



An
Bord
Pleanála

Inspector's Report ABP-307993-20

Development

Permission is sought for a 36m multi-user lattice tower carrying telecommunications equipment, together with all associated equipment and cabinets enclosed within a 2.4m palisade fence compound and access track.

* Significant information received*.

Location

Carrickaderry, Clontibret, County Monaghan.

Planning Authority

Monaghan County Council.

Planning Authority Reg. Ref.

2068.

Applicant

Signal Infrastructure Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with condition.

Type of Appeal

2 No. Third Party Appeals

1 No. First Party Appeal versus Condition No. 1

Appellant(s)

1. Alan & Caroline Tate.

2. Martin & Diane Tate.
3. Signal Infrastructure Limited.

Observer(s)

None.

Date of Site Inspection

10th day of November, 2020.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a given 0.82ha area. It is located in the Townland of 'Carrickaderry', c0.9km to the east of the N2 and a similar distance to the heart of Clontibret village which is located to the south west, in County Monaghan, both as the bird would fly.
- 1.2. The site itself is not demarcated and it forms part of a larger agricultural field and landholding located in attractive drumlin landscape. At the time of my site inspection I observed that the site and the larger field it forms part of is in use for grazing. Access to this field is via a restricted in width, poor in horizontal and vertical alignment irregularly surfaced country road. The easternmost boundary of this field aligns with a fast-flowing watercourse. On the opposite side of this watercourse is a dense mixed mature woodland that appears to rise in an easterly direction.
- 1.3. The surrounding area is characterised by farmsteads, fields for grazing livestock and mature hedgerows. There are a number of one-off dwellings within this immediate area with the closest c224m to the south of the main area of the site. This landscape setting also contains many mature trees and groupings of mature trees as well as woodlands.

2.0 Proposed Development

- 2.1. Planning permission is sought for a 36m multi-user lattice tower carrying telecommunications equipment, together with all associated equipment and cabinets enclosed within a 2.4m palisade fence compound and access track together with all associated site works.
- 2.2. The application was accompanied by the following documents:
 - A covering letter with this letter indicating this area of Monaghan is insufficiently developed in terms of telecoms infrastructure and network availability.
 - A letter of consent for the making of this application from the landowner.
 - A letter from Eir indicating that they are interested in locating equipment onto this new tower in order to provide 3G, 4G and wireless broadband coverage to the village of Clontibret and the N2.

- Copies of the public notices.
- 10 no. photomontages.

2.3. On the 1st day of July, 2020, the applicant submitted their further information response. This response was deemed to be significant and was accompanied by new public notices. This response included a Covering Letter; a Visual Impact Assessment together with additional photomontages; additional justification for the proposed infrastructure; clarification of that the proposed mast will provide 3G and 4G coverage; clarification of the telecommunication equipment to be installed for future operator Eir; and, responses to the issues raised by 3rd parties in relation to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** planning permission subject to 6 no. conditions. Of relevance to the grounds of the 1st Party Appeal submission Condition No. 1 reads:

- “(a) The developer shall pay to Monaghan County Council a sum of €10,660.00 in accordance with the General Development Contribution Scheme 2013-2019 (as revised), made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.*
- (b) The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).*
- (c) No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.”*

In addition,

Condition No. 2: Requires details of reinstatement upon removal of the telecommunications structure and ancillary structures prior to these works being carried out.

Condition No. 3: Transmitter power output shall be as plans and particulars permitted.

Condition No. 5: Construction measures and ensuring no discharge of polluting matters.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's** report considered that the concerns raised in the further information request was satisfactory and the report concludes with a recommendation to grant planning permission subject to safeguards. This report is the basis of the Planning Authority's decision.

The **initial Planning Officer's** report concluded with a request for further information on the following items:

1. Visual Amenity Impact.
2. Visual Amenity Impact on Monaghan Way, a long-distance walking route.
3. Justification for the proposed development.
4. Clarification on technology the proposed mast would support including clarification on whether it will support 5G.
5. Clarification on the Eir telecommunications infrastructure to be provided.
6. Applicant requested to provide a response to the concerns raised by 3rd Parties in relation to the proposed development.

3.2.2. Other Technical Reports

- **Environment:** No objection subject to safeguards.

