



An
Bord
Pleanála

Inspector's Report ABP302400-18

Development	Erection of a 24-metre high multi-use lattice telecommunication structure, antennae dishes and cabinet equipment surrounded with palisade fencing and associated works.
Location	Farnagh Townland, Longford, County Longford.
Planning Authority	Longford County Council.
Planning Authority Reg. Ref.	18/25.
Applicant	Signal Infrastructure Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Michael Hegarty.
Observers	None.
Date of Site Inspection	24 th November, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP302400-18 relates to a third-party appeal against the decision of Longford County Council to issue notification to grant planning permission for the erection of a 24-metre high telecommunication structure and associated equipment on a site on the outskirts of, and to the south of Longford Town in the townland of Farnagh. It is argued that the proposed development is contrary to the provisions of the development plan, is of an inappropriate design and would constitute an eyesore. A number of procedural issues including the legal interest in the said lands are also raised in the grounds of appeal.

2.0 Site Location and Description

The appeal site is located at the end of a cul-de-sac on a rural lane adjacent to a dwelling and a number of farm buildings, approximately 1 mile due south of Longford Town Centre. The subject site is rural in nature despite its proximity to Longford Town. The adjacent cottage is under the ownership of the applicant however it appears that the agricultural buildings surrounding the cottage and parts of the surrounding lands are not in his ownership. The gable end of the cottage fronts onto the local road.

The site itself incorporates a rectangular plot of land approximately 40 metres to the north-west of the cottage – at the very end of the cul-de-sac. The site is located within a large copse of deciduous and coniferous woodland, located to the rear of the cottage. Some of this woodland is to be removed and cut back in order to accommodate proposed development.

The wider area beyond the cottage and associated agricultural structures comprise of grass fields under pasture. The southern suburban outskirts of Longford Town are located just over half a kilometre to the north of the subject site. Notwithstanding the rural setting of the site's immediate surroundings, roads in the wider vicinity accommodate largescale ribbon development, some of which is suburban in nature. The land on which the site is located is slightly elevated above the surrounding area and is approximately 100 metres AOD.

3.0 Proposed Development

Planning permission is sought for the construction of a 24-metre high lattice type mast structure. At its base the mast has a width of just less than 3 metres. This tapers to a width of approximately 1.8 metres at the apex. It is proposed to accommodate an array of antennae and dishes in the upper portion of the mast. The mast will be surrounded by 2.4-metre-high palisade fencing. A number of telecommunication broadband cabinets will be located within the compound surrounding the mast. The compound on which the mast is located is approximately 76.5 square metres in size (9 metres by 8.5 metres). The mast and various equipment cabinets are all located on a concrete plinth.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Longford County Council issued notification to grant planning permission on 1st August, 2018 subject to eight standard conditions.

4.2. Documentation Submitted with the Planning Application

- 4.2.1. A covering letter submitted with the application states that the applicant, in compiling the application, had regard to various national and local planning policy documents in respect of telecommunication infrastructure. It also states that the Farnagh Hill area of the county is underdeveloped in terms of telecom infrastructure and the proposal will provide progressive services to the area and facilitate further co-location. It is also argued that the visual impact of the proposal will be minimised having regard to its location within an existing mature woodland.
- 4.2.2. Various drawings and photomontages are also submitted with the application. A technical justification report was also submitted and coverage maps in the report indicate that there is a coverage blackspot in the area surrounding the site.
- 4.2.3. A more detailed planning report submitted with the application provides details of the applicant, the proposed development, and the visual impact arising from the proposal. It notes that the subject site is in close proximity to a designated scenic

view. However, it is considered that the height of the structure was kept to the minimum of 24 metres while the existing trees in the area rise to a height of 22 metres. This, it is argued, will adequately screen the proposed development. A series of photomontages from 16 vantage points in and around the subject site were also submitted with the application (see pouch at the rear of the file). It is concluded that the proposed mast is not deemed to be detrimental to the visual amenities of the area due to the design of the structure and the screening afforded by the existing planting. The report also states that there is no suitable infrastructure for co-locating or clustering, with the nearest telecommunication mast located over a kilometre away to the north-west. It is noted that the subject site is not located in any designated areas and is in accordance with the various planning policy guidelines as they relate to telecommunications structures.

