



An  
Bord  
Pleanála

## Inspector's Report ABP-309385-21

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<b>Development</b>	Development of a 20-metre telecommunications support structure.
<b>Location</b>	Eir Exchange, Green Street, Boyle, Co. Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	PD/20/474
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Eircom Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> April 2021
<b>Inspector</b>	Stephen Ward

## **1.0 Site Location and Description**

- 1.1.** The appeal site is located off Green Street, on the northern periphery of the town centre of Boyle, County Roscommon. The street and adjoining lands rise significantly from the town centre (c.150m to the south of the site) towards the elevated Church of Ireland grounds (c.250m to the north of the site). The lower sections of Green Street are aligned with three-storey properties with mixed uses. The pattern and character of development becomes more disjointed in the vicinity of the appeal site. Two-storey houses are interspersed with single storey sheds, derelict/unfinished houses and gap sites. With the exception of the existing Eircom exchange and a small auto parts / garage outlet to the north, development in the area is primarily of a residential nature.
- 1.2.** The site comprises the southeast corner of the Eircom exchange site and is stated to measure 120m<sup>2</sup>. The overall exchange site is enclosed by a mixture of block and stone walls and accommodates a single storey building with car parking and circulation space to the south and west. Although there is no vegetation on the site itself, there are mature trees on the adjoining lands to the south, east and north.
- 1.3.** The site is bounded by the public road to the west, and to the east by undeveloped land associated with a large residential property. The adjoining land to the north appears to be used as a standalone garden without any directly connected residential property. There is a similar garden directly south of the appeal site, which appears to be connected to a property along Main Street to the south. To the southwest (i.e. along Green Street) is a pair of storage sheds.

## **2.0 Proposed Development**

- 2.1.** The proposed development comprises the erection of a 20m high telecommunications support structure with an overall height of 21.5m. The structure will carry antennas, dishes and associated equipment. Ground based equipment cabinets and fencing will also be provided for wireless data and broadband services.
- 2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by a report addressing the nature and purpose of the

proposed development, the site planning history, the planning policy context, the visual impact of the proposed installation and its technical justification.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 14<sup>th</sup> January 2021, Roscommon County Council (RCC) issued notification of the decision to refuse permission for the following reason:

*This subject site is located on lands zoned 'Peripheral Town Centre' as per the land use zoning map in Variation 1 of the Boyle Local Area Plan 2015-2021. As per the zoning matrix, development proposals of this nature are 'Not Normally Permitted'. Having regard to the nature of the proposal and the site zoning objectives and land use zoning matrix, the proposed development, if permitted, would materially contravene the zoning provisions set out in Variation 1 of the Boyle Local Area Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.*

#### **3.2. Planning Authority Reports**

The report of the Planning Officer (8<sup>th</sup> January 2021) can be summarised as follows:

- Having regard to the CDP policy framework and national guidelines, development of this nature is generally considered acceptable. However, it is necessary to consider the zoning provisions of the Boyle LAP.
- The zoning matrix in Variation 1 of the Boyle Local Area Plan 2015-2021 lists ICT masts as being 'not normally permitted' in the 'Peripheral Town Centre – TC 2' zone, which represents a material contravention of the zoning objectives.
- The proposed structure will form a substantial visual feature. It is acknowledged that this type of infrastructure requires a particular height / elevation to operate effectively.

- The application does not include a detailed appraisal of potential alternative options (including co-location) but does indicate suitability for future loading with other operators / providers.
- It is recommended to refuse permission in accordance with the RCC notification of decision.

### **3.3. Prescribed Bodies**

No referrals were made to prescribed bodies.

### **3.4. Third-Party Observations**

During consideration of the planning application by the Planning Authority, one objection to the proposed development was received from a resident of Green Street. The issues raised in the submission can be summarised as follows:

- He is an owner of a 'family garden' to the north of the Eircom Exchange site.
- A rural setting is more appropriate for this very high development.
- The development will infringe on their views of the natural landscape and the enjoyment of their garden.

