisions and Guidelines.
- Under 'Archaeology' the Planning Report included stating:  
'An archaeological impact assessment has been submitted with the application. Within the conclusion the report indicates:  
'A visual impact to these monuments as a result of the introduction of the telecommunications mast has been identified...' Within the report in Section 3.3.5 'Its proximity to the mound barrow WM 011-133 detracts from the environment and setting of this monument and may be regarded as having a moderate impact on same'.  
It is considered that the mast detracts from the setting of the archaeological monuments.'
- Under 'Landscape and Visual Impact' the Planning Report stated:  
'A site visit to the viewpoint from the N4 at Portnashangan was undertaken on 16.09.15. The weather conditions were sunny with blue skies and fluffy white clouds (cumulus?). There were four upright structures on Frewin Hill observed. The mast subject of the application occupies lands just below the summit of the point of the hill. To the left are two significantly lower structure (telegraph poles) and further left again is another mast. Of the four structures the mast subject of the application is the highest and most prominent in form, the three other structures have a far lighter appearance.  
I agree that the mast would not dominate the view of the lake and the panorama of the area. However Frewin Hill is the dominant

landform on the opposite side of Lough Owel and it is considered that the mast does dominate and detract from the views of Frewin Hill.'

- Refusal of permission was recommended for the Reasons and Considerations (1) as stated in the notification of decision of the Planning Authority.

#### **4.5 Notification of Decision of Planning Authority**

The Planning Authority, Westmeath County Council, issued a notification of decision to **REFUSE PERMISSION for RETENTION** for the proposed development for Reasons and Considerations (1):

1. Due to the height of the mast to be retained and the utilitarian appearance of the overall facility, the setting of the two barrows on site that are national monuments would be adversely affected. Specifically, the mast which dominates this setting and the appearance of Frewin Hill are wholly unsympathetic to its archaeological and natural landscape character. It is considered that the development to be retained fails to preserve the setting of the national monuments and its relationship with this setting seriously injure the visual amenities of Frewin Hill and is, therefore, contrary to the proper planning and sustainable development of the area.

### **5. APPEAL GROUNDS**

#### **5.1 First Party Appeal**

The First Party Appeal Grounds included:

- The Site Location, Planning History, Development Plan Provisions and Telecommunications Guidelines were documented. Under 'Archaeology' and 'Grounds of Appeal' was stated:  
'It is requested the Board as part of their assessment of this issue consider the following:  
The moderate impact on WM 011-133 noted in Section 3.3.5 of the Archaeological Impact Assessment;  
The cumulative indirect impact of the proposed development in addition to existing facilities adjacent to the site;  
The proposed mitigation measures introduced as part of the AIA;  
The proposed new access arrangements;

The willingness of the client to accept additional measures as deemed necessary by the Board with regard to landscaping. Having regard to the provisions of the AIA and in the overall context of the development for which retention has been sought it is contended that that development does not merit refusal on the basis of having an adverse impact on archaeological features’.

*‘Status of surrounding monuments*

The planning assessment refers to the monuments on Frewin Hill as National Monuments. There are two National Monuments in the field adjacent to the mast (i.e. to the west-north-west). The monuments near the mast are not National Monuments, they are Recorded Monuments.

The Board is requested, as part of their appraisal of this appeal, to have regard to the correct status of national and recorded monuments in the area’.

*‘Archaeological impact of decommissioning*

We refer to the Architectural Impact Assessment, prepared by Tobar Archaeology Services which accompanies the planning application. The Board will note section 3.3.7 in particular which relates to the potential archaeological impacts presented as a result of decommissioning. The decommissioning phase for example is likely to include the use of heavy machinery. The removal of the perimeter fence of the mast compound immediately adjacent to the large mound WM 011-133 and the removal of the mast stay wires may have the potential to directly impact on the monument.

The archaeological impact of decommissioning is not appraised as part of the assessment of the proposed development.’

- Under ‘Landscape’ the Appeal Grounds stated as follows in regard to the Planning Report for the Planning Authority:  
*‘The planning assessment agrees with the findings of the Landscape and Visual Impact Assessment regarding the setting of the mast and states the following in relation to the viewpoint along the N4 at Portnashangan ‘I agree that the mast would not dominate the view of the lake and the panorama of the area’. The assessment then states that ‘Frewin Hill is the dominant landform on the opposite side of Lough Owel...’ and that ‘it is considered that the mast does dominate and detract from the view of Frewin Hill’. The finding is made without any reference to protected view 28 in the development plan. For ease of reference view 28 reads*

as follows: *'Views of Lough Owel from Route N4 between Portnashangan and Tullaghan Blanket restrictions'*.

