

An
Bord
Pleanála

Inspector's Report ABP-311154-21

Development

Permission is sought for a development consisting of an existing 10m monopole and associated equipment (13m overall height) and installation of a replacement 10m monopole (19.5m overall height) along with the installation of antennae, a dish, equipment cabinets, cable ladders, fence and ancillary development thereto.

Location

Eir Exchange, Main Street, Glaslough, Co. Monaghan.

Planning Authority

Monaghan County Council.

Planning Authority Reg. Ref.

21296

Applicant(s)

Vodafone Ireland Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant(s)

Vodafone Ireland Limited.

Observer(s)

1. L. Duffy on behalf of Glaslough Village Residents.
2. Diarmuid O'Domhnaill & Nicola Fahy.
3. Antonia Leslie.
4. Cignal Infrastructure Ltd.

Date of Site Inspection

1st day of November, 2021

Inspector

Patricia-Marie Young

DECISION QUASHED

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DECISION QUASHED

1.0 Site Location and Description

1.1. The appeal site has a stated 0.0172ha area and it is located in the heart of the built and natural heritage rich village of Glaslough, in County Monaghan. The site itself occupies a backland site which is set back c50m to the north of Main Street between which is a small single storey exchange building that is located in close proximity to the southernmost boundary of the site and c64m to the south of the R185 between which is a residential dwelling set in mature landscape grounds. The site and the existing Eir Exchange are bound by mature residential dwellings to the west, north west, north, and north east. To the south east is a number of community buildings and community spaces.

2.0 Proposed Development

2.1. Planning permission is sought for a development consisting of an existing 10m monopole and associated equipment (13m overall height) and installation of a replacement 18m monopole (19.5m overall height) along with the installation of antennae, a dish, equipment cabinets, cable ladders, fencing and ancillary development thereto for enhanced wireless data and broadband services.

2.2. A number of documents accompany this application including but not limited to:

- A letter of consent from the landowner to make this application.
- A Cover Letter from Towercom on behalf of the applicant which includes the following comments
 - The existing telecoms structure at the Eircom Exchange was erected under previous planning exemptions. This proposal involves the removal of it with the structure described as a 10m wooden pole with an overall height of 13m and the installation of a replacement 15m monopole with an overall height of 16.5m height.
 - The additional height and width would make the site available for other telecommunications, emergency services and broadband operators in line with planning policy provisions.
 - The current structure is unsuitable for site sharing.

- The proposed development will ensure radio network coverage for Vodafone and new wireless broadband services for Eir Mobile and improvement of telecommunications and broadband services in the region into the future.
- The Eircom exchange at Glaslough is of critical importance to the Vodafone network in this region and it is relied upon by individual, communities, and businesses in the area since its construction. It is not suitable to support a new operator (Eir Mobile) which requires improved coverage in this area.
- Given the current demand for co-location at this site planning permission is sought for the replacement of the existing structure for a structure capable of meeting demand by carrying new additional antennas, dishes, and associated equipment for further co-location by Eir Mobile and Vodafone.
- There are no other existing masts to provide coverage to Glaslough.
- The Planning Authority is requested to carefully balance the public benefits associated with this proposal as opposed to the limited disbenefits that would arise.

3.0 Planning Authority Decision

3.1. Decision

On the 21st day of July, 2021, the Planning Authority refused planning permission for the development set out in Section 2.1 above for the following stated reasons:

"1. *Policy ACP2 of the Monaghan County Development Plan 2019-2025 seeks to resist development that would adversely affect the character and appearance of an Architectural Conservation Area (ACA).*

Policy TCOP 3 of the Monaghan County Development Plan 2019-2025 states that the location of antennas or other support structures in ACAs will be resisted.

Furthermore, the Telecommunications Antennae & Support Structure Guidelines for Planning Authorities 1996 note that whatever the general visual context, great care should be taken when dealing with an amenity area, such as Glaslough Village.

The development is located within the Glaslough Village ACA and, whilst the use of the site for telecommunications is established, it is the consideration of the Planning Authority that the replacement monopole/mast, which is 6.5m higher overall and significantly bulkier than the existing monopole/mast, would adversely affect the character and appearance of the ACA.

The visual impact of the proposal would significantly outweigh any potential economic and social benefits and would also create an unacceptable precedent.

Accordingly, the development would, if permitted as proposed, materially conflict with Policies ACP 2 and TCOP 3 of the County Development Plan 2019-2026 and be contrary to the proper planning and sustainable development of the area.