3.3. Prescribed Bodies

3.3.1. **Irish Aviation Authority:** Indicates no requirement for obstacle lighting on the telecommunications structure proposed. No objections raised.

3.3.2. **Department of Defence:** No observations to make.

3.4. Third Party Observations

3.4.1. Several submissions were received by the Planning Authority during the course of their determination of this application. They are attached to file and include submissions made by the appellants in this appeal case. The issues raised by and large correlate with those raised in the two separate appeal submissions. They primarily relate to:

- Visual Impact.
- Residential Impact.
- Public Health Impacts.
- Justification for the structure.
- Concerns that the structure would be used for 5G technology.
- Devaluation of Property.
- Potential for adverse impact on the Monaghan Way.
- Adequacy of the documentation provided.
- What services are provided by the Kilcrow mast.
- This area has no deficiencies in telecommunications coverage.

4.0 Planning History

4.1. Site and Setting:

4.1.1. None.

5.0 Policy & Context

5.1. National Policy

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

These Guidelines set out the criteria for the assessment of telecommunications structures. They aim to provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities. The relevant points to this case are summarised below.

- Section 4.3 in relation to visual impacts sets out along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental. It also indicates along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect.
- Section 4.5 the sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape.

- **Circular PL07/12.**

This Circular Letter revises elements of the 1996 Guidelines. It notes that the Guidelines pre-dated the introduction of development contribution schemes and states that the then draft Development Contributions Guidelines require that all future Development Contribution Schemes must include waivers for broadband infrastructure provision and these waivers are intended to be applied consistently across all local authority areas.

- **Development Contributions Guidelines for Planning Authorities, 2013.**

Section 2 of the Guidelines which deals with the matter of 'Supporting Economic Development', states that planning authorities are required to include a series of waivers and reductions in their development contribution schemes. The list includes "*waivers for broadband infrastructure (masts and antennae)*".

5.2. Development Plan

- 5.2.1. Monaghan County Development Plan, 2019 to 2025, is applicable.
- 5.2.2. Section 7.2 of the Development Plan indicates that the existence of high quality and sustainable telecommunications network is vital to the continued growth of the economy and the quality of life in the County.
- 5.2.3. It also recognises that there have been considerable advances in broadband over the last two decades and that this infrastructure can help to combat social exclusion by providing access to information and services in a wide variety of area.
- 5.2.4. Moreover, it indicates that broadband connectivity is less available in rural areas of the County.
- 5.2.5. This is reiterated under objective TCO 1 of the Development Plan which states: *“to facilitate the development of a high quality and sustainable telecommunications network for County Monaghan to support economic growth, improve quality of life and enhance social inclusion”*; and, policy TCP 1 of the Development Plan which states: *“to support the delivery of high capacity information Communications Technology Infrastructure and broadband connectivity throughout the county”*.
- 5.2.6. Other relevant provisions include:
- Policy TCP 2: *“To co-operate with the Department of Communications, Energy and Natural Resources and public and private agencies where appropriate, in improving high quality broadband infrastructure throughout the County”*.
- Policy TCP 3: *“To achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of economic and social progress and maintaining residential amenity and environmental quality”*.
- 5.2.7. Section 15.21 of the Development Plan indicates that the provision of telecommunications services is essential to promoting commercial and industrial development alongside enhancing social inclusion, improving personal and household security.

5.2.8. To this end policy TCOP 1 seeks: *“to facilitate the orderly development of telecommunications in accordance with the requirements of the ‘Telecommunications Antennae and Support Structures Guidelines for Planning Authorities’ (1996) and Circular PL 07/12 or any subsequent national guidelines in this regard”*. This section of the Development Plan also sets out the following policies which are relevant to the development sought.

Policy TCOP 2 *“To promote best practice in siting and design for all telecommunications structures to ensure the visual amenity and the landscape character of the area is protected as far as is possible. Where possible they should be located so as to benefit from screening afforded by existing tree belts, topography, or buildings. On more obtrusive sites the Council may require alternative designs of masts to be employed, unless where its use is prohibited by reasonable technical reasons”*.