As can be seen the protected view is concerned with views of Lough Owel from route N4 as opposed to views of Frewin Hill and the surrounding countryside. We therefore question the assessment of the planning authority with regard to landscape and visual impact. Our assessment of this viewpoint no. 1 as set out in table 1.2 of the Landscape and Visual Impact Assessment finds this view to be *'Imperceptible. An impact capable of measurement but without consequences. The retention of the mast will not significantly impact on the protected view'*.

The Board is requested to evaluate the overall landscape and visual impact of the proposed development having regard to the wording of the abovementioned view 28 and the setting of Frewin Hill relative to Lough Owel. It is submitted the visual impact of the development from this viewpoint is imperceptible.

Notwithstanding the above the applicant notes the concerns raised by the Planning Authority and if considered acceptable by An Bord Pleanála could provide additional mitigation to aid the assimilation of the project in the landscape. This could include landscaping and/or the provision of a temporary permission'.

- Under 'Demarcated Road' the Appeal Grounds included:  
'The proposed development includes the relocation of the existing access road serving the site. Any vehicular traffic serving the site will be directed away from the archaeological monuments and will avoid potential impacts arising. No construction works are required as part of this demarcation. The assessment of the proposed development by the planning authority does not evaluate the merits of providing such a revised access arrangement.  
The Board, is requested, as part of their appraisal of this appeal, to have regard to the revised access arrangements presented and the positive archaeological impact such arrangements will present'.

## **6. APPEAL RESPONSES**

### **6.1 Appeal Observation**

No Appeal Observation was received.



## 6.2 Planning Authority Appeal Response

No Appeal Response was received.

## 7. PLANNING HISTORY

- The following Planning History file is attached: **PL25M.243517 (Reg. Ref. 14/6054)**:- An Bord Pleanála refused permission on 17<sup>th</sup> October, 2014 for a PROPOSED DEVELOPMENT described as comprising: Removal of existing 35 metre high mast with stay wires together with the proposed erection of one number replacement 35 metre high free-standing FLI pine tree design structure with attached telecommunications/broadband antennas and dishes and upgrade of existing access track. Full planning permission is also being sought for the proposed retention of the existing telecommunications cabins/units all of which are within the confines of the existing compound, security perimeter fence and all associated site works at Frewin Hill, Wattstown, Mullingar, County Westmeath,  
for Reasons and Considerations (2) as stated.
- The Planning Report for the Planning Authority documented the extensive Planning History of the subject site as follows:
  - 15/6022: Proposed retention of an existing 35 metre high mast with stay wires together with attached telecommunications/broadband antennas and dishes, existing telecommunications cabins/units all of which are within the confines of existing compound, security perimeter fence and all associated site works. *REFUSED*
  - 14/6054: Proposed removal of an existing 35 metre high mast with stay wires together with the proposed erection of one number replacement 35 metre high freestanding FLI pine tree design structure with attached telecommunications/broadband antennas and dishes and upgrade of existing access track. Full planning permission is also being sought for the proposed retention of the existing telecommunications cabin/units all of which are within the confines of the existing compound, security perimeter fence and all associated site works. *REFUSED – 1<sup>st</sup> party appeal – ABP REFUSED*

- 08/5386: Removal of existing mast and erection of 1 no. replacement 35 metre freestanding FLI pine tree design structure for the carrying of telecommunications/broadband antennae and upgrading of access track. Also, retention of 5 no. telecommunication cabins/units of which 2 no. cabinets/units to be relocated within compound all situated at ground level, security fence and associated site works. *RF – 1<sup>st</sup> party appeal – ABP Temp Conditional*
- 03/5438: Constructing 1 No. replacement 37.75 metre self-supporting telecommunications mast, 3 No. communications cabins and associated site works.  
*RF – 1<sup>st</sup> party appeal – ABP – RF*
- 03/5384: (Incomplete application).
- 02/148: Retaining three (3) point to point link dish antennae and permission for the installation of one additional point to point link dish antennae. *RF – 1<sup>st</sup> party appeal – ABP – RF*
- 00/203: Erection of 4 no. 2.4 metre diameter microlink dishes, 2 no. 0.6 metre diameter microlink dishes and 6 no. G.S.M. antennae together with all ancillary works on replacement tower. REFUSED
- 99/1610: Retaining and completing communication control cabin.  
FURTHER INFORMATION
- 97/817: Retain, receive and transmit antenna and ancillary equipment. C
- The completed Planning Application Form documented the Planning History as follows:
    - 15/6022 (Lodged 09/02/15)
    - 14/6054 (ABP. Ref. No. PL25M.243517) (Lodged 04/04/14)
    - 08/5386 (ABP. Ref. No. PL25M.232702) (Lodged 19/11/08)
    - 03/5438 (ABP. Ref. No. PL25M.205740) (Lodged 17/10/03)
    - 02/148 (ABP. Ref. No. PL25.129770) (Lodged 20/02/02)
    - 00/203 (Lodged 23/02/00)
    - 99/1610 (Lodged 02/12/99)
    - 97/817 (Lodged 21/08/97)
  - The Planning Report for the Planning Authority noted as follows:
 