2. Policy TCOP 2 of the Monaghan County Development Plan 2019-2025 seeks to promote best practice in siting and design for all telecommunications structures to ensure the visual amenity and the landscape character of the host area is protected as far as is possible.

It is considered that the development as proposed would adversely affect the visual amenity and landscape character of the village, and the submitted visual impact assessment does not accurately depict the proposed development, which is more than 6 metres higher overall and significantly bulkier than the existing monopole/mast.

Accordingly, the development would, if permitted as proposed, materially conflict with Policy TCOP 2 of the County Development Plan 2019-2025 and be contrary to the proper planning and sustainable development of the area.

3. Policy TCOP 4 of the Monaghan County Development Plan 2019-2025 requires co-location of antennae support structures and sites where feasible unless it is demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible.

As per the information submitted, or lack thereof, it is considered that insufficient justification has been provided to demonstrate that co-location is not feasible.

Accordingly, the development would, if permitted as proposed, materially conflict with Policy TCOP 4 of the County Development Plan 2019-2025 and be contrary to the proper planning and sustainable development of the area.

4. Policy RDP 24 of the Monaghan County Development Plan 2019-2025 states that development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity shall be resisted. Furthermore, the Telecommunications Antennae & Support Structure Guidelines for Planning Authorities 1996 note that only as a last resort should free-standing masts be located in a residential area.

As per the information submitted, or lack thereof, it is confirmed whether or not the development will unduly overshadow and/or overbear upon the houses in the vicinity.

Accordingly, to permit the development as proposed would be contrary to the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated the 20th day of July, 2021, is the basis of the Planning Authority's decision. The concerns raised therein are substantively reflected in the four given reasons of the Planning Authority to refuse planning permission for the proposed development.

3.2.2. Other Technical Reports

Environment: No objection subject to safeguards.

Municipal District Engineer: No objection subject to safeguards.

3.3. Prescribed Bodies

3.3.1. **Irish Aviation Authority:** No objection.

3.3.2. **Eircom Radio Division:** No response received.

3.4. Third Party Observations

- 3.4.1. During the course of the Planning Authority's determination of this application they received a substantial number of Third-Party submission (c61) with multiple petitions attached to a number of submissions received. All objecting to the proposed development for the same issues raised by the four observers to this appeal which I have summarised under Section 6.3 of my report below.

4.0 Planning History

4.1. Site and Setting

- 4.1.1. None relevant.

5.0 Policy & Context

5.1. National Policy Provisions

- 5.1.1. These include but are not limited to the following in relation to the type of development proposed under this application:

- **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.

- **Circular PL 03/2018.**

This circular seeks to ensure a consistent approach is applied by all local authorities in respect of waivers applied in Development Contribution Schemes in respect of mobile phone and broadband infrastructure. It sets out that the waiver shall apply to any telecommunications infrastructure, both mobile and broadband, being deployed as part of a Government endorsed telecommunications strategy, plan, or initiative.

- **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)*".

- **Revision of Development Contribution Guidelines in respect of Telecommunications and Infrastructure, Circular Letter PL 03/2018.**

This circular relates to a revision of the 2013 Development Contribution Guidelines for Planning Authorities and contains a 'specific planning policy requirement' which pursuant to Section 28(1C) of the Planning & Development Act, as revised, is mandatorily required to be applied by planning authorities. It sets out a waiver to apply to any telecommunications infrastructure, both mobile and broadband, being deployed as part of a government endorsed telecommunications strategy, plan, or initiative. It requires that mobile or broadband operators demonstrate to the satisfaction of the planning authority that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service. It indicates that such infrastructure shall not attract development contributions and that this waiver applies to masts, antennae, dishes and other apparatus or equipment being installed for such communication purposes.

- **National Broadband Plan, 2020.**

This document sets out the government's initiative to deliver high speed broadband services to all premises in Ireland. This will be delivered through investment by

commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

5.2. Local

5.3. Development Plan

5.3.1. **Monaghan County Development Plan, 2019 to 2025**, is the applicable Development Plan. The site is located within the settlement boundaries of Glaslough.

5.3.2. Under the Development Plan Glaslough is classified as a 'Tier 4 - Rural Villages/Shops'. These are defined as "*villages providing local convenience retail, usually consisting of a post office, 1 or 2 pubs and limited comparison retailing*".

