



An
Bord
Pleanála

Inspector's Report ABP 302557-18

Development	Telecommunications support structure.
Location	Eir Exchange, Kilmore. Co Roscommon.
Planning Authority	Roscommon Co. Council.
Planning Authority Reg. Ref.	18/317.
Applicant(s)	Tomercom Ltd.
Type of Application	Retention.
Planning Authority Decision	To Grant Permission for Retention.
Type of Appeal	First Party v Conditions
Appellant(s)	Towercom Ltd
Observer(s)	None.
Date of Site Inspection	22 nd October 2018
Inspector	Breda Gannon.
Appendix 1	Site plan Photographs

1.0 Site Location and Description

- 1.1. The site is located in the village of Kilmore Co. Roscommon. It occupies an elevated position to the west side of the village. The site is adjoined to the east by a modern bungalow, that is set back from the adjoining roadway with a garden to the front. To the west there is a row of older single-storey houses that front directly onto the street.
- 1.2. The site is accessed from the adjoining roadway by a series of concrete steps. It accommodates an Eircom exchange with an equipment container to the front, behind which is located a telecommunication monopole enclosed by a palisade fence. The front boundary is formed by a stone wall and the site is otherwise enclosed by a fence. A hedgerow provides screening along the side boundaries.

2.0 Proposed Development

- 2.1. The development as described in the public notices submitted with the application seeks the retention of an existing 15m telecommunications support structure which carries 3 no. aerials for the emergency service users (Garda, Ambulance and Fire Brigade) previously granted permission under Planning Ref PD/08/179 together with telecommunications equipment and fencing.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the retention of the development subject to 5 no. conditions. Condition No's 1 & 2 are relevant to the appeal and read as follows:

Condition No 1

The development shall be retained strictly in accordance with the plans and particulars submitted to the planning authority in connection with the application on 28th June 2018, except as otherwise required in order to comply with the conditions

of this permission, as set out hereunder. No material change of use of the mast shall be made without a prior grant of planning permission.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and in order to safeguard the amenities of the area.

Condition No 2

The transmission power output, antennae type, and mounting configuration shall be in accordance with the details submitted with this application and shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature of the development to which this permission relates and to facilitate a full assessment of any future alterations to the network.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 15/8/18 notes that the policies relating to telecommunications are outlined in Section 4.7 of the development plan. The overriding aim is to achieve a balance between facilitating the provision of telecommunication services in the interests of social and economic progress and sustaining residential amenities, public health and maintaining a quality environment.

From a visual perspective, the site is located in an area designated as having a *Very High Landscape Character Value* and it is considered that the infrastructure that is in place has a relatively insignificant visual impact due to its location within the village and the mature landscaping to the front of the site.

Having regard to the suitability of the site from a technical perspective, together with the nature and scale of the development, it is considered that the proposed development would not seriously injure the amenities of the area.

3.3. Prescribed Bodies

Details of the application were referred to the Irish Aviation Authority who advised that they had no observations to make on the application.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

PD/08/179 – Planning permission granted on 10/6/18 for the construction of a 15m telecommunications structure to carry 3 no. aerials for emergency service users together with associated equipment and fencing on the site. Permission granted for a period of ten years.

5.0 **Policy Context**

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

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is;

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.2. Circular Letter PL07/12

The Circular Letter revises elements of the 1996 Guidelines under Section 2.2 to 2.7.

It advises Planning Authorities to;-

- cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances,
- avoid inclusion in development plans of minimum separation distances between masts and schools and houses,
- omit conditions on planning permission requiring security in the form of a bond/cash deposit,
- reiterates advise not to include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- future development contribution schemes to include waivers for broadband infrastructure provision.

5.3. Development Plan

The operative development plan is the **Roscommon County Development Plan 2014-2020**. Policies and objectives on Telecommunications are set out in Section 4.7 of the plan. It states as follows;

'The telecommunications policy for the County shall be based on the recommended Guidelines for Planning Authorities with regard to Telecommunications Antennae and Support Structures (1996) and any revisions. This policy encourages co-sharing and clustering of masts. Applicants for such utilities must satisfy the Council that they have made reasonable efforts to share with other operators and to minimize adverse visual impact.'

The Plan also seeks to ensure that the provision of such infrastructure is well integrated and does not detract from the visual amenities of the receiving environment (Policies 4.66 & 4.67).

Relevant extracts from the Plan are appended to the back of the report for the information of the Board.

5.4. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal may be summarised as follows.