## **4.0 Planning History**

### **4.1. Appeal Site**

**ABP Ref No. 20.238719:** Permission granted (4<sup>th</sup> August 2011) for a 20m monopole. The Board noted that the planning authority had decided to refuse permission on the basis that it would constitute a material contravention of the Development Plan zoning ('peripheral town centre uses'). Having regard to the Telecommunications Antennae and Support Structures guidelines (1996), the Board considered that, by virtue of Section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000, it was not constrained in granting permission for the proposed development. Condition no. 2 limited the duration of the permission to a period of 5 years. The permission was not subsequently implemented.

## 4.2. Similar Applications

The following recent decisions relating to telecommunications developments in other County Roscommon towns may be relevant to the Board:

- **ABP Ref. 303777-19:** Permission refused in June 2019 for a 24m-high telecommunications mast at the Co-Operative Livestock Mart in Elphin. The Board decided that the proposed development would materially contravene the zoning objective for the site (i.e. Business Enterprise Park/Light Industrial and Warehousing).
- **ABP Ref. 304788-19:** Permission granted in October 2019 for the replacement of an existing 18.2 metre high wooden pole telecommunications structure with a 20 metre high steel monopole at Castle Street, Roscommon. The Board considered that the proposed development complied with the land-use zoning objectives for the site, and that, in the context of Section 37(2)(b) of the Planning and Development Act, 2000, planning permission should be granted, notwithstanding the provisions of the Roscommon Town Local Area Plan 2014 – 2020 and also having regard to the Ministerial Guidelines. The planning authority had decided to refuse permission on grounds including that the proposal materially contravened the LAP as the proposed use is ‘not normally permitted’ in an ‘outer town centre’ zone.

## 5.0 Policy & Context

### 5.1. National & Regional Policy

#### National Planning Framework – Project Ireland 2040

- 5.1.1. The National Planning Framework (NPF) acknowledges that telecommunications networks play a crucial role in enabling social and economic activity. For rural Ireland, it states that broadband is essential enabling infrastructure that affords rural communities the same opportunities to engage with the digital economy as it does to those who live in our cities and towns. National Policy Objective 24 aims to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.

## NWRA Regional Spatial & Economic Strategy 2020-2032

- 5.1.2. Section 6.5 of the RSES deals with 'Broadband Connectivity' and highlights the importance of improving coverage in rural areas. Regional Policy Objective (RPO) 6.36 supports the roll-out of the National Broadband Plan. Section 6.6 deals with the 'Smart Region' and RPO 6.52 aims to facilitate infrastructural needs, including immediate priorities for access to ultra-fast and rural broadband initiatives

## Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

- 5.1.3. These Guidelines, hereafter referred to as the Telecommunications Guidelines, set out the criteria for the assessment of telecommunications structures. Section 3.2 sets out that an authority should indicate in their Development Plan an acceptance of the importance of a high-quality telecommunications service, as well as 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.
- 5.1.4. The Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, within a residential area, or beside schools. If such a 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. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.
- 5.1.5. The visual impact is among the more important considerations to be taken into account in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. The sharing of installations and clustering of antennae is encouraged, as co-location would reduce the visual impact on the landscape according to Section 4.5 of the Guidelines.

## Circular Letter PL07/12– Telecommunications Antennae and Support Structures

5.1.6. Issued in 2012, this Circular Letter revises elements of the 1996 Guidelines. In summary, the revisions are as follows:

- Temporary permissions should only be used in exceptional circumstances where particular site / environmental conditions apply.
- Separation distances between telecommunication structures and sensitive receptors should not be incorporated into statutory plans.
- Bonds for the removal of structures should not apply.
- A register of approved structures should be maintained.
- Clarification that Planning Authorities do not have competence to assess health and safety matters as these matters are regulated by other codes.

## **5.2. Local Planning Policy**

### Roscommon County Development Plan 2014-2020

5.2.1. Section 4.7 outlines the essential role of telecommunications investment in furthering the social and economic development of the county. Section 4.7.1 highlights the importance of broadband services and section 4.7.2 specifically addresses the 'Mobile Phone Network Development', stating that the necessary physical infrastructure and structures must be developed in a strategic way that minimises impact on the environment. Telecommunications policy for the County is based on the Guidelines for Planning Authorities (1996) and any revisions to same.