5.3.3. Under Section 6.17.3 deals with Glaslough Village as a designated ACA. It sets out that this definition defines the special architectural character of the village and sets out guidance to homeowners, developers, and the like on the type of works that require planning permission upon its designation as an ACA.

5.3.4. Section 6.17.2 of the Development Plan sets out that the main purpose of an ACA designation is to control inappropriate development for the purpose of preserving and enhancing the character of the area.

5.3.5. The following Development Plan policies are relevant:

ACP 2: "*To resist development that would adversely affect the character and appearance of the Architectural Conservation Area. New development or alterations to existing building(s) in an ACA shall reflect the historic architecture in terms of scale, design and materials used. Regard shall be had to any objectives contained in the character appraisals (where applicable)*".

ACP 3: "*To implement the guidance set out in the Glaslough Village ACA Report in relation to any proposals for development within the village area*".

5.3.6. Section 9.13 of the Development Plan deals with the matter of natural and built heritage. The following policies are relevant

SNO 11: *“Ensure that new developments enhance, respect and compliment the form and scale of the existing town streetscape and architecture.”*

5.3.7. Section 15.4 sets out the Development Management within ACA's.

5.3.8. 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. 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.

5.3.9. Objective TCO 1 of the Development Plan 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”*.

5.3.10. Policy TCP 1 of the Development Plan states: *“to support the delivery of high capacity information Communications Technology Infrastructure and broadband connectivity throughout the county”*.

5.3.11. Policy TCP 3 of the Development Plan states: *“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”*.

5.3.12. 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.

5.3.13. 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.

5.3.14. Policy TCOP 2 of the Development Plan states: *“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”*.

5.3.15. Policy TCOP 4 of the Development: *“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”*.

5.4. Other

5.4.1. Monaghan County Council General Development Contribution Scheme 2021 to 2026 is the applicable contribution scheme.

5.5. Natural Heritage Designations

5.5.1. The nearest European site is located c10.6km to the west of the site. This site is Slieve Beagh Bog SPA (Site Code: 004167). There are no other European sites within the wider vicinity of the site.

5.5.2. The site lies at its nearest point c400m to the west of Proposed Natural Heritage Areas: Glaslough Lake (Site Code: 000599).

5.6. EIA Screening

5.6.1. The development sought under this application relates to a retention of an existing telecommunications infrastructure and associated works. It is not located in an environmentally sensitive site, is significantly removed from the nearest European site, the site and the urbanscape it forms part of are serviced lands. I therefore consider that the proposed development is not likely to give rise to significant environmental effects or to warrant environmental impact assessment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- The appellant sets out that they are one of the largest communication providers in Ireland. Providing essential public service throughout the country since 2001.
- It is one of the biggest investors in new technology with more than €900m spent in building and maintaining its network. This innovation means that it is one of the first to launch leading technologies onto the Irish market.
- The site is an established utilities property with access via an existing entrance.
- A small section of wall would be temporarily removed to facilitate the delivery and construction of the proposed monopole and once construction is complete this wall would be reinstated.
- The Eircom Exchange is of critical importance to the Vodafone network in this region as it is relied upon by individual, communities, and businesses since the original pole was constructed many years ago.
- The existing structure is not capable of being upgraded by Vodafone and currently Vodafone is only providing 2G or voice services from this pole. It is therefore required to upgrade this pole to provide 3G, 4G and 5G data as well as broadband services to Glaslough.
- The existing pole is outdated and not suitable to support a new operator (Eir Mobile) which requires improved broadband coverage in this area also.
- In response to the reasons of refusal it is proposed to the Board that the height of the replacement pole be reduced in height by 3m.
- At the revised proposal height Eir would occupy the slot at approx. 11m to 13m and Vodafone would occupy the slot from 13m to 15m. It is noted however operators of such installations are permitted to install antennas up to 3m high on existing building rooftops as exempt development under the Planning & Development Regulations 2001, Schedule 2, Class 31 K, as amended.

