



An
Bord
Pleanála

Inspector's Report ABP-303777-19

Development	24m high lattice mast
Location	Palace Road, Elphin, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	18615
Applicant(s)	Vodafone Ireland Limited.
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Vodafone Ireland Limited.
Observer(s)	None.
Date of Site Inspection	29 th April 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located to the rear of the Elphin livestock mart building. The site is accessed via the R368 and is located to the north of Elphin village. The lands surrounding the site are rural in nature and the topography of the land is relatively flat.
- 1.2. There is an existing lattice mast structure to the rear of the mart building, the top of which can be seen from the public road.

2.0 Proposed Development

- 2.1. It is proposed to construct a 24 metre high lattice mast, antenna and associated ground equipment.

3.0 Planning Authority Decision

3.1. Decision

The planning authority has refused the proposed development for the following reason:

1. ICT masts are not normally permitted within lands subject to the BE zoning objective. There are specific lands zoned for such infrastructure in Elphin.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

Irish Aviation Authority – no comment.

3.4. **Third Party Observations**

- None

4.0 **Planning History**

There is no recorded history at the appeal site.

Lands to the south

PD-18-430 – Permission was refused for a 24m high lattice mast and associated antenna, dishes and ground equipment. The proposed use conflicted with the residential zoning objective of the lands.

5.0 **Policy and Context**

5.1. **Development Plan**

Roscommon County Development Plan 2014-2020

The appeal site is located in an area subject the following zoning objective: Business Enterprise Park/Light industry and Warehousing. ICT masts are not normally permitted within such areas.

- Chapter 3 - promotes the delivery of key infrastructure and high-speed telecommunications to drive economic growth.
- Section - 4.7 Telecommunications.
- Section - 4.7.2 Mobile Phone Network Development

Elphin Local Area Plan 2014-2020

- Land use zoning objectives.

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

- 5.2.1. These Guidelines set out the criteria for the assessment of telecommunications structures. The relevant points to this case are summarised below.

- An authority should indicate any locations 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).
- In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions (Section 4.3).
- 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 (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).

5.3. Circular Letter PL07/12

- 5.3.1. This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and instead advises that a condition be included stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

5.4. Natural Heritage Designations

None

5.5. EIA Screening

- 5.6. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposal does not constitute a material contravention of the Elphin Local Area Plan.
- The applicant wishes the Board to overturn the local authority decision.
- Applicant has been unable to upgrade its telecommunications infrastructure in Elpin.
- It is government policy from top down to promote access to digital and broadband communications.
- Elphin zoning map is stifling ICT development in the area.
- Lands are located in close proximity to industrial zoned lands.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

- 7.1. The appeal site is located within lands subject to the BE zoning objective within which ICT masts are not normally permitted. This is a first party appeal against the decision of the planning authority to refuse the development. The issue for consideration before the Board is whether the principle of the proposed telecommunications mast is acceptable within the zoning objective for the lands.

- 7.2. The rationale for the proposed development, as outlined by the applicant, is to improve the coverage and capacity of mobile telephony services in the Elphin area. The applicant has been requested to remove their infrastructure from the current location at Elphin fire station and states that attempts have been made in relation to the relocation of masts within appropriately zoned lands however the applicant was unable to agree reasonable terms with the landowner to facilitate this.
- 7.3. It is further contended by the applicant that the existing Mart building currently accommodates other such users and has existing infrastructure such as electricity and roads to the site, which are not currently available at the appropriate industrial zoned lands to the west of the site.
- 7.4. I noted the industrial zoned lands to the west at the time of site inspection and noted that these lands are accessed off the Windmill road and the New Road. A number of dwellings are located along both of these roads and have an electricity supply available. I do not consider therefore, that the applicants' assertions in relation to the unsuitability of these lands for the proposed development in relation to the, lack of access and electricity infrastructure, to be valid.
- 7.5. As mentioned above, the applicant states that a reasonable agreement could not be arrived at in relation to the use of the appropriately zoned industrial lands and it is for this reason that this site was discounted. Reference is also made to planning applications submitted on surrounding sites to accommodate the proposed development which were refused by the Council. It is of note that these applications were refused as the proposed developments were not permissible under the land use zoning objectives for the proposed sites.
- 7.6. Whilst I have had regard to the information submitted by the applicant in relation to alternative sites, no evidence has been submitted to substantiate the claims in relation to this inability to arrive at an agreement in relation to the use of the appropriately zoned lands to the west. I do not consider therefore, that the statement provided within the grounds of appeal to represent an 'exceptional circumstance' which would permit such development on BE zoned lands.
- 7.7. The applicant contends that ICT infrastructure is essential for businesses to operate effectively. This is acknowledged by the Council and it is the policy of the County Development Plan 2014-2020 to support enhanced coverage and further co-ordinated

and focused development and extension of telecommunications infrastructure including broadband connectivity within Roscommon as a means of improving economic competitiveness and enabling more flexible work practices. However, the requirement of such infrastructure cannot not be utilised as a justification to circumvent proper land use planning. It is recognised within the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, that not all lands are suitable for such infrastructure. The guidelines therefore require an authority to indicate any locations where telecommunications installations would not be favoured or where special conditions would apply.

- 7.8. Roscommon County Council in accordance with the guidelines have indicated within their zoning objectives for Elphin town areas where ICT masts are favoured and have therefore identified appropriate lands within the settlement to accommodate such infrastructure which is proximate to both the settlement and the appeal site. The policy position outlined within the Roscommon County Development Plan 2014-2020 is therefore reasonable.
- 7.9. The proposed development would provide an ICT mast on lands where this type of development is not normally permitted and where no exceptional circumstances apply. The proposal would be located on lands directly adjacent to lands appropriately zoned to accommodate such development. Therefore, based on the information submitted with both the application and the appeal and having regard to the foregoing assessment, I consider the proposed development to be contrary to the provisions of the Elphin Local Area Plan 2014-2020 as contained within the Roscommon County Development Plan 2014-2020. The development would also be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

- 8.1. Having regard to the foregoing assessment I recommend that permission is refused for the following reason:

9.0 Reasons and Considerations

The proposed development would provide for a 24-metre-high lattice mast on lands zoned 'Business Enterprise Park/Light Industrial and Warehousing' within the land

use zoning map of the Elphin Local Area Plan 2014-2020 contained within the Roscommon County Development Plan 2014-2020 under which such developments are not normally permitted. This is reasonable. The proposed development would therefore be contrary to the zoning objective of the lands and the provisions of the Roscommon County Development Plan 2014-2020 and as such would be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

29th May 2019