Policy TCOP 3: *“To resist the location of antennae or other support structure in sensitive landscapes, areas of primary or secondary amenity, special protection areas, special areas of conservation, architectural conservation areas or on or near protected structures”*.

Policy TCOP 4: *“To require co-location of antennae support structures and sites where feasible unless it demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible”*.

5.3. Monaghan County Council General Development Contribution Scheme, 2013 to 2019.

5.3.1. Section 18 states that the Planning Authority: *“may allow for full or partial exemptions from payment at its discretion. The onus shall be on the applicant to demonstrate that the development would be of a type which would qualify for any exemptions or reductions set out below.”*

5.3.2. Subsection (e) states that there will be a: *“100% exemption from all development contribution charges in relation to telecommunications development which is solely for the provision of broadband infrastructure where the new development does not place a demand for new, upgraded or additional infrastructure or services”*.

- 5.3.3. Appendix 3 sets out the levels of general development contribution payable. Development category 3(n) relates to telecommunications and states that the amount of contribution is €10,000 per mast and €5,000 per antenna installed on existing mast.
- 5.3.4. Section 20 makes provision for these rates of contribution to be indexed in accordance with changes to the Whole Price Index for Building and Construction published by the Central Statistics Office. The current rate of contribution is €10,480 per mast/installation and €5,260 per antenna/dish installed on existing mast/installation.

5.4. Natural Heritage Designations

- 5.4.1. The appeal site is not located within or within the immediate vicinity of any Natura 2000 site. The closest such site is Slieve Beagh SPA (Site Code: 004167). This located c19.6km to the north west.

5.5. EIA Screening

- 5.5.1. 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

- 6.1.1. The Board received two 3rd Party appeals. I have summarised these collectively as follows:
- The accurateness of the documentation provided is questioned.
 - The documentation submitted indicates the inclusion of land outside of the applicants site area and outside of which they have consent for.
 - The proposed development, if permitted, would give rise to serious public health concerns for residents in this area.
 - The proposed development would result in the devaluation of property in its vicinity.

- The proposed development would be detrimental to the area's visual amenities.
- The proposed development, if permitted, would reduce the ability of the appellants children to get housing in this area.
- Clontibret is not a blackspot for telecommunications.
- The only gain of this application is for the landowner.
- It is questioned whether the proposed development will include 5G infrastructure.
- The service provided by the Kilcrow mast is questioned.

6.1.2. The 1st Party submitted an appeal which can be summarised as follows:

- This appeal relates to Condition No. 1 only.
- The proposed development as a Category 3(n) development is exempt under Section 19(e) Monaghan County Council General Development Contribution Scheme, 2013-2019, as revised.
- The appellant is seeking to deliver upon the Governments National Broadband Plan circumventing the capital costs to the state in providing telecommunications infrastructure.
- Services like 3G/4G will dramatically increase the volume of call and data mobile phone traffic in an area currently deficient in coverage.
- Service in this area is seriously hampered by a lack of a localised base station.
- This development represents commercial private investment in capital infrastructure and economic activity as proposed in the actions of the Taskforce report and outlined in 2013 Guidelines.
- This proposal seeks to expand services in the area. It will accommodate a number of other providers.
- Reference is made to Board cases ABP Ref. No.s PL10.248622 and 302609-18.

6.2. Applicant Response

6.2.1. The applicant's response to 2 no. 3rd Party appeals can be summarised collectively as follows:

- All matters raised in the appellants submissions have already been considered by the Planning Authority.
- There are a number of telecommunication structures in the area; however, these are not sufficient to meet requirements.
- The existing structure at Kilcrow is planned to be decommissioned and replaced by the proposed structure at Clontibret.
- There is a separate 18m structure outside Clontibret village which is being used by Tetra who provide the emergency services network. This mast is not high enough nor does it have the suitable technology to accommodate any other network provider.
- A review of coverage in the area established that the site at Castleshane Demesne will not provide sufficient coverage to Clontibret due to the distances involved as well as the nature of the topography and natural screening in the area.
- The EIR maps are produced independently as part of a technical document which establishes the quality of network within a specific area.
- This proposal is essentially a replacement structure for the mast at Kilcrow and providing for future network demands.
- The site is fully located on lands within the ownership of Mr. Damien Evans and it is difficult to see what the appellants consider to be misleading in the information in the documentation provided.
- Public consultation accorded with planning legislative requirements.
- The documents submitted fully clarify the location of the site.
- There is no evidence that the proposed development would have any negative impacts on the environment.
- Screening in the form of landscaping is included with this proposal so as to ensure that there are no adverse visual amenity impacts.
- There is no evidence provided in support that the proposed development, if permitted, would result in a devaluation of property. In addition, it is contended that broadband is an essential now for residential developments and where broadband is good this can result in an increased value of residential properties.