5.2.2. Section 9.33 of the Plan provides criteria and requirements for the evaluation of telecommunications developments. Proposals should include a reasoned justification for the need for the development and should demonstrate that alternative locations and co-location arrangements have been considered.

### Boyle Local Area Plan 2015-2021

5.2.3. The site is zoned as 'TC2 Peripheral Town Centre', the objectives for which include the following:

- Provide for the development of mixed-use neighbourhood areas.
- Provide for a range of residential and commercial facilities.

- Improve civic amenity by requiring high standards of urban design.
- Encourage regeneration and appropriate development on infill sites.
- Regulate where appropriate any subdivision of existing residential units.
- Prohibit disorderly development of backlands.
- Have regard to ACAs and the overall heritage of the area.
- New development shall not prejudice the viability of established land uses.
- Require the inclusion of appropriate open spaces in development in this zone.

5.2.4. According to the Zoning Matrix, 'ICT Masts' are 'Not Normally Permitted', which means that the use is one which will not be considered by the Planning Authority except in exceptional circumstances.

5.2.5. The Telecommunications Strategy aims to achieve a balance between facilitating social and economic development whilst protecting amenities, health and the environment. Relevant policies and objectives can be summarised as follows:

**Policy 34** supports enhanced services and infrastructure within the LAP area.

**Policy 35** has regard to the Telecommunications Guidelines and the CDP Landscape Character Assessment.

**Policy 36** promotes an integrated approach between stakeholders.

**Policy 37** supports schemes for the provision of high speed, high quality broadband.

**Objective 27** seeks to facilitate and encourage shared access for service providers to erect antennae for line of sight broadband access.

### 5.3. Natural Heritage Designations

There are no designated sites of relevance to the appeal site.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The issues raised in the first-party appeal can be summarised as follows:

- The development is of strategic and national importance on the basis that it will improve telecommunications infrastructure in line with national policy.
- The appeal highlights the Board's previous decision to grant permission for a telecommunications structure on the site, based on reasons and considerations relating to national policy and the existing use of the site.
- Since the previous grant of permission, the Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development have been published. These aim to deliver the National Broadband Plan and to reduce the urban-rural divide. The proposed development is wholly in accordance with the recommendations of the taskforce report.
- The proposed structure will provide sufficient height to accommodate multiple operators in the future and will meet the increased data usage demands in the area. The proposed height and bulk of the structure is not excessive for the location and context of the existing site and its surrounds.
- The site is the most suitable site in the area for the proposed development having regard to its established use; its planning history; the zoning of surrounding lands; the absorption capacity of the site; and proximity to the target service area.
- It is unreasonably restrictive to prevent the proposed development in this area and the development would be acceptable in terms of the policies of the Roscommon County Development Plan 2014-2020.
- Similar developments are not uncommon for established utilities properties within peripheral town centre areas and reference is made to the recent decision by the Board under PL20.304788.

## **6.2. Observations**

None received.

## **6.3. Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- Justification for the development
- Location and zoning
- Visual Impact
- Impacts on surrounding properties
- Material contravention of the Development Plan

### **7.2. Justification for the development**

7.2.1. In order to avoid an unnecessary proliferation of masts, the Telecommunications Guidelines encourage the co-location of antennae on existing support structures and state that applicants will have to satisfy the authority that they have made a reasonable effort to share. Where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered. Similarly, section 9.33 of the CDP outlines the need to submit a reasoned justification for the provision of a telecommunications structure at a particular location and to satisfy the Council that reasonable efforts have been made to share or cluster facilities.

7.2.2. The application states that the proposed development will ensure radio network coverage for new wireless broadband services for Eir Mobile and will improve

telecommunications and broadband services in the region, including other operators. It is stated that there is no existing structure to support a new operator, namely Eir Mobile, which requires a site in the area. The proposal aims to provide new and improved indoor voice and data services for residential and commercial users, particularly to the west of the town. It is contended that the existing network is failing to meet increased demands and that the proposed development is urgently needed.

7.2.3. The application refers to the argument set out in the previous appeal case regarding the strategic importance of the development. This argument was based on a requirement to be directly connected to the only fibre optic enabled exchange in the Boyle area and that it would form part of a strategic network of telecommunications infrastructural sites. The applicant states that this remains the case.

