



An
Bord
Pleanála

Inspector's Report

ABP-304676-19

Development	Construction of a 24 metre monopole associated equipment and fencing and use of existing access.
Location	Markievicz Park, Cornageeha, Cairns Road, Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	1921
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure Ltd.
Observer(s)	None.
Date of Site Inspection	12 th August.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located to the south of Sligo town within the existing Markievicz Park GAA grounds. The proposed mast will be located to the rear of these grounds behind an existing viewing stand and adjacent to the boundary with the cemetery to the north.
- 1.2. The site is bounded by vegetation and wall to the north and there are a number of trees adjacent to this boundary within the cemetery.

2.0 Proposed Development

- 2.1. It is proposed to construct a 24-metre monopole and associated equipment and cabinets.

3.0 Planning Authority Decision

3.1. Decision

Sligo County Council determined to refuse permission for the following reason:

Having regard to the proximity of the proposed development to Sligo Cemetery it is considered that the development would form an obtrusive and discordant feature at this location which would be seriously injurious to the visual amenity and architectural heritage of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report reflects the decision of the planning authority.

3.2.2. Other Technical Reports

- Area Engineer – apply standard conditions
- Heritage Officer – The proposed development will have a significant effect on the character and setting of the Old Sligo Cemetery and the associated gate lodge.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One observation was received from Towercom whom suggested that there was space on their tower to accommodate the applicants.

4.0 Planning History

A number of permissions pertain to this site in relation to minor developments, the following is of relevance to the proposal:

- 04/141 – Planning permission granted for the provision of a concrete (standing) terrace to the north side of the pitch, with utility building to its rear and for alterations to the internal fence on the northern boundary of the pitch.
- 06/139 – Planning permission granted for covered roof and side walling to the northernmost and southernmost sections of the existing stand on the west side of the pitch.
- PL.77.221903 – Planning permission granted, on appeal, for the provision of a (standing) terrace with toilet block to the south side of the pitch (its west side), new relocated scoreboard and widening of the entrance gates in the southwest corner of the site.
- PL.17.231480 – Permission was granted for an enclosure of part of existing covered stand, to provide a 42 sq.m. event controller booth & hospitality suite with toilet

5.0 Policy Context

5.1. Development Plan

5.2. Sligo and Environs Development Plan 2010-2016

The zoning and objectives of the Sligo and Environs Development Plan 2010-2016 have been incorporated into the Sligo County Development Plan 2017-2023.

Sligo Development Plan 2017-2023

The site is located in an area zoned open space (SPO) Sports and Playing fields. It is the objective within the 'Open Space Objectives Map' to support the development of designated area to be used primarily as playing fields, tennis courts, golf courses, bowling greens etc.

The following sections of the plan are of relevance to the proposal:

- Section 11.2.1 – Broadband
- Section 11.2.2 Mobile telephony infrastructure

Sligo County Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a successful economy. It is the aim of the Council to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and protecting residential amenity and environmental quality.

- **Policy P-TEL-1** Protect areas of significant landscape importance from the visual intrusion of large-scale telecommunications infrastructure.

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

5.3.1. 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).

5.4. Circular Letter PL07/12

5.4.1. 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.

5.5. Natural Heritage Designations

- Lough Gill SAC is located c. 1.3km east of the appeal site.
- Cummeen Strand/Drumcliff Bay SAC is located c. 2.1 km north west of the appeal site.
- Ballysadare SAC & SPA is located c. 5.3km south west of the site.
- Ben bulben, Gleniff and Glenade Complex SAC are located c. 8.8 km north of the appeal site.
- Sligo / Leitrim Uplands SPA are located c.8.8km north of the site.
- Unshin River SAC is located c. 6.56km south of the appeal site.
- Union Wood River is located c. 5.4km south west of the site.

5.6. EIA Screening

5.7. 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

This is a first party appeal against Sligo County Council's decision to refuse permission on the basis of visual impact. 4Site have prepared an appeal on behalf of Cignal Infrastructure Ltd. The grounds of appeal can be summarised as follows:

- The proposed development is located within a townscape.
- No specific landscape designation pertain to this site.
- A height reduction to 21 metres is proposed.
- A view point is taken from across the road and demonstrates that the tip of lighting column on Pearse Road is higher than the proposed mast.
- The visual splay is narrow and not expected to be detrimental.
- The stand of trees in the graveyard and the football stand to the rear limit the visibility of the proposal.
- There are no impacts on the integrity of the protected structure.
- No visual impacts on the protected views from Cleveragh Road.
- Overall visual impacts are considered to be minimal.
- There are no other masts to co-locate with in the area.
- This is coverage blackspot that needs to be catered for.
- Proposal is not connected to the existing protected structures within the cemetery and will not have any negative visual impact on same.
- A heritage impact assessment was carried out by the applicant, the cemetery is heavily planted and has a defined curtilage.