- This part of the Monaghan County has been identified under the National Broadband Plan as requiring state intervention. Therefore, it can reasonably be concluded that the service is necessary and required for the local population.
- Given the network demands this mast will be able to facilitate infrastructure that is more modern and will ensure improved service in the area.
- The mast at Kilcrow, which provides EIR coverage, is not sufficient to meet demands.
- There will be no conflict of interest arising.
- The proposed development would not give rise to adverse public health impacts.
- Primary reason for this infrastructure is to maintain an effective and efficient network in this locality.
- The availability of high-quality telecommunications infrastructure is an important part of the area's future viability and success in a globally connected world.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response in relation to the 1st Party appeal can be summarised as follows:

- The merits of the terms of a Planning Authority's contribution scheme are not a consideration as these are matters addressed during the formulation of the scheme.
- The applicable scheme under Section 7 clearly sets out that all planning permissions are subject to the specified contribution charges within the scheme where appropriate. In addition, this scheme includes charges in respect of community, recreation, and amenity facilities, with a category specific to telecommunications under Section 3(n).
- Section 2 of the Development Contribution Guidelines provides a waiver in respect of development solely for broadband within Section 18. Monaghan County Council is one of 26 local authorities that has ceased applying charges for broadband infrastructure, but charges can still be levied on telecommunication development that is not solely for broadband provision.

- Circular PL03/2018 was issued by the Department in July 2018 subsequent to the most recent revision of the Councils development contribution scheme. The new scheme will take on board this Circular; however, in the absence of a new scheme the provisions of the current scheme must be applied.
- Comments are made to the Board decisions referred to by the applicant.

6.3.2. No other response was received.

- The proposed development will facilitate both broadband as well as voice connectivity and for this reason the exemption referred to does not apply.
- Reference is made to the Board decision on appeal case ABP-303847-19.

7.0 **Assessment**

7.1. **Preliminary Comment**

7.1.1. I consider that the issues arising in the case can be assessed under the following headings:

- Procedural Matters.
- Principle of the Proposed Development & Planning Provisions.
- Devaluation of Property & Future Development Potential.
- Development Contribution Scheme.

7.1.2. I also consider the matter of 'Appropriate Assessment' requires examination.

7.1.3. For clarity I note that my assessment below is based on the proposed development as revised by way of the applicants further information response received by the Planning Authority on the 1st day of July, 2020, as this information provided further details in relation to the telecommunications infrastructure that would be carried on the proposed 36m high mast alongside provided additional documentation that allows for a more informed decision to be made.

7.2. **Procedural**

7.2.1. On the basis of the information on file I am satisfied that the applicant in this case has provided sufficient clarity on the site area and its setting alongside provided the consent of the relevant landowner to make this application. Based on the information

provided I am also satisfied that there are no other landowners for which consent for the making of this application would be required.

- 7.2.2. The only concern that I raise is that some of the landscaping proposed appears to be outside the redline area but within the ownership of the landowner to which the site area relates. Should the Board be minded to grant permission I recommend that a condition be imposed that requires prior to the commencement of development that the developer agree in writing with the Planning Authority for all landscaping treatments as these form part of the mitigation measures to reduce the visual impact of the tower within its landscape setting alongside provide consent of the landowner for the landscaping works that would occur outside of the site area.
- 7.2.3. Moreover, I consider that there is no evidence to support that there is any conflict of interest in terms of the parties involved in the making of this application.