‘There are numerous applications on this site. None have permitted the mast development that exists on site. Planning permission was granted by An Bord Pleanála for a replacement mast under Ref. 08/5386, that was a temporary permission, was not implemented and has now lapsed’.

- The Planning Authority forwarded history documents relating to a decision of the Planning Authority to refuse permission (Ref. No. 15/6022) on 30<sup>th</sup> March, 2015 for a proposed development described as comprising:

Proposal: Proposed retention of an existing 35 metre high mast with stay wires together with attached telecommunications/broadband antennas and dishes. Existing telecommunications cabins/units all of which are within the confines of the existing compound, security perimeter fence and all associated site works.

Location: Frewin Hill, Wattstown, Mullingar, County Westmeath.

for Reasons and Consideration (3) including as follows:

1. The site lies within an area that is the subject of an archaeological preservation order made for the summit of Frewin Hill under the National Monuments Acts, 1930-2004, which contains two barrows that are national monuments. The 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in July, 1996 advise that telecommunication facilities should not be sited close to archaeological sites. Policy P-AH1 of the Westmeath County Development Plan 2014 – 2020 undertakes to preserve in-situ all archaeological remains and sites of importance, such as national monuments, their setting and context and zones of archaeological potential. On the basis of the documentation accompanying the current application the Planning Authority is not satisfied that the development to be retained could be accommodated on site without continued seriously adverse impacts on the fabric of the archaeological remains to be preserved and protected. Accordingly, it is considered that the development to be retained contravenes Policy P-AH1 of the Westmeath County Development Plan 2014 – 2020 and would be contrary to the proper planning and sustainable development of the area.
2. Due to the height of the mast to be retained and the utilitarian appearance of the overall facility, the setting of the two barrows on site that are national monuments would be adversely affected. Specifically, the mast which dominates this setting and the appearance of the facility are wholly unsympathetic to its natural character. It is considered that the development to be retained fails to preserve the setting of the national monuments and its relationship with this setting seriously injure the visual amenities of Frewin Hill and is, therefore, contrary to the proper planning and sustainable development of the area.

3. Given the proximity of the application site to adjacent Natura Sites, in particular Lough Owel and Lough Iron, it has not been demonstrated to the satisfaction of the Planning Authority that the development would not impact upon the integrity and conservation objectives of these protected sites. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **8. DEVELOPMENT PLAN / GUIDELINES**

**8.1** The Planning Report for the Planning Authority documented relevant provisions in the 2014 – 2020 Westmeath County Development Plan:

- 5.2.2 Appropriate Assessment
- 5.3 Natural Heritage Policies
- 5.4 Natura 2000 Network and 5.5 Policies and objectives
- 5.6 NHAs and 5.6.1 Policies
- 5.31 Archaeological Heritage and 5.33 Policies and objectives
- 6.3 Landscape character assessment and lake management
- 6.4 Landscape character policies and objectives
- 6.9 Character area 4 – Central Hills and Lakes
- 6.21 Landscape management policies
- 6.22 HAAs and 6.23 HAA policies
- 6.24 Views and prospects and 6.25 Policies and objectives
- 6.26 Lake Management and 6.27 Policies and objectives
- 6.30 Lough Owel and 6.31 Objectives – particularly O-LO5, O-LO6, O-LO8
- 10.15 ICT and 10.15.2 Telecommunications and 10.16 Policies and objectives
- 8.14 Road Infrastructure
- 14.11.2 Telecommunications Antennae and Support Structures 1996 and PL07/12

- I note in particular the designated Protected Views and Prospects No. 28 under Section 6.24 of the Development Plan as follows:  
28 – ‘Views of Lough Owel from Route N4 between Portnashangan and Tullaghan Blanket restrictions’,  
and also the location of the subject site Frewin Hill within the designated Lough Owel High Amenity Area,  
and also Lough Owel Objective O-LO5: ‘To establish a viewing point at Frewin Hill.’