4.3. **Planning Authority Assessment**

- 4.3.1. A report from the **Irish Aviation Authority** stated that it has no observations to make in relation to the application.
- 4.3.2. A number of **Letters of Objection** were submitted raising issues in relation to proximity to residential development and visual amenity. A report from Towercom, another telecommunications service provider, states that Towercom have a telecommunications support structure approximately 2.5 kilometres to the north-east of the subject site with the capacity to accommodate additional radio antennae. It is stated that there is also potential for equipment to be located in the rooftop at the Eir exchange on Main Street, Longford approximately 2 kilometres to the north. It is suggested therefore that there is no justification to provide an additional mast at this location.
- 4.3.3. A report from the **Assistant Engineer** (Longford Municipal District) states that there is no objection to the proposed development subject to a number of conditions.
- 4.3.4. The **Planner's Report** notes the policies and provisions contained in the Longford County Development Plan and notes the various observations and submissions on file. It is noted that a pre-planning application was held with the applicant. The report concludes by noting the identified coverage blackspot and the need to provide the best possible communications infrastructure which is one of the aims of the Longford

County Development Plan. It is recommended that permission be granted to the proposed development subject to eight standard conditions.

5.0 Planning History

There appears to be no relevant planning history associated with the appeal site.

6.0 Grounds of Appeal

6.1. The decision of Longford County Council to issue notification to grant planning permission was the subject of a third-party appeal by Michael Hegarty. The grounds of appeal are outlined below.

- The applicant claims a leasehold interest in the application lands. However, no evidence has been submitted to substantiate this. The landowner is stated to be Seamus Hegarty, but his written consent has not been submitted.
- Furthermore, neither the applicant nor the landowner has provided consent to trim/cut hedging to ensure requisite vehicular sightlines are achieved at the site.
- The lands in question are not zoned to accommodate a telecommunications mast. The site in question should be zoned for commercial use. In the absence of a specific zoning provision, the decision of the Council is ultra vires.
- The site is within 75 metres of a national monument.
- It is the policy of the Planning Authority to preserve views and prospects and the subject site and the surrounding lands are recorded in the Longford County Development plan as having 'intermittent scenic views'.
- Concerns are expressed in relation to the design of the proposal. It is the policy of the Council to protect landscape character and amenities of the County.
- The public notices should have referred to the provision of '*antennae*'. However, the applicant in this instance seeks permission for '*antenna*' which is the singular instead of the plural, and this is it argued, is misleading.

- 6.2. Condition No. 8 requires the applicant to make the structure available for other rival telecommunication providers. Neither the Planning Authority or An Bord Pleanála may make an order for anything other than that which allows permission other than what was sought.
- 6.3. The proposal represents a ubiquitous industrial eyesore similar to electricity pylons. If the current application required an EIS, the applicant would be required to consider alternative designs along with a 'do-nothing scenario'.
- 6.4. The appellant farms the lands to the north and east of the site and has agricultural buildings located in the immediate vicinity. The applicant objects to the telecommunications mast being located so close to his place of work.

7.0 Appeal Responses

- 7.1. A response was submitted on behalf of the applicant Cignal Infrastructure Limited. The first part of the response sets out details and background of Cignal Infrastructure Limited, which is according to the information contained on file, Ireland's newest telecommunications infrastructure provider. It has acquired Tower Infrastructure at over 300 locations around Ireland. A major aim is to ensure that telecommunications coverage in rural blackspots can be addressed in a cost-effective way. The applicant is also proposing to deliver and contribute to the roll out of national broadband.
- 7.2. Specifically, in relation to the issues raised in the grounds of appeal the following is stated.
 - A letter of consent to make the planning application on the landholding was received from the landowner Mr. Seamus Hegarty. It is part of the planning application documentation in Appendix 4 of the cover letter. A copy is attached to the appeal response.
 - In relation to the provision of requisite sightlines, it is stated that there is no requirement to cut/trim hedgerows in the north-west as part of the proposed development.
 - With regard to the issue of zoning it is stated that the arguments put forward are without substance or foundation and should be dismissed.