7.3. Principle of the Proposed Development & Compliance with the Development Plan

- 7.3.1. The proposed development sought under this application essentially consists of planning permission for a multi-user 36m multi-user lattice tower. With this tower carrying a variety of telecommunications equipment together with associated equipment and cabinets enclosed by a 2.4m high palisade fence compound and accessed via a new access track as well as screened by additional landscape planting.
- 7.3.2. According to the information provided on file, this application is made on foot of this area of Monaghan County being insufficiently developed in terms of telecoms infrastructure and network availability.
- 7.3.3. It also indicates that the applicant having carried out due diligence in selecting the proposed site has chosen this site c1km remote from the settlement of Clontibret where it is proposed that the existing mast will be soon decommissioned and located in an rural area that is characterised by its agricultural function. It is further indicated that the site location also had regard to seeking a site remote as possible from existing residential properties and at this location there is significant changes in topography through to sufficient natural screening to lessen the visual impact of the proposed development for these properties as well as on the visual amenities of this rural area.
- 7.3.4. The information on file also contends that the applicant has worked closely with its customers to identify rural locations where this type of infrastructure is required and

that it has expertise in the development of multi-operator infrastructure to support mobile and broadband providers in a manner that accords with local through to national planning provisions. They also contend that they operate their infrastructure to all necessary environmental and health safeguards required. Including but not limited to the requirement for telecommunications infrastructure to comply with the International Radiation Protection Association (IRPA) Guidelines.

- 7.3.5. As set out in Section 5.2 of this report above the importance of improved telecommunications within Monaghan County including rural areas is recognised and supported subject to safeguards under the County Development Plan. In particular, objective TCO 1 indicates that the Planning Authority will seek to facilitate the development of a high quality and sustainable telecommunications network within the county as part of supporting its economic growth, improving the quality of life through to enhancing social inclusion.
- 7.3.6. Further Development Plan provisions include but are not limited to policy TCP 1 which similarly indicates that the Planning Authority will support the delivery of high capacity information communication technology infrastructure broadband connectivity throughout the County. Moreover, the Development Plan also sets out preferred locations alongside seeks to minimise the visual impact of these structures on their landscape settings and also encourages the sharing of such structures so as to lessen the proliferation of them in their landscape setting.
- 7.3.7. Having inspected the site and its setting I accept that the site forms part of an attractive rolling drumlin rural landscape. Notwithstanding, it is not afforded by any specific protections in terms of its visual landscape sensitivity. Further I observed that the ground levels within this area are significantly undulating with mature hedgerows and a prevalence of trees as well as pockets of woodlands including one located alongside the eastern perimeter of the field the site forms part of. In addition, the site itself is removed from the settlement of Clontibret where there is an existing mast that albeit is of a significant lesser height to that proposed under this application it is to be soon decommissioned. The pattern of residential development is obviously sparser at this chosen rural location.
- 7.3.8. I am also cognisant that the landscape setting includes the Monaghan Way and there are concerns raised in relation to the tower's visibility from this amenity provision.

However, I consider that the views of the proposed tower, if permitted, would be distant, intermittent and as said the rolling topography of this landscape setting together with the prevalence of natural screening would ensure that no serious injury to the visual amenities would occur from a piece of infrastructure that would provide improved mobile and broadband services to this locality.

- 7.3.9. In relation to residential amenity impact, whilst I consider that for a number of dwellings within the immediate vicinity the proposed development, if permitted, would change their visual setting, notwithstanding, the nearest dwelling is situated c224.8m to the south of the site. With the immediate locality having a less dense and more scattered pattern of residential developments. Further, there is significant changes in the topography together with a strong sylvan character at this rural location. These one of dwellings within the setting of the proposed tower I observed are set on generous plots with many have dense and robust planting along their boundaries.
- 7.3.10. Whereas the existing mast in Clontibret which I have noted previously is proposed to be decommissioned is located in what is arguably a more visually sensitive and densely developed setting to that now proposed. Unlike the mast in Clontibret the proposed mast is designed for accommodating multi-users and to meet the current technological requirements for mobile and broadband provisions which the mast in Clontibret is unable to accommodate nor are any other masts in the wider area capable of doing.
- 7.3.11. In addition, as said previously the landscape setting consists of a rolling drumlin landscape that I observed includes natural visual screening and the proposal also seeks to reduce the visual impact of the development by way of additional landscaping. Altogether these landscape characteristics, features and additional landscaping proposed will reduce the visual impact of the mast structure as observed from the curtilage of residential properties in the vicinity. Moreover, in terms of landscaping the careful choice of tree planting could ensure that the landscaping provides effective screening throughout the year through the inclusion of evergreen species.
- 7.3.12. On the matter of health concerns raised, I note that particular concerns were raised by the appellants that the mast will accommodate 5G telecommunications technology.