**8.2** The ‘Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities’ published by the Department of the Environment and Local Government in 1996, have also been noted including the following provisions:

- Section 4.3 – ‘Visual Impact’ where stated in regard to the siting of Telecommunications Antennae and Support Structures:  
*‘Proximity to listed buildings, archaeological sites and other monuments should be avoided’.*

## **9. PLANNING ASSESSMENT – Issues and Evaluation**

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

### **Proposed Development to be Retained and Appeal Grounds**

- The subject site lands at Frewin Hill, Wattstown, Mullingar are approximately 0.83 hectares in area and were described in the Planning Report for the Planning Authority including as follows:  
‘The site of the development is located adjoining the summit of Frewin Hill approximately 6 kilometres north-west of the town of Mullingar and 1 kilometre west of Lough Owel. Frewin Hill has commanding panoramic views eastwards over Lough Owel and is the highest point on the western shore.’, and also  
‘The site is extremely elevated (circa 171 metres above sea level) providing exceptional views of the Westmeath hinterland and Lough Owel.  
The site is located near Recorded Monuments WM 011-0133 (29 metres) and WM 011-0132 (59 metres).  
The site is located within the Lough Owel High Amenity Area.  
The site is located within the Lough Owel water catchment area.  
The site is located approximately 960 metres to the Lough Owel NHA, SAC and SPA.  
The site is affected by listed views: nos. 27, 28.’
- The proposed development is for permission for retention of an existing 35 metre high telecommunications structure and ancillary development at the subject site at Frewin Hill, Wattstown, Mullingar, as specified in the public notices.

- I note the *Planning Report submitted with the Application* stated:  
 ‘Changes presented under current proposal:  
 This planning application differs from previous planning applications on the subject lands. The main changes presented under the current proposal are as follows:  
*Retention of mast as opposed to replacement.*  
*Demarcated access track.*  
*Archaeological Impact Assessment.*  
*Landscape and Visual Impact Assessment.*  
 Appropriate Assessment Screening Report.’
- I note the *Planning Report submitted with the present planning application* including where stated in regard to the submitted *Archaeological Impact Assessment Report*:  
 ‘The Archaeological Impact Assessment Report concludes that a visual impact is presented as a result of the introduction of the telecommunications mast on the archaeological setting.....’  
 and in regard to the *Landscape and Visual Impact Assessment*:  
 ‘The visual impact is more pronounced in the immediate vicinity of the mast and has an impact on the immediate landscape character and archaeological setting of Frewin Hill.....’
- I note the *Planning Report for the Planning Authority* stated:  
 ‘An archaeological impact assessment has been submitted with the application. Within the conclusion the report indicates:  
 ‘A visual impact to these monuments as a result of the introduction of the telecommunications mast has been identified...’ Within the report in Section 3.3.5 ‘Its proximity to the mound barrow WM 011-133 detracts from the environment and setting of this monument and may be regarded as having a moderate impact on same’.  
*It is considered that the mast detracts from the setting of the archaeological monuments.’*
- I note the *Planning Report for the Planning Authority* under ‘*Landscape and Visual Impact*’ included stating as follows in regard to views ‘from the viewpoint from the N4 at Portnashangan’:  
 ‘Of the four structures the mast subject of the application is the highest and most prominent in form, the three other structures have a far lighter appearance.’, and also  
*‘However Frewin Hill is the dominant landform on the opposite side of Lough Owel and it is considered that the mast does dominate and detract from the views of Frewin Hill.’*

- The Planning Authority, Westmeath County Council, issued a notification of decision to **REFUSE PERMISSION for RETENTION** for the proposed development for Reasons and Considerations (1):
  1. Due to the height of the mast to be retained and the utilitarian appearance of the overall facility, the setting of the two barrows on site that are national monuments would be adversely affected. Specifically, the mast which dominates this setting and the appearance of Frewin Hill are wholly unsympathetic to its archaeological and natural landscape character. It is considered that the development to be retained fails to preserve the setting of the national monuments and its relationship with this setting seriously injure the visual amenities of Frewin Hill and is, therefore, contrary to the proper planning and sustainable development of the area.
  