- It is accepted that the development is within 75 metres of a national monument. However, it is outside the 60 metre buffer zone of this monument (a ringfort/rath). All construction vehicles shall be contained within the site area and access track.
- It is acknowledged that the site is located in an elevated area with intermittent scenic views listed for preservation in the County Development Plan. On foot of a pre-planning consultation with the Planning Authority, it was agreed that the lattice type structure would be most appropriate so as to allow views and light through the structure. The visual clutter comprising of existing outbuildings to the east of the subject compound will effectively screen the compound when viewed from the east. The applicant has provided with the application, a visual impact survey which assesses the potential impact arising from the proposal. It is concluded that the proposal does not create an adverse impact on the landscape.
- With regard to the description of the proposal and the use of the word 'antenna' and 'antennae'; details of the proposal are contained in the drawings submitted and in the description of the development and newspaper notices. These clearly indicate the nature and type of equipment being proposed.
- In relation to the issue of an eyesore, it is stated that if Planning Authorities were to rule out every site where a visual impact was created, the consequence would be that the operators would not be able to service the area or alternatively a larger number of structures may be required to provide the same level of service.
- In response to the issue of the proximity of the telecommunication mast to the appellant's place of work, it is stated that there are many positives to be gained from the level of service that will be provided. It is stated that the demand for additional communication services has increased with advances in technology and data usage of personal communication devices. It is stated that the future roll-out of 5G telecommunication technology will put even more pressure on existing communications infrastructure.

- In conclusion therefore, it is argued that the applicant has provided sufficient justification for the location of telecommunication masts on the site in question.

7.3. Longford County Council's Response to the Grounds of Appeal

It appears that Longford County Council have not submitted a formal response to the grounds of appeal.

8.0 Planning Policy

8.1. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996.

Section 4.2 of the Guidelines relate to design and siting. It notes that the location will be substantially influenced by radio engineering factors. In terms of the visual impact it is also stated that great care will have to be taken when dealing with fragile or sensitive landscapes and with other areas designated or scheduled under the planning acts or other legislation.

It is also stated that only as a last resort, and if alternatives suggested in the guidelines are either unavailable or unsuitable, should freestanding masts be located in residential areas or beside schools.

8.2. Longford County Development Plan

The Longford County Development Plan 2015-2021 applies.

The subject site is located on agricultural land and no land-use zoning objectives apply. Section 5.5.3 sets out policies in relation to telecommunication structures and broadband. It notes that the development of telecommunications structures is essential to attracting investment and facilitating economic development within Longford. Telecommunication infrastructure is required to capitalise on investment opportunities. Longford County Council's strategy approach to telecommunications infrastructure is underpinned by the following policies and objectives.

- To secure the best possible communications infrastructure for County Longford in line with the requirements of the National Development Plan and in the interest of social and economic progress while having regard to the protection of the county's residential, recreational and visual amenities and areas of cultural, artistic, historic, architectural and archaeological character.
- The Council shall support and encourage the provision of improved communications network in the County in order to facilitate industrial, economic and social growth of Longford in a national context.
- Policy TEL2 states that applications for telecommunication structures shall be considered having regard to the location, proximity of existing dwellings, childcare and educational facilities in the area, landscape characteristics including existing screening available and the ability of the landscape to support additional screening measures and the density of existing similar structures in the area.
- Policy TEL4 states that the facilitation of telecommunications infrastructure including broadband shall be encouraged in line with the settlement strategy and land use proposals.
- Policy TEL5 states that the developers may be required to provide telecommunication structures with environmentally acceptable designs, including camouflaging, disguising techniques to integrate the structure into the surrounding landscape.
- Policy TEL8 states that it is the policy of the Council to promote and encourage the provision of sufficient level of broadband communications, internet, cable and broadcasting technology while protecting the landscape character and amenities of the county.