- 7.3.13. This matter was clarified by way of the applicant's further information response and also it is reiterated that this is not the case with this application seeking to provide a reliable and qualitative 3G and 4G technology to this area.
- 7.3.14. I further note that the Planning Authority's grant of planning permission under Condition No. 3 restricted the transmitter power output, antennae type and mounting configuration to that indicated in the submitted drawings as well as Condition No. 4 indicates that no material change of use of the mast shall be made without a prior grant of planning permission.
- 7.3.15. Should the Board be minded to grant planning permission similar conditions could be imposed, and I recommend the Board doing so.
- 7.3.16. In terms of the licensing regime for mobile telecommunications operators this is administered by the Commission for Communications Regulation which controls the emission of radiation from telecommunications antennae in light of the available current scientific evidence regarding its impact on public health.
- 7.3.17. With this being the case it would not be appropriate, in my view, for the planning system to attempt to replicate the specific controls established by another legislative code and as such the concerns regarding public health and safety raised by the appellants in this case, would not, therefore, justify a refusal of planning permission for the development sought under this application.
- 7.3.18. I am also of the view that the residential amenity impacts raised by the appellants in this case are similarly not sufficient to justify a refusal of planning permission for the development sought under this application nor do they outweigh the greater public good achieved in terms of the wide array of benefits high quality reliable telecommunications infrastructure can provide to this locality.
- 7.3.19. Taking the above matters into account, I consider that the principle of the proposed development accords with the provisions of the County Development Plan and moreover to regional through to national planning provisions.

7.4. Devaluation of Properties and Future Development Potential

- 7.4.1. The appellants in this case raise concerns that the proposed development, if permitted, would result in the devaluation of their properties. Whilst I accept that this is a legitimate concern the appellants in this case have provided any evidence that

would substantiate that this would be the case and equally I accept the applicants arguments that the availability of reliable and high quality telecommunications has become an essential of modern living. Thus, in the absence of a reliable and high-quality telecommunications provision this can result in a depreciation of value of property also.

7.4.2. Therefore, on the basis of the information provided there is no justification to refuse planning permission for the development sought based on this particular concern.

7.4.3. Similarly, I consider that the appellants have not substantiated that the proposed development, if permitted, would prejudice the appellants children from obtaining planning permission for a one-off rural dwelling house in future. I note that such developments are a type of development that are currently subject to satisfying robust planning safeguards ranging from compliance with settlement strategy through to safe disposal of waste water and are not a type of development whose principle of development is generally deemed to be acceptable.

7.4.4. In future the safeguards relating to such developments are likely to become more stringent as in areas like this there are significant proliferation of one-off dwellings that have diminished the visual amenities and primary agricultural functions of the countryside alongside they do not lend themselves to the efficient provisions of services through to the protection of the rural environment.

7.4.5. Moreover, the ground levels in this area are quite poor in terms of providing on-site wastewater treatment that would not give rise to public health issues and there are a proliferation of such systems in areas where many dwellings are reliant on wells for their potable water supply. Alongside the pivotal demonstration of whether or not an applicant for a rural dwelling house has a demonstratable economic and social need for this type of development at such rural locations.

7.4.6. As such there are many factors that are more pertinent to consider than the proximity of a mast structure and as said as time passes the safeguards are becoming more stringent and robust.

7.5. Development Contribution Scheme

7.5.1. The applicant has lodged a separate appeal to the Board which relates to Condition No.1 only. They essentially seek that this condition be omitted from any grant of planning permission.