7.2.4. While the applicant's statements are noted, in my opinion, the application and the appeal present little technical evidence to justify the need for the development in the first instance, or the need for the proposed location. There has been no detailed examination of the potential to share or cluster with existing structures and there are no details of any efforts made to explore this option in the first instance. Furthermore, there are no coverage maps to establish existing service deficiencies and the potential improvements that would be facilitated by the development.

7.2.5. I acknowledge that the Board previously granted permission for a telecommunications structure on the site in 2011. However, I do not consider that a justification established almost 10 years ago can still be reasonably relied upon at this stage. The telecommunications industry is a rapidly evolving one, and I consider that a comprehensive re-examination of the proposal is warranted, taking into account technological advancements and changes to existing infrastructural provision. In the absence of same, I do not consider that a reasoned justification for the development has been provided.

### **7.3. Location and zoning**

7.3.1. The Telecommunication Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, or within a residential area. Having regard to the proximity and predominance of surrounding dwellings and the zoning objectives for the area to

create a mix of uses, including residential, I consider that the area can be considered a predominantly 'residential area'. The location is certainly within a 'smaller town' and, accordingly, the 'last resort' provision applies.

7.3.2. This provision places a very high threshold for the justification of the proposal at this location. In this regard, I would appreciate that there are clearly advantages for the applicant in co-locating on the existing Eircom exchange site and I note that the application asserts an 'absolute requirement to be directly connected to the only fibre optic enabled exchange in the Boyle area'. I also note that the Guidelines advise that, should such a location within a smaller town become necessary, sites already developed for utilities should be considered. And while such an eventuality could support the subject site, I am not satisfied that the application has provided sufficient evidence that the proposed location is necessary or that the development could not be suitably connected from an alternative location. Accordingly, I consider that the proposal falls well short of the 'last resort' threshold, particularly given the concerns I have raised in section 7.2 (above) about the substandard justification and examination of alternatives.

7.3.3. With regard to zoning, I note that the Planning Authority's decision refers to the proposed use as being 'not normally permitted' in the 'TC2 - Peripheral Town Centre' zone, and that the proposed development would materially contravene the zoning objectives of the Local Area Plan. I acknowledge that the land use zoning matrix identifies that ICT masts are 'not normally permitted' in this zone. The Local Area Plan states that a use which is 'not normally permitted' is one that will be considered unacceptable by the Planning Authority except in exceptional circumstances. Such uses would not normally be permitted due to their perceived effect on existing and permitted uses, their incompatibility with the policies and objectives contained in the Plan, or the fact that they may be inconsistent with the proper planning and sustainable development of the area.

7.3.4. However, the Zoning Matrix section of the LAP also recognises that many 'established' and/or 'non-conforming' uses exist in locations where they do not correspond to the designated land use zoning objective. Improvement or extension works to such premises may be permitted where the proposed development would not be injurious to the amenities of the area and is consistent with proper planning and sustainable development. Having regard to the existing 'utilities' usage of the

site, I consider that it constitutes an 'established' and 'non-conforming' use within the 'Peripheral Town Centre' zone. Accordingly, given that the established telecommunication exchange use of the premises, I consider that the proposed structure would constitute an improvement or an extension to this facility, which would be permissible in accordance with the Zoning Matrix provisions of the LAP. However, this is qualified by the condition that it would not be injurious to the amenities of the area and is consistent with proper planning and sustainable development, matters which are discussed later in this report.

- 7.3.5. In conclusion, and irrespective of the zoning objectives and the allowances for established or non-conforming uses in accordance with the Zoning Matrix, I consider that, as set out in Telecommunications Guidelines, the location of the development within a 'smaller town' should only be permitted as a last resort. In the absence of a comprehensive assessment of alternative options and an evidence-based justification for the necessity of this location, I am not satisfied that the proposed development has been satisfactorily presented as a last resort.