- Objects to Condition No 1 and 2, which limits the use of the mast to further equipment and therefore prevents it use as a site for co-location.
- Condition No's 1 & 2 seek to limit the utilisation of this monopole to less additional antennae than are permitted under the Class 31 (as amended) exemptions. The regulations were amended to facilitate National Broadband Plan (NBP) rollout, which includes large parts of rural Roscommon and this area specifically.
- The restrictions imposed by these conditions would give rise to a demand for additional telecommunications structures in the area with the potential for impacts on visual and residential amenity.
- There is currently only one operator on this monopole, which is built to house three customers and an approximate maximum of 9 panel antennae and 6 dish antennae (depending on specific loading/positions required) for co-location and should not be restricted.
- The site was specifically built as required for Tetra as there were no other masts existing in the area. The region is underserved due to its fairly remote location and lack of national roads through the area. There are no other masts within 5km.
- Recent decisions by An Bord Pleanala removed restrictions on additional equipment at telecommunication sites (PL15.246812 and PL06F.300500).
- Requests that the conditions be removed.

6.2. **Planning Authority Response**

No further comments were received from the planning authority

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. **Nature of appeal**

7.2. Having regard to the planning history relating to the site, the nature of the development to be retained and the nature of the conditions the subject of the appeal, it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. It is recommended, therefore, that the appeal can be considered on the basis of the appealed conditions only pursuant to section 139 of the Planning and Development Act 2000 (as amended).

7.3. **Appealed conditions**

- 7.3.1. Condition No's 1 & 2 seek to ensure that no changes are made to the use of the existing monopole and that no additional antennae are provided, without a separate grant of permission. These conditions are broadly similar to those attached to the parent permission (PD 08/179).
- 7.3.2. The proposal is to facilitate the continued use of a long established telecommunications support structure and associated equipment. Notwithstanding its position within a picturesque village, it has been determined through the planning process to be a suitable location for the development.
- 7.3.3. I draw the attention of the Board to the provisions of Class 31(h) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended which allows additional antennae and dishes to be attached to an existing support structure, subject to conditions and limitations. The effect of Conditions 1 & 2 is to de-exempt development that could be carried out without planning permission. The planning authority's reasons for refusal include reference '*to safeguarding the*

amenities of the area’ and ‘to facilitate a full assessment of any future alterations to the network’.

- 7.3.4. Having regard to the location of the telecommunications support structure close to residential property and in a village setting, and in an area designated of high landscape value, the planning authority’s concerns regarding the protection of amenities are understandable. However, I would note that the structure appears to create no significant issues for local residents as no objections to the retention of the mast have been received. I would also draw the attention of the Board to the comments of the Planning Officer which are as follows;

‘From a visual perspective, the site is located in an area designated as having a Very High Landscape Character Value and it is considered that the infrastructure in place has a relatively insignificant visual impact due to its location within the village itself and the mature planting to the front of the site, in line with policies 4.66 and 4.67 of the County Development Plan’

- 7.3.5. The removal of Conditions 1 & 2 would allow additional antennae and dishes to be attached to the monopole without the need for planning permission. Whilst I accept that the attachment of additional equipment has the potential to increase the overall visual impact of the support structure, the limitations and conditions attached to Class 31(h) of the Regulations controls the number and size of such installations. These exemptions were introduced to facilitate sharing of telecommunications structures and to reduce the need for additional structures in a locality.
- 7.3.6. The mast is located within a built environment. It is well integrated and is not highly intrusive within the village or from the surrounding area. The majority of the houses, with the exception of the bungalow to the east are orientated away from the site. Whilst there are oblique views towards the site from this property and more distant views from a period residence to the south, the slim monopole design and screening around the site mitigates the overall impact.
- 7.3.7. The attachment of Condition No’s 1 and 2 would limit the use of this mast for further equipment. It would prevent its use as a site for co-location in contravention of national guidance and local policy. It would also give rise to a demand for additional telecommunications structures in the area, with the potential for more significant visual impacts. I would also refer to recent decisions where the Board removed

similar conditions which sought to restrict the use of the mast and the addition of installations and antennae (PL 06F.246597, PL15.246812, and PL 01.245143)

8.0 Appropriate Assessment

8.1. Having regard to the location of the development within a serviced area, the nature of the development to be retained and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

9.0 EIA Screening

9.1. Having regard to the nature and scale of the development to be retained and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1.1. Having regard to the nature of the conditions under appeal, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider therefore that the appeal should be dealt with in accordance with the provisions of section 139 of the Planning and Development Act, 2000 (as amended). I recommend that the planning authority be directed to REMOVE Condition No 1 and 2.

11.0 Reasons and Considerations

Having regard to;

- (a) the planning history relating to the site and the established use of the site for telecommunications infrastructure,

- (b) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996 and Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (c) the provisions of the Roscommon County Development Plan 2014-2020 which encourages co-sharing of masts,
- (d) the provisions of the Planning and Development Regulations 2001, as amended in respect of exempted development for telecommunications infrastructure and the conditions and limitations contained therein,

It is not considered that Condition No 1 & 2 are necessary or justified in this case.

Breda Gannon
Senior Planning Inspector

31st October 2018