- Given the current demand by Vodafone to upgrade this existing site to provide 3G, 4G and 5G data services as well as in order to provide co-location at this site for Eir Mobile planning permission is sought for the replacement of the existing outdated 10m pole with a 15m structure and an overall height of 16.5m when the lightning final is included.
- The site was decided upon after analysing the requirements to provide 3G, 4G and 5G radio coverage in this area. In addition, regard was had to a number of other considerations including reasonable commercial terms, capable of being developed, through to reasonable degree of security.
- The site needs to be located in the cell search area (Glaslough) in order to provide the required coverage. The cell requirement for Glaslough has a 500m radius as it is a town location which means there will be a heavy load on a radio service here.
- Glaslough is an important tourist town.
- The nearest other telecommunications site is 2km west of it.
- There are no other suitable sites.
- Broadband is an essential public service like water and electricity.
- The Comreg coverage map are provided. These shown that Glaslough is located in an area classified as 'Fair'.
- Eir has no coverage for 5G in the Glaslough area and this infrastructure would allow Eir to provide high speed broadband to residents in the Glaslough and the surrounding areas.
- Eir and Vodafone will always co-locate on an existing telecommunications structure as a first choice if a suitable location exists. There are no suitable locations.
- The photomontages show that the proposed development can be absorbed without negative visual impact into the surrounding landscape and streetscape setting.
- This application accords with TCOP 2 of the Development Plan.
- The proposed height reduction, the existing vegetation and built form together results in the proposed development having no significant visual or residential impact on properties in its vicinity.

- There is no right to a view beyond one's own property boundary.
- The Board have made rulings on appeal cases in the past in relation to separation distances between dwellings and telecommunication masts. The Development Plan does not stipulate a minimum separation distance.
- The proposed development would not be highly visible in its ACA setting.
- The proposal complies with local and national planning provisions in relation to such structures.
- In the absence of significant harm to the site and the surrounds alongside with the view of supporting local and national policy the Board is requested to overturn the decision of the Planning Authority.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. The Board during the course of its determination of this appeal case received observations from the following parties:

- Cignal Infrastructure Ltd
- Louise Duffy on behalf of Glaslough Village Residents.
- Diarmuid Ó Donnghaill and Nichola Fahy.
- Antonia Leslie

6.3.2. I propose to summarise these separately below:

6.3.3. On the 13th day of September, 2021, the Board received an observation from **Cignal Infrastructure Ltd** which includes the following comments:

- The observer operates an existing in situ 30m multiuser telecommunications support structure located at Stramore, Emyvale, Co. Monaghan. This telecommunications infrastructure is located c2.3km from the site to the north west with retention permission issued for the same under P.A. Ref. No. 21/278 on the 28th day of June, 2021.

- This telecommunications structure has been in operation for a number of years and is capable of meeting all operator requirements in the area as well as has capacity to accommodate additional telecommunications equipment as the need arises.
- This structure provides high speed wireless broadband and data services to the area and coverage maps including prediction maps illustrating this are attached.
- The justification of the new structure did not consider their existing in situ telecommunications structure.
- In the absence of a review of all existing telecommunications sites in the general vicinity of Glaslough serving the same geographical area it is considered that the applicant in this case has not met the requirements and standards relating to sharing facilities and co-location of antennae as contained in local through to national planning policy provisions and guidance. Therefore, the applicant has not satisfactorily demonstrated that additional mobile coverage, if required, could not be achieved by co-location on existing telecommunications structures.

6.3.4. On the 13th day of September, 2024, the Board received an observation from Louise Duffy on behalf of the **Glaslough Village Residents** which includes the following comments:

- Glaslough village is designated as an Architectural Conservation Area with stunning buildings, monuments and the famine wall forming the structure of the village.
- Over the past 50 years the community has invested considerable time, effort, and financial commitment to ensuring its heritage is preserved for the benefit and appreciation of future generations. These works and initiatives have been supported by the Council.
- The appellant in their submission omits reference to residential dwellings to the north and west of the site. They also omit reference to the recreation/community centre to the east, the houses in the Tullyree Estate and

the village houses. Circa 150 dwellings that will face the proposed mast directly.

- The site is also adjacent to a substantial children's playground, playschool, creche, tennis court, basketball court, wildflower and sensory garden and a small football area all of which form part of the community centre grounds.
- Not only would the structure be unsightly in its context it also gives rise to health concerns.
- The original pole is only 10m in its overall height and the appellant misrepresents the difference between the height of the existing and proposed pole. They contend it would only be 3m higher when a pole that is 8m higher than what is present is proposed under this application.
- The additional height would result in the pole being more visually apparent and intrusive in its visual context. It would be visible above the existing tree line and all other adjacent buildings.
- The site is in a low point in the landscape and there is an abundance of higher ground outside of the village within this drumlin landscape.
- The appellant claims that a cell search area has a radius of 500m whilst other adjacent operators listed on the Comreg Site Mast register confirmed that existing technology allows for a 1000m cell search radius.
- The owner of the Annagap mast owner and operator confirmed that their telecommunications mast can host and service Glaslough from a distance of 2.4km.
- The appellants argument that there are no other suitable sites in the vicinity does not make sense particularly given the location in a valley and the availability of other masts in the area.
- The appellants arguments about current technology for 3G, 4G and 5G technologies are contradicted by industry experts.
- The appellant seeks that the Board bend the rules in their favour. This is objected too given the impact the proposed development would have on its

setting and given that there are more suitable locations already present to facilitate such a development

- This site is not the last resort but rather the best resort for the appellant.
- It is not the case that without this infrastructure there would be significant adverse effects for residents and tourists in the provision of a crucial service.
- Glaslough has been preserved as a heritage village and has won National Tidy Town Competition on two occasions and the European Gold Entente Floral Award.
- The village already has free Wi-Fi throughout and has a strong coverage via fibre and satellite high speed for broadband connectivity with there being no issues with the same.
- A mast with beacons spanning up to 1m in width will be a visual blight in the middle of the village as well as a looming feature over the playground, parkland, and recreation area.
- This development is not supported by the village.
- The visual impact as presented in the visual photomontages are not accepted to give an accurate presentation and are considered disingenuous, misleading, and not relevant.
- This structure would be out of character with the character of this heritage village and would have an adverse visual impact in one of the most important conservation areas of the county.
- The structure is of a height that it would not be visually screened by natural and man-made features in its vicinity.
- The appellant suggests that any telecom structure is a long-term reversible addition. In reality once such masts go up, they are rarely reversed.
- The mast would not positively contribute to the ACA.
- The Council considered in their refusal that the proposed development materially conflicted with Policies ACP2 and TCOP3. Yet the appellant seeks to argue that the proposed development accords with local planning provisions.

- It is sought that the decision to refuse permission is upheld.
- A significant in numbers signed & addressed petition as well as photographs is attached.

6.3.5. On the 13th day of September, 2021, the Board received an observation from **Diarmuid Ó Domhnaill and Nichola Fahy** which includes the following comments:

- Concern is raised that this appeal includes a substantial change to the original application by way of reducing the height of the overall structure from 19.5m to 16.5m.
- The original application was for the installation of a replacement 18m monopole with an overall 19.5m height. Yet the position is 12m away from the existing monopole.
- The original application was for up to 4G and this has now been amended to up to 5G with the possibility of other providers equipment on this monopole structure proviso now been removed.
- The appellant omits to provide an accurate context of the site's setting within the village of Glaslough.
- This proposal is unsightly and gives rise to health concerns,
- The reduction in height of the monopole is a major concession but the width of the pole which is about 70cm in circumference together with the antenna is unsightly.
- The need for the coverage this infrastructure would provide is questioned and conflicts with other providers in this area.
- The site is at a low point in this landscape.
- Tullyree hill c600m south east of the village has a long standing 'Net1' satellite dish offering 20meg broadband to the whole village of Glaslough. Concern is raised as to why the appellant did not investigate other options outside of the village including existing telecommunications structures.
- The photomontages provided do not address the visual impact of the proposed development as would be observed by the many residents in the vicinity of the site who would be confronted with this structure daily.

- The Telecommunications Antennae and Support Structure Guidelines for Planning Authorities, 1996, indicate that only as a last resort should free-standing masts be located in a residential area. There are 140 houses plus within 200m of the proposed structure which is unacceptable to these residents.
- As one of the nearest residential properties to the proposed structure it is contended that it would give rise to overshadowing and overbearing on their property.
- The appellant incorrectly describes the location of the proposed mast as being at the outer edge of the Architectural Conservation Area. This is not correct as the proposed mast would be located within the middle of the village and would adversely impact the character and visual amenities of the ACA.
- The appellants needs could be accommodated by way of co-location on other existing structures such as Annagap.
- The Council refused a similar application made by Eir in the heritage village of Inniskeen, County Monaghan, under P.A. Ref No. 110/21, for similar given reasons.
- The Board is requested to uphold the decision of the Planning Authority.

6.3.6. On the 14th day of September 2021, the Board received an observation from **Antonia Leslie** which included the following comments:

- The community of Glaslough are united in their objection to this proposal for an electro-mechanical device which brings no telecommunication gain to the village.
- The proposed structure would be intrusive in the centre of an Architectural Conservation Area which it would visually adversely impact.
- This is an Electromechanical Commercial Venture and not a Telecommunications exchange.
- Concerns are raised in relation to changes made to the proposal by way of the appeal alongside now indicating that it would provide 5G coverage.
- Concerns are raised to where all the multiple cells and active antennas will be installed to successfully transmit its millimetre waves to the mobile phones and

homes of Glaslough. If these are not provided, then the 5G coverage proposed is useless. Thus, the appellant therefore proposes to install SAWAPs (Other Transmitting Devices) along the streets of this ACA.

- In lowering the height of the mast this would require cutting down trees to allow signals to be transmitted.
- This village has no need for the infrastructure the appellant proposes as there is more than adequate 3G, 4G and high-speed internet in this area.
- As an employer concern is raised that under the Statutory Instruments S.I. No. 337 of 2016 'Safety Health and Welfare at Work Electromagnetic Fields Regulations' an employer is responsible for any harm or ill effects suffered of electromagnetic radiation, suffered by their employees in the work space.
- The European Parliament have not yet concluded its studies on potential health risks of 5G technology and advice that governments to use the precautionary principle.
- It is requested that the Board make a request under the Freedom of Information Act for a variety of information from the appellant.
- Concerns are raised in relation to the impact that the radio-frequency waves would have on the eco-system of animal and plant life in the village. This ecosystem forms part of the architectural heritage, visual beauty, and tourism renown of this village.
- The economy of this village has been greatly impacted by the last two years of Covid.
- This observation is accompanied by several addendum documents.

6.4. Referrals

- 6.4.1. On the 9th day of September, the Board referred this appeal to The Heritage Council, An Taisce, the Arts Council, Failte Ireland, Department of Culture, Heritage, and the Gaeltacht. No responses were received.

7.0 Assessment

7.1. Introduction

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

- Principle of the Proposed Development
- Residential Amenity Impact
- Health & Safety Risk
- Appropriate Assessment
- Other Matters Arising

7.2. Principle of the Proposed Development

7.2.1. By way of this application planning permission is sought for the removal of an existing 10m monopole which has a stated overall height of 13m and its associated equipment and the installation of a replacement 18m monopole which would have an overall height of 19.5m together with the installation of antennae, a dish, equipment cabinets, cable ladders, fencing and all other ancillary development.

7.2.2. It would appear that the existing structures for which removal is sought was not subject to a previous planning application and it is unclear when it was erected on site.

7.2.3. The applicant's agent contends that when it was erected it did not require planning permission as it was a type of development that was exempted development at that time.

7.2.4. As regards to the matter of the established mast on the site, I am inclined to concur with the Planning Authority and the Observers to this appeal case that the established use of the site should not automatically confer the suitability of the site for a replacement mast structure. I note that I can find no details with regard to the planning status of the existing structure, including any Section 5 determination.

7.2.5. I consider that it is appropriate for the Board in this context to consider the suitability of the site's location within a modest in size settlement, within the boundaries of an ACA, within the visual curtilage of Protected Structure through to the proposed developments compatibility with the types of developments deemed appropriate in

such a setting through to other proper planning and sustainable development considerations for this type of development *de novo* in accordance with local through to national policies and guidelines.

- 7.2.6. As regards to questions in relation to the need for the replacement mast and the assessment of alternatives, I note that the first party refers to the existing mast site at the Eir Exchange in Glaslough as being outdated and at present its height is inadequate for Eir Mobile's network coverage requirements given the surrounding natural and manmade features. It sets out that the new structure with its additional height and width would not only meet Eir's needs but also Vodafone's needs at this location as well as would have the capacity to cater for additional equipment into the future, if required.
- 7.2.7. In terms of technical justification, it sets out that Eir requires this improved telecommunications infrastructure to provide improved indoor voice and data broadband services to homes, tourists, and businesses in Glaslough. It indicates in the documentation provided that Eir Mobile's current coverage in this area is 'fringe' setting out that it is 'poor' which is unacceptable for such an important tourist town in the 21st Century. However, the map provided to support this argument shows the site in an area of good to fair coverage for Eir as present in Glaslough for 4G.
- 7.2.8. The initial application does not set out an examination of other possible alternative locations. Whereas they set out in their appeal submission that that