#### **7.4. Visual Impact**

- 7.4.1. The town of Boyle and the LAP area falls within the CDP Landscape Character Area 17: Boyle and Curlew Mountains, which is of very high landscape value reflecting the high quality of built heritage features within the town environs. The Boyle River acts as a focal point running through the town centre at its lowest point. To the north of the river, land rises steeply along Green Street adjoining the subject site. Similarly, land rises to the south along Bridge Street to 'The Crescent', which is an elevated triangular-shaped public space surrounded by core town centre uses.
- 7.4.2. The topography of the town means that the subject site is quite elevated and there is potential for a structure of such height to be visible over a wide surrounding area, particularly over the town centre to the south. Despite this, the application does not include any photographic representation of the proposed structure from relevant viewpoints. I note that it does contain a written assessment which concludes that the structure will be suitably distanced and screened from sensitive viewpoints; that the visual impact will be absorbed by existing features; and that it will not have a significant impact on the landscape/townscape character of the area. However, I consider that the application requires a more comprehensive assessment of visual

impact, as would be required in accordance with Objective 7.37 of the CDP. In addition to the immediate surrounding areas, there would appear to be intervisibility between the proposed development and wider areas, including, for example, the 'Crescent' area in the town centre. It would be important to establish that the proposed development does not form an obtrusive feature from this prominent vantage point.

- 7.4.3. Again, I am conscious that the Board previously granted permission for a telecommunications structure on the site. However, it should be noted that the permitted structure was a sensitively designed slimline monopole structure with a maximum width of 335mm and antennae discreetly enclosed within the pole. The current proposal is for a lattice tower structure with a width of c. 2 metres and numerous protruding antennae and dishes. I consider that it would have a significantly greater visual impact compared to that previously permitted and I would have serious concerns about its suitability for this location. The Telecommunications Guidelines recommend that masts and antennae should be designed and adapted for the specific location and that monopoles should be used instead of lattice structures in sensitive locations. In my opinion, a more sensitive design approach would be required in accordance with the previous permission and the recommendations of the guidelines.
- 7.4.4. In considering the visual impact I acknowledge that the site benefits from mature tree screening on the adjoining lands. However, given that these trees are outside the control of the applicant and cannot be conditioned for retention, I would have serious reservations about relying on their cover to partially mitigate the visual impact. Indeed, it would appear that this tree cover is, to some degree, driving the need for the height of the proposed structure. On that basis, I would question whether a structure of reduced height and scale might be feasible at an alternative location in the vicinity.
- 7.4.5. In conclusion, I consider that a substandard visual impact assessment has been presented and that the proposed structure is of an inappropriate design and excessive scale for this peripheral town centre location. The proposed development would create an obtrusive feature within the townscape and would seriously detract from the visual amenities of the area.

## **7.5. Impact on surrounding properties**

- 7.5.1. The properties to the immediate north and south of the exchange site appear to be in active use as gardens. Although it is not clear as to which properties they are connected to, the lands are maintained and contain a variety of polytunnels, greenhouses etc., and are most likely associated with nearby dwellings. The land to the east is undeveloped and appears to be part of a large curtilage around a single dwelling. Residential uses predominate to the west and there are several dwellings along Green Street directly facing the appeal site at a distance of c. 50 metres.
- 7.5.2. I consider that the impacts on surrounding properties largely relate to the overbearing height and scale of the proposed structure. Consistent with the previous concerns outlined in this report, I consider that the proposed design is inappropriate for this location and would form an overbearing feature that would seriously detract from the amenities of surrounding properties, particularly those in residential use.
- 7.5.3. With regard to the potential future development of surrounding properties, I note that the site is part of an area zoned with the objective of creating an attractive mixed-use environment. It is also part of an area defined as 'regeneration lands' as per the provisions of the Urban Regeneration and Housing Act 2015 and I note that there is a significant concentration of derelict / unfinished properties along Green Street. Accordingly, the site is part of a larger area in need of significant redevelopment and environmental improvements and, for the reasons and concerns previously outlined, I do not consider that the proposed development would encourage or facilitate such development.

## **7.6. Material contravention of the Development Plan**

- 7.6.1. While I have outlined fundamental concerns in relation to the proposed development, I nonetheless propose to address the question of a material contravention in the interest of completeness.