- I noted the submitted *First Party Appeal Grounds* including:
 

‘It is requested the Board as part of their assessment of this issue consider the following:

The moderate impact on WM 011-133 noted in Section 3.3.5 of the Archaeological Impact Assessment;

The cumulative indirect impact of the proposed development in addition to existing facilities adjacent to the site;

The proposed mitigation measures introduced as part of the AIA;

The proposed new access arrangements;

The willingness of the client to accept additional measures as deemed necessary by the Board with regard to landscaping.

*Having regard to the provisions of the AIA and in the overall context of the development for which retention has been sought it is contended that that development does not merit refusal on the basis of having an adverse impact on archaeological features.’*
  
- I note also the submitted *First Party Appeal Grounds* stated:
 

‘The Board is requested to evaluate the overall landscape and visual impact of the proposed development having regard to the wording of the abovementioned view 28 and the setting of Frewin Hill relative to Lough Owel. It is submitted the visual impact of the development from this viewpoint is imperceptible.

*Notwithstanding the above the applicant notes the concerns raised by the Planning Authority and if considered acceptable by An Bord Pleanála could provide additional mitigation to aid the assimilation of the project in the landscape. This could include landscaping and/or the provision of a temporary permission’.*

### ***Archaeological Impact Issues***

- I note the First Party Appeal Grounds detailed submissions in regard to the status of the monuments in the vicinity of the subject site whether Recorded Monuments or National Monuments. I note that monuments WM011-130 and WM011-131 are together classified as National Monument No. 606 and are located to the west of the subject site, see *Figure 3.3 – ‘Nearest recorded monuments to proposed site development (outlined in red)’* in the submitted Archaeological Impact Assessment.
- I note in regard to the subject site at Frewin Hill *the submission of the Department of Environment, Heritage and Local Government* received by An Bord Pleanála in regard to a previous proposed development (Ref. PL25M232702 and 08/5386):  
‘It is noted that the proposed development site is immediately adjacent to two Recorded Monuments WM011-132 (Barrow) and WM011-133 (Barrow) which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. In addition, the site subject to the current planning application is also in the vicinity of two National Monuments in State Ownership WM011-130 and WM011-131 (Barrows). Barrows, also known as ‘tumuli’ are circular or oval shaped burial mounds and are predominantly located on upland areas and occur in cemeteries as is the case on Frewin Hill. Excavated evidence has indicated that these archaeological monuments are prehistoric in origin and date from the Early Bronze Age to the Iron Age (2400 – 500BC).’
- *Section 3.2.1 of the Archaeological Impact Assessment* documented ‘Recorded archaeological monuments’ as follows:  
‘Sixteen recorded archaeological monuments are located within 1 kilometre of the proposed development site at Frewin Hill and are listed in Table 3.1. The nearest monuments to the existing mast and the proposed demarcated track to same (WM011-130, WM011-131, WM011-132, WM011-133 and WM011-160) consist of funerary monuments known as ‘Barrows’ which frequently occur in groups or ‘cemeteries’. They belong to the Bronze/Iron Age burial tradition (c.2400 BC – AD 400) and many different types of barrow have been identified, such as bowl barrows, ring barrows, mound barrows, etc. The barrows located in the vicinity of the development at Frewin Hill are described below and include two National Monuments (WM011-130 and 131 – National Monument No. 606).’



- I note also the submitted *Figure 3.1: 'Recorded Monuments within 1 kilometre of proposed development site'*; *Figure 3.2 'Extract from Record of Monuments and Places showing recorded monuments in the vicinity of the development site (arrow)'*; and in particular *Figure 3.3: 'Nearest recorded monuments to proposed site development (outlined in red)'* and *Figure 3.4 detailing same.*
- I note in particular where stated in the submitted *Archaeological Impact Assessment* as follows:  
*'Barrow (mound barrow) WM011-133*  
 This mound barrow is located on the summit of Frewin Hill and given its large size is the most visually prominent of all of the monuments in the immediate area. The outer edge of the monument measures 5 metres from the mast compound. It is situated approximately 14 metres north-east of WM011-132 and 15 metres south-east of WM011-160 and is described on [www.archaeology.ie](http://www.archaeology.ie) as follows:  
*'Described in 1979 as 'On the summit of Frewin Hill is a large roughly circular shaped mound. The sides are fairly regular while the area around the base is uneven and disturbed. A field bank and ditch run across the mound in an ENE-WSW direction. This may be a large bowl barrow. However it is possible that only the top part of the mound is man made, in which case this is a small barrow on top of a natural mound. There are wide panoramic views, with the barrow at Croghan, County Offaly, Ushnagh and Loughcrew visible on the horizon' (ASI Survey files 1979). An earlier survey report from 1978 states that 'There is no trace of a Trigonometrical Station which is marked on the maps along the line of this fence' (ASI Survey Files 1978).', and also*