6.2. Planning Authority Response

- One report was prepared by the Heritage officer with regard to the proposed development.
- The visual impact would be negative, permeant and moderate to significant.

- The proposed reduction in height to 21 metres would not mitigate the visual impact.

7.0 Assessment

7.1. This is a first party appeal against the decision of Sligo County Council to refuse permission for the proposed development. The site is located within the development boundary of Sligo town in an area zoned as Open Space, (SPO within the Open Space objectives map. The principle of the development is accepted within this site subject to compliance with the provisions of the Sligo County Development Plan. It is important to note at the outset that the applicants have, in their response to the grounds of appeal suggested that a lower pole of 21 metres would be sufficient to cater for their needs. This will be considered within the following assessment. The grounds of appeal relate to the single reason for refusal, I am satisfied that no other substantive issues arise in the assessment of this appeal. The assessment will therefore be focused on the visual impact of the structure and appropriate assessment.

Visual Impact

It is contended by Sligo County Council that the proposed development would have a serious negative impact on the visual amenity and architectural heritage of Sligo Cemetery and the protected structures within it, of which there are two in number. The Protected Structures referenced include (1) 1012-23 Sligo Cemetery Town cemetery, built c. 1850 and (2) 1012-22 Sligo Cemetery Gate Lodge Small a six-sided Neo-Greek building, with windows to five visible sides in centre of cut limestone cills, shallow arches and cut limestone voussoirs. These structures are entirely contained within the cemetery boundary and are bounded from the appeal site by a wall and vegetative planting and trees.

7.2. Whilst I note the concerns raised within the planner's report, and the provisions of policy P-TEL-1 of the Sligo County Development Plan, it is important to note that the purpose of this policy is to protect landscapes of significant importance from the visual intrusion of large-scale telecommunications infrastructure. The proposed development is for a single monopole of 24 metres in height in an urban location.

- 7.3. I note that the appeal site is not located in an Architectural Conservation Area or within any designated protected landscape. The site, as aforementioned, is located within an urban setting where there is a variety of development types in the immediate vicinity, which include the football grounds and its modern wall and iron access gates which are directly connected to the original stone wall and railings of the graveyard.
- 7.4. I note that the applicant in response to the Council's concerns has proposed to reduce the overall height of the proposal to 21 metres and I welcome this reduction in height. The proposed pole will emerge from behind the tree line of the graveyard with only the upper section visible from the surrounding area. The applicants have prepared a detailed visual impact assessment which accompanied the application in which views were assessed from a number of vantage points in order to properly assess the impact of the proposal on the surrounding landscape. It was found concluded that the impact would be insignificant. I have reviewed this assessment and consider that the visual impact of a single pole and associated infrastructure in this urban landscape to be minimal.
- 7.5. Of relevance to the assessment of this appeal, is the importance of ICT infrastructure for businesses to operate effectively, this is acknowledged within the National Planning Framework, in which the delivery of improved connectivity and broadband is identified as a National Strategic Outcome critical to strengthen the economy and communities. These sentiments are also recognised and supported by Sligo County Council and it is the policy of the Council to support enhanced coverage and further co-ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity within Sligo as a means of improving economic competitiveness.
- 7.6. In order to achieve the National Strategic Outcomes of the NPF and ensure the economic viability of such areas a degree of flexibility is required in relation to the location of telecommunications infrastructure.
- 7.7. Given the established nature of the site and the scale of development proposed and, having regard to national guidance, I consider the principle of locating the proposed development proximate to the existing Sligo Cemetery to be acceptable in this instance. I do not consider that the proposed development will affect the integrity of

the existing protected structures to such an extent as to warrant a refusal of the development. If the Board is of a mind to grant permission, I recommend that a condition is imposed which seeks to restrict the height of the structure to 21 metres.

Appropriate Assessment

- 7.8. Having regard to the minor nature of the development, and the separation distance to any European site, and the location of the site within an urban built up and serviced area, 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.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to standard conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the National Planning Framework, the Sligo Development Plan 2017-2023, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12 and the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and with the appeal, 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 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. The proposed monopole shall have a height not in excess of 21 metres.

Reason: In the interest of orderly development.

3. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

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

Reason: In the interest of public health.

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. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Sarah Lynch
Planning Inspector

11th September 2019