### Is it a material contravention?

- 7.6.2. In section 7.3 of this report I have discussed the Planning Authority's decision relating to the zoning provisions of the LAP. While I acknowledge that the proposed development is 'not normally permitted' within the TC2 zone, I consider that the LAP

does allow for the extension or improvement of 'established' or 'non-conforming' uses, which, in principle, could be accommodated in this case. Accordingly, I do not consider that the proposed development would constitute a material contravention of the LAP.

Would a material contravention be warranted?

7.6.3. Notwithstanding my concerns about the proposed development, and in the event that the Board would consider it a material contravention, Section 37(2)(b) of the Planning and Development Act 2000 (as amended) outlines that, where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission where it considers that:

- (i) the proposed development is of strategic or national importance
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.6.4. With regard to point (i) above, I acknowledge that, in general, the upgrading of telecommunication infrastructure is of strategic and national importance, and I note that the Board referred to this provision in the previous grant of permission on the site. However, as previously outlined in this report, I consider that the current case includes only limited supporting information and has not been satisfactorily justified or evidenced as being of strategic or national importance.

7.6.5. Regarding point (ii), I acknowledge that the objectives of the development plan are generally supportive of telecommunications proposals and I do not consider that there are objectives which are conflicting or unclearly stated. However, I do consider that the LAP zoning objectives and matrix allowances for 'established' or 'non-



conforming' uses require a subjective assessment of impacts on amenities and proper planning. Accordingly, the Board may consider that the objectives are not clearly stated.

- 7.6.6. Point (iii) above was also referred to in the previous decision to grant permission on this site. Again, I acknowledge that regional policy and national policy / guidance is supportive of telecommunications proposals. However, in the absence of a suitable justification for the proposal and evidence that the location is proposed as a 'last resort', and having regard to the inappropriate scale and design of the structure within a small town and in close proximity to residential properties, I do not consider that the proposal is in accordance with the provisions of the Telecommunications Guidelines.
- 7.6.7. Finally, in relation to point (iv), I do not consider that the pattern of development or permission granted in the area would justify a material contravention in this case.
- 7.6.8. In summary on this matter, I am not recommending a grant of permission, but I do not consider that a material contravention would apply. In the event that the Board is considering a grant of permission, and where it considers that a material contravention of the development plan would occur, it will have to be satisfied that at least one of the provisions outlined in (i) to (iv) above applies.

## **7.7. Conclusion**

I am conscious of the importance of improving telecommunications infrastructure in rural areas and the previous permission for a support structure of the site. However, as per the Telecommunications Guidelines, I consider that an evidence-based justification is needed to support the proposed location, within the peripheral town centre of Boyle, as being a 'last resort'. No such justification has been included with this application and I do not consider that a 10-year old permission can be relied upon. Even in the event that the proposed location was justified as a 'last resort', I consider that the scale and design of the proposed structure is inappropriate given its potential visual impact, its proximity to existing residential properties, and the objectives of the LAP to create an attractive mixed-use environment at this location.

## **8.0 Appropriate Assessment**

Having regard to the existing development on site, the nature and scale of the proposed development, the nature of the receiving environment and the proximity to the nearest 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.

## **9.0 Recommendation**

Having regard to the above, I recommend that permission be refused for the reasons and considerations hereunder.

## **10.0 Reasons and Considerations**

Having regard to the guidelines for Planning Authorities relating to 'Telecommunications Antennae and Support Structures' which were issued by the Department of the Environment and Local Government in July, 1996, it is considered that, on the basis of the documentation submitted with the application and the appeal, the applicant has not provided evidence of the need for the proposed telecommunications structure at this location, or that possible opportunities for co-location do not exist in the surrounding area. Accordingly, the proposed location within the peripheral town centre of Boyle has not been justified as a 'last resort' in accordance with the requirements of the guidelines. Furthermore, by reason of the inappropriate design and excessive scale of the proposed structure at this elevated location, it is considered that the development would form an obtrusive and unacceptable visual feature within the town, would seriously injure the amenities of the area and of property in the vicinity, and would militate against the future development of surrounding lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Stephen Ward  
Senior Planning Inspector  
6th May 2021