'A more recent visit by McGuinness in 2012 describes the monument as follows:

*'Enormous, roughly circular mound (Diameter 33 metres NNW-SSE by 32 metres ENE-WSW) capped by trigonometrical station on flat-topped summit of Frewin Hill overlooking Lough Owel to E. Mound appears to have had a flattened top (Diameter 9.6 metres N---S), though only the SE and particularly the NW ends of this are preserved on either side of later field-fence, comprising a bank flanked by ditches, which runs over and cuts into the mound from WSW to ENE; large number of stones taken from ditches to form this bank suggests that the mound may be either a cairn or a very stony tumulus, and probing through the sod would appear to confirm this. Height of mound above surrounding ground ranges*

*from 3.3 metres on W side to 4.1 metres on E side. Given its size and location, this may be a passage-tomb, although it is uncertain whether it is composed primarily of earth or stone, and no kerbstones or other diagnostic features are visible. ENE edge of mound appears to have been disturbed when an enclosure surrounding a recent mobile-phone mast was constructed’. (2012, 35). (Underlining added)*

- I note Section 3.3.5 ‘Indirect Impacts on the archaeological landscape’ in the *Archaeological Impact Assessment* as follows: ‘Three recorded monuments are located within the immediate vicinity of the existing mast and compound at Frewin Hill. It is clear that the mast has had an impact on the setting of these monuments as it has resulted in a change to their immediate setting. Its proximity to the mound barrow WM011-133 detracts from the environment and setting of this monument and may be regarded as having a moderate impact on same.’ and also ‘The mast is also visible from the National Monument WM011-130 located downslope further to the north-west and has resulted in a slight change to the setting of this monument. The retention of the mast will ensure the continuation of the identified visual impact.’
- Appendix 1 – *Photographic Record of Proposed Development Site* in the *Archaeological Impact Assessment* is also noted including the attached *Plate 1, Plate 2, Plate 3 and Plate 4* indicating the proximity of the telecommunications structure/mast proposed to be retained to the *Mound Barrow (WM011-133)* as described in detail above, and also the panoramic views from the summit of Frewin Hill at the location of the existing telecommunications structure and site compound (*Plate 4*).
- In conclusion I note the Recorded Monuments WM011-132, WM011-133 and WM011-160 are located in the immediate vicinity of the subject site as indicated on the above *Figure 3.3 – ‘Nearest Recorded Monuments’* at distances from the site compound respectively of 35 metres, 5 metres and approximately 20 metres as set out in the submitted *Archaeological Impact Assessment*. As such I concur fully with the Planning Report for the Planning Authority where stated as follows: ‘It is considered that the mast detracts from the setting of the archaeological monuments’.

### **Visual Assessment Issues**

- I note the submitted *Landscape and Visual Impact Assessment* including the Map entitled 'Landscape Designations and Views' attached which indicates the *Mast Location* at the summit of Frewin Hill within the boundary of the *Lough Owel High Amenity Area* as designated under the 2014 – 2020 Westmeath County Development Plan. I note also the indicated *Viewpoint Location 1* at the Parking Area off the National Primary Route N4 on the shores of Lough Owel directly opposite Frewin Hill as indicated.
- I note in this location under Section 6.24 of the Development Plan the designated Views and Prospects No. 28 as follows:  
28 – 'Views of Lough Owel from Route N4 between Portnashangan and Tullaghan Blanket restrictions'. I note also the Lough Owel Objective O-LO5 in the Development Plan 'To establish a viewing point at Frewin Hill'.
- I note also where stated in the submitted *Visual Impact Assessment* in regard to *Viewpoint 1 – Portnashangan*:  
'View from the Amenity Area along the National Route N4 in the townland of Portnashangan, approximately 4.27 kilometres from the existing development. This is protected View 28 in the Development Plan.', and also in regard to Impact Assessment Result: 'The retention of the mast will not significantly impact on the protected view'.
- Further to site inspection, and I refer to the Photograph in Appendix B from this location over Lough Owel towards Frewin Hill, I concur with the Planning Report for the Planning Authority where stated in regard to the 'upright structures' on the summit of Frewin Hill:  
'Of the four structures the mast subject of the application is the highest and most prominent in form, the three other structures have a far lighter appearance.  
I agree that the mast would not dominate the view of the lake and the panorama of the area. However Frewin Hill is the dominant landform on the opposite side of Lough Owel and it is considered that the mast does dominate and detract from the views of Frewin Hill.' (The '*mast*' in question was clearly visible on site inspection).
- I note also the *Appeal Grounds* where submitted under '*Landscape*' on the Planning Report for the Planning Authority assessment that:  
'it is considered that the mast does dominate and detract from the view of Frewin Hill'. The finding is made without any reference to