- 7.5.2. I note that Condition No. 1 requires the developer to pay the sum of €10,660.00 to Monaghan County Council as a development contribution in accordance with their General Development Contribution Scheme, 2013 to 2019, as amended. With this condition indicating that this goes towards expenditure incurred or proposed to be incurred by them in the provision of community, recreation and amenity public infrastructure and facilities in the area. It further indicates under subsection: (b) that the sum to be attached be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages); and, under subsection (c) that no works shall commence until payment of the development contribution.
- 7.5.3. Section 18(e) of the said Scheme states that there will be a: *“100% exemption from all development contribution charges in relation to telecommunications development which is solely for the provision of broadband infrastructure where the new development does not place a demand for new, upgraded or additional infrastructure or services”*.
- 7.5.4. The applicant claims that the development is designed to deliver on the Government’s National Broadband Plan and the development contribution should be waived under the exemption set out above. They also argue that the Board have removed development contributions from previous similar applications; however, I note that this has not been the case within the context of Monaghan County Councils administrative area and where this type of infrastructure is not solely for broadband services.
- 7.5.5. The planning authority in their response to the applicants grounds of appeal consider considers that the terms of the Scheme have been correctly applied though they also indicate that they are in the process of drafting a new development contribution scheme.
- 7.5.6. At the time, this report has been prepared no new scheme has been adopted. It is also pointed out that having regard to Circular PL 03/2018 that the applicant has not demonstrated the exemption set out in this circular either. In that they have failed to also demonstrate that the infrastructure provides services to customers that would not otherwise be able to avail of an adequate mobile or broadband service. I concur with the Planning Authority in this conclusion.

- 7.5.7. The documentation submitted by the applicant indicates that the proposed development is required to allow all operators to deploy 3G and high speed 4G broadband services including future technology rollout. They indicate that it is for mobile and broadband service operators and providers.
- 7.5.8. Therefore, as the exemption provided for under Section 18(e) of the Scheme relates solely to broadband infrastructure and as this mast does not solely relate to broadband infrastructure the exemption is not applicable in this case.
- 7.5.9. I am therefore of the view that the Planning Authority has correctly applied its contribution scheme in this case and should the Board be minded to grant planning permission a Section 48 contribution condition similar to Condition No. 1 of the Planning Authority's grant of planning permission should be imposed.
- 7.5.10. I also note that I have had regard to the precedent cases referred to by the applicant in making my consideration above.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, I am satisfied that 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 planning permission be **granted**.

9.0 **Reasons and Considerations**

- 9.1. Having regard to:
- a) The National strategy regarding the improvement of mobile communications services and the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.
 - b) The Monaghan County Development Plan, 2019 to 2025.

- c) The Monaghan County Council Contribution Scheme, 2013 to 2019, as amended.
- d) The general topography and landscape features in the vicinity of the site, in particular natural features such as the prevalence of mature hedgerows, mature trees and woodlands.
- e) The separation distance, the changing topography and landscaping between the proposed development and residential development in the immediate area.
- f) The pattern of development in the vicinity, including the more sporadic and less dense residential development in this setting in comparison to the Kilcrow mast which is located within the settlement of Clontibret.
- g) The proposed decommissioning of the Kilcrow mast which is not sufficient to meet demands and technological advances for meeting the mobile and broadband demands of this locality at present and into the future.

It is considered that subject to conditions, the proposed development would not seriously injure the amenities of the area, and that it would 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 as amended by the further plans and particulars submitted on the 1st day of July, 2020, 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 site shall be reinstated upon removal of the telecommunications structure and all ancillary structures. The details of the reinstatement shall be submitted to and

agreed in writing with the planning authority prior to any removal and reinstatement works of the site area.

Reason: To ensure the proper planning and sustainable development of the area.

3. 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 prior to commencement of development.

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

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

Reason: To ensure a satisfactory standard of development.

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of any development. As part of the landscaping works are proposed outside of the red line site area the consent of the landowner for these works in their entirety shall be provided to the Planning Authority prior to the commencement of any development.

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

6. No lighting, advertisement or other structures 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall

provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, management of oils/chemicals on site during construction and subsequent maintenance works, as well as protective measures to be put in place to ensure that there is no discharge of polluting matter to any watercourses during and post construction.

Reason: In the interests of public safety and amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed during the construction of the pedestrian access track with respect to boundary hedgerow.

Reason: In the interests of public safety and amenity.

Patricia-Marie Young
Planning Inspector

2nd day of December, 2020.