Appendix 6 of the development plan provides details of views and prospects and scenic routes within the County. The development plan distinguishes between the 'full scenic routes' and 'intermittent scenic routes' in its visual assessment. The local road which runs along the south and south-west of the subject site is designated as an 'intermittent scenic route' (IS 12).

9.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Visual Impact
- Land Use Zoning Provision
- Legal Title
- Description of Development
- Proximity of Buildings

9.1. Principle of Development

The documentation submitted with the original application to Longford County Council clearly indicated that there is a coverage of blackspot in the local rural area surrounding the subject site. (See Section 3 of Technical Justification Report dated 22nd March, 2018).

- 9.1.1. It is also apparent that there are numerous policy statements in the development plan which seek to improve the communication networks in the county and to encourage the provision of telecommunications and broadband equipment to achieve the best possible communication infrastructure. It is acknowledged that this will help facilitate industrial, economic and social growth within the county. It is therefore clear that subject to qualitative safeguards, the Council seeks to encourage and facilitate such structures. The principle of the development is therefore acceptable in this instance as the applicant has demonstrated that there is a need to provide such infrastructure at this location and that the provision of such infrastructure is fully in accordance with development plan policies.

9.2. Visual Impact

- 9.2.1. Concerns are expressed in the grounds of appeal that the proposal will constitute an eyesore and is of inappropriate design. The proposed telecommunications mast is located on an elevated plateau at the end of a cul-de-sac approximately 250 metres

from the surrounding local roads. The proposed telecommunication mast is at the lower end of telecommunication masts generally in terms of height, at 24 metres. Furthermore, it is located within a stand of woodland which contributes to a considerable extent in screening the proposed masts from public vantage points in the wider area. The fact that the telecommunication mast is also located adjacent to a cluster of buildings also results in a more visually acceptable structure in my opinion. The applicant has submitted, as part of the original application, photomontages which indicate that the mast in question would not have any significant adverse or material impact on the visual amenities of the surrounding area. There can be no doubt that the mast will be visible particularly as the trees surrounding the site will be trimmed back somewhat in order to ensure appropriate cell coverage. However, having regard to the proliferation of dwellings in general and linear development along the surrounding roads, I do not consider that a telecommunication mast at this location would be unacceptable from a visual point of view.

- 9.2.2. The grounds of appeal also point out that the roadway to the south and south-west of the subject site are designated in the development plan as roads that accommodate designated intermittent scenic views. The roads in question accommodate large scale ribbon and linear development along their alignment being in close proximity to the southern environs of Longford Town. The visual landscape in my opinion cannot be described as pristine and has experienced significant development in recent years. And as such I do not consider that the provision of a telecommunication mast located c.250 metres from the designated routes would have an unacceptable impact from a visual amenity point of view. Having regard to the separation distances between the subject site and the designated scenic route, I do not consider that the provision of a lattice type telecommunication structure would be inappropriate. However, should the Board consider it more appropriate to incorporate a monopole at this location, it could in my opinion address this issue by way of condition. However, having regard to the location of the structure at the end of a cul-de-sac and its location with a copse of coniferous woodland, I consider the lattice structure to be acceptable in this instance. I therefore consider the proposed development would be acceptable in terms of visual amenity.

9.3. **Land Use Zoning Provision**

- 9.3.1. The grounds of appeal suggest that the subject site is not specifically zoned to accommodate a commercial development such as that proposed, and for this reason planning permission should be refused. The Board will note that the subject site is not governed by any zoning designation and therefore there is no land use zoning provision matrix relating to the site. The subject site is located in an agricultural area and as such the proposed development should be assessed on its merits and in accordance with the proper planning and sustainable development of the area. If the arguments set out in the grounds of appeal were to be accepted by the Board in this instance, it could be reasonably argued that no development could take place on any lands that do not attract a specific zoning objective.