protected view 28 in the development plan. For ease of reference view 28 reads as follows: '*Views of Lough Owel from Route N4 between Portnashangan and Tullaghan Blanket restrictions*'.

As can be seen the protected view is concerned with views of Lough Owel from route N4 as opposed to views of Frewin Hill and the surrounding countryside. (Underlining added)

- Views of Lough Owel *include* views of Lough Owel towards Frewin Hill which as stated in the Planning Report for the Planning Authority 'is the dominant landform on the opposite side of Lough Owel'. In the context of the serious adverse impact of the telecommunications structure/mast proposed to be retained on the setting of the National Monument and Recorded Monuments in the vicinity, I do not consider that 'landscaping or the provision of a temporary permission', as also submitted in the First Party Appeal Grounds, would be acceptable in this case or that landscaping would be effective in screening this 35 metre high structure.

#### **Other Issues**

- I note the First Party Appeal Grounds submission in regard to the *archaeological impact of decommissioning the existing telecommunications structure/mast*. However any such decommissioning works to remove the development proposed to be retained would be required to be undertaken in close consultation with the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht such as to minimise any archaeological impact.
- The Appeal Grounds submission that a new demarcated road/access track 'using 1.2 metre high timber posts at 10 metre intervals' thus ensuring 'minimal disturbance' and directing 'vehicles away from nearby recorded monuments' is noted. However the serious adverse impact of the telecommunications structure/mast proposed to be retained on the Recorded Monuments in the immediate vicinity would remain.
- I note the extensive Planning History on the subject site lands at Frewin Hill, Wattstown, Mullingar, County Westmeath including as summarised on the submitted Planning Application Form and as summarised in the Planning Report for the Planning Authority: 'There are numerous applications on this site. None have permitted the mast development that exists on site. Planning permission was granted by An Bord Pleanála for a replacement mast under Ref.

08/5386, that was a temporary permission, was not implemented and has now lapsed’.

- I note in particular *the recent decision on 17<sup>th</sup> October, 2014 of An Bord Pleanála Ref. PL25M.243517 (Reg. Ref. 14/605)* to refuse permission for a PROPOSED DEVELOPMENT described as comprising: Removal of existing 35 metre high mast with stay wires together with the proposed erection of one number replacement 35 metre high free-standing FLI pine tree design structure with attached telecommunications/broadband antennas and dishes and upgrade of existing access track. Full planning permission is also being sought for the proposed retention of the existing telecommunications cabins/units all of which are within the confines of the existing compound, security perimeter fence and all associated site works at Frewin Hill, Wattstown, Mullingar, County Westmeath, for Reasons and Considerations (2) as stated.
- The stated Reasons and Considerations (2) were as follows:
  1. The site lies within an area that is the subject of an archaeological preservation order made for the summit of Frewin Hill under the National Monument Acts, 1930 – 2004, which contains two barrows that are national monuments. The “Telecommunications Antennae and Support Structures Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in July 1996 advise that telecommunication facilities should not be sited close to archaeological sites. Policy P-AH1 of the Westmeath County Development Plan 2014 – 2020 undertakes to preserve in-situ all archaeological remains and sites of importance, such as national monuments, their setting and context and zones of archaeological potential. On the basis of the documentation accompanying the current application and appeal, the Board is not satisfied that the proposed development could be accommodated on site without seriously adverse impact on the fabric of the archaeological remains to be preserved and protected. Accordingly, it is considered that the proposed development would contravene Policy P-AH1 of the said Development Plan and would be contrary to the proper planning and sustainable development of the area.
  2. Due to the height of the proposed mast and the utilitarian appearance of the overall facility, the setting of the two barrows on site that are national monuments would be adversely

affected. Specifically, the mast would dominate this setting and the appearance of the facility would be wholly unsympathetic to its natural character. It is considered that the proposed development would fail to preserve the setting of the national monuments and its relationship with this setting would seriously injure the visual amenities of Frewin Hill and would, therefore, be contrary to the proper planning and sustainable development of the area.

- The above proposed development Ref. PL25M.243517 (Reg. Ref. 14/605) was in relation to *'Removal of existing 35 metre high mast together with the erection of one number replacement 35 metre high free-standing FL1 pine tree design structure'* whereas the present proposed development comprises as specified *'Permission for Retention of an existing 35 metre high mast'* at Frewin Hill.
- Having reviewed all the submissions on file and noting the above previous decision Ref. PL25M.243517 of An Bord Pleanála, I recommend that permission be refused for the proposed development to be retained at Frewin Hill, Wattstown, Mullingar, County Westmeath for Reasons and Considerations (2) as in this recent decision – as revised hereunder having regard to the first party submissions on the present planning application/appeal.

#### *Appropriate Assessment*

I note the Appropriate Assessment Screening Report submitted with the planning application which concluded as stated that the proposed development to be retained is 'not likely to have impacted on the conservation objective' of the European Natura 2000 Sites as identified. Having regard to the location of the subject site and to the nature and scale of the proposed development to be retained and the intervening distance of approximately 0.9 kilometres between the subject site and the nearest identified European Sites i.e. Lough Owel SAC (Site Code: 000688) and Lough Owel SPA (Site Code 004047), I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development to be retained either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

## **10. CONCLUSIONS AND RECOMMENDATION**

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development to be retained would be contrary to the proper planning and sustainable development of the area, having regard to the relevant provisions of the 2014 – 2020 Westmeath County Development Plan and the ‘Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities’ published by the Department of Environment, Heritage and Local Government in 1996 which are considered reasonable. Accordingly, I recommend that permission be refused for the proposed development to be retained for the Reasons and Considerations stated in the Schedule below.

### **DECISION**

REFUSE permission for the proposed development to be retained for the Reasons and Considerations set out below.

### **REASONS AND CONSIDERATIONS**

1. The site lies within an area which is the subject of an archaeological preservation order made for the summit of Frewin Hill under the National Monuments Acts, 1930-2004, and contains two barrows which comprise National Monument No. 606. The ‘Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities’ issued by the Department of the Environment and Local Government in July, 1996 advise that telecommunication facilities should not be sited close to archaeological sites. Policy P-AH1 of the Westmeath County Development Plan 2014 – 2020 undertakes to preserve in-situ all archaeological remains and sites of importance, such as national monuments, their setting and context and zones of archaeological potential. On the basis of the documentation accompanying the current application the Board is not satisfied that the proposed development to be retained could be accommodated on site without continued serious adverse impact on the setting of the archaeological remains to be preserved and protected. Accordingly, it is considered that the proposed development to be retained contravenes Policy P-AH1 of the Westmeath County Development Plan 2014 – 2020 and would be contrary to the proper planning and sustainable development of the area.

2. By reason of the height of the telecommunications structure/mast proposed to be retained and the utilitarian appearance of the overall facility including the site compound, the setting of the adjacent two barrows Ref. Nos. WM011-130 and WM011-131 to the west which comprise National Monument No. 606, and the setting of the three barrows (Ref. Nos. WM011-132, WM011-133 and WM011-160) which are Recorded Monuments and are located in the immediate vicinity of the site compound i.e. within 5 metres to approximately 35 metres as submitted in the Archaeological Impact Assessment, would be seriously adversely affected. The telecommunications structure/mast proposed to be retained dominates this setting and the appearance of the facility is wholly unsympathetic to both its archaeological and natural landscape character. It is considered that the proposed development to be retained fails to preserve the setting of the National Monument and Recorded Monuments and that its relationship with this setting seriously injures the visual amenities of the summit of Frewin Hill which is located within the Lough Owel High Amenity Area as designated under the Development Plan and visible from the designated Protected View and Prospect No. 28 at Portnashangan at the shores of Lough Owel to the east. The proposed development to be retained would therefore be contrary to the proper planning and sustainable development of the area.

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**DERMOT KELLY**  
**SENIOR PLANNING INSPECTOR**

**1<sup>st</sup> February, 2016.**

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APPENDIX A - LOCATION MAP  
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)  
APPENDIX C - DEVELOPMENT PLAN / GUIDELINES