



An
Bord
Pleanála

Inspector's Report

ABP-304773-19

Development	The construction of a free standing monopole communication structure
Location	ESB's Collooney 38kv Substation, R290, Townland of Rathrippon, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	19152
Applicant(s)	ESB Telecoms Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	ESB Telecoms Ltd.
Observer(s)	None.
Date of Site Inspection	12 th August 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located within an established ESB substation compound to the north of Rathrippon Business Park which lies to the south of Collooney town. The site is accessed via a roundabout from the N4.
- 1.2. The surrounding area is commercial in nature and supports a number of uses such as motor repairs, wholesale retailers, petrol station and other such businesses within various industrial style buildings.

2.0 Proposed Development

- 2.1. It is proposed to construct a 20-metre monopole and associated equipment and cabinets and security fencing.

3.0 Planning Authority Decision

3.1. Decision

Sligo County Council determined to grant permission subject to conditions. Of relevance is condition no. 2 which states:

‘Any additional panels or structures, proposed to be attached to the mast exceeding 1.3 metres in any dimension, shall be the subject of a separate planning application.

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 – no plant associated with the development shall be allowed to work on the public footpath.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

98/529 – Permission was granted for the erection of a 38kv busbar and switchgear cubicle to relocate transformers on the existing 38kv station site.

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 public utility.

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

- Unshin River SAC is located c. 655 metres west of the appeal site.
- Union Wood River is located c. 1.2km north of the site

- Ballysadare SAC & SPA is located c. 3.8km south west of the site.
- Lough Gill SAC is located c. 6.4km north east of the appeal site.
- Cummeen Strand/Drumcliff Bay SAC is located c. 10.4 km north of the appeal 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

- Condition no. 2 is not appropriate
- Antenna commonly used by communications operators are 2 metres in length, 5G are 2.5 metres in length.
- The restrictions are unnecessary considering the limitations of the Planning and Development Regulations 2018.

7.0 Assessment

Nature of appeal

7.1. 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).

Appealed conditions

- 7.2. Condition no. 2 seeks to restrict the size of additional structures to the mast to 1.3 metres in any dimension. The applicant in reference to this restriction draws 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.
- 7.3. The effect of Condition 2 is to de-exempt development that could be carried out without planning permission. The planning authority's reason references the regulation and control of the layout of the development in the interest of orderly development.
- 7.4. It is important to note at this juncture that the proposed development is located adjacent to the Rathrippon Business Park and is within an existing electricity substation compound where there are multiple electricity structures of various sizes. Having regard to the location of the proposal within a commercial area where the sensitivity of the landscape is low and there is similar existing established infrastructure within the site, I consider that the potential for visual impact is significantly limited.
- 7.5. Whilst I acknowledge the Council's attempts to control future development, I consider that 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. The attachment of Condition no. 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. As such I consider the imposition of condition no. 2 to be unwarranted in this instance.

Appropriate Assessment

- 7.6. Having regard to the minor nature of the development, and the separation distance to any 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.

8.0 Recommendation

8.1. 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 2.

9.0 Reasons and Considerations

Having regard to;

(a) the planning history relating to the site and the established use of the site for electricity 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 Sligo County Development Plan 2017-2023 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 2 is necessary or justified in this case.

Sarah Lynch

Planning Inspector

11th September 2019