9.4. **Legal Title**

- 9.4.1. It is clear from the applicant's response to the grounds of appeal and the letter attached thereto, that the applicant in this instance has the permission of the landowner to make the application in question. I am fully satisfied having regard to the letter submitted by the owner of the lands, that the applicant in this instance has sufficient legal interest to make a planning application on the site in question.
- 9.4.2. The Board will be aware notwithstanding this point that the provisions of Section 34(13) of the Act would apply. Based on the evidence submitted the Board in my view would not be precluded from granting planning permission for the proposed development on the grounds of insufficient legal interest.

9.5. **Description of Development**

- 9.5.1. The grounds of appeal suggest that the applicant was inappropriately described on the grounds that the applicant referred to 'antenna' as opposed to 'antennae'.
- 9.5.2. The nature and extent of the development is in my opinion adequate described in the public notices and the drawings submitted with the application. It appears that the appellant's knowledge of the proposed development has in no way been prejudiced as a result of the description of the development. The public site notice clearly states that the lattice telecommunication structure will carry antenna and dishes and this description is sufficient in my view. Should the Board deem otherwise, it can always request the applicant to readvertise the proposed development prior to making any decision on the application.

9.6. Proximity of Buildings

- 9.6.1. The application site is located in a rural area with one dwellinghouse and a number of farm buildings located within a 50 – 100 metre radius of the subject site. With regard to the issue of public health associated with working in the vicinity of the telecommunication masts, the Commission for Communications Regulations (ComReg) is the licensing authority for the use of radio frequency in Ireland. As the licence authority for radio communications in Ireland, ComReg is responsible for ensuring that communication operators comply with the licensed conditions relating to non-ionising radiation. Any potential health issues arising from the telecommunication mast is a matter for ComReg and not An Bord Pleanála.
- 9.6.2. It is assumed that the telecommunication structure will be operated in accordance with ComReg Guidelines and therefore will not pose any health risk to anybody living or working in the vicinity of the subject site.

9.7. Other Issues

- 9.7.1. The grounds of appeal suggest that the applicant does not have the requisite permission from adjoining landowners to trim back hedging and overgrowth in order to provide appropriate sightlines. I would agree with the applicant's response in the grounds of appeal that the proposed development is not likely to generate any traffic other than that associated with infrequent and periodic maintenance. The telecommunication mast structure is located at the end of a cul-de-sac in a rural area and therefore will not experience any passing traffic. Traffic issues associated with restricted sightlines therefore are not an issue.
- 9.7.2. With regard to the issue of archaeology, construction works are to take place in the vicinity of the site and therefore will not impinge on archaeological features or monuments in the vicinity.

10.0 Conclusions and Recommendation

Arising from my assessment above, I consider the proposed development to be in accordance with the policies and provisions in the development plan which seek to encourage and facilitate the provision of telecommunication and broadband infrastructure within the County. Furthermore, I do not consider that the proposed

development will be unacceptable from a visual amenity or more general amenity point of view. I therefore consider the proposed development to be in accordance with the proper planning and sustainable development of the area.

11.0 Appropriate Assessment

The nearest Natura 2000 site is Mount Jessop Bog SAC which is located 3.5 kilometres to the south of the subject site. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 EIAR Screening Determination

The subject development does not fall within a class for which EIAR is required.

13.0 Reasons and Considerations

Having regard to:

- (a) the National Strategy regarding the provision of mobile communication services,
- (b) the Guidelines relating to Telecommunication Antennae and Support Structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July, 1996, as updated by the Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,
- (c) the nature and scale of proposed telecommunications support structure,
- (d) the site's location within a woodland area,

it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities or landscape character

of the area or the residential amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

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

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

4. Details of the proposed landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. The transmitter power output antennae type and mounting configuration shall be in accordance with details submitted with the application and notwithstanding the provision of the Planning and Development Regulations

2001, any statutory provisions amending or replacing them shall not be altered without a prior grant of planning permission.

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

6. The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

7. Any change in the ownership of the site or the operator of the structure shall be communicated with the planning authority.

Reason: In the interest of clarity.

8. Where technically possible and subject to normal commercial arrangements the applicant/operators shall facilitate the co-location of antennae for other licenced telecom service providers.

Reason: In the interest of visual amenity.

Paul Caprani,
Senior Planning Inspector.

30th November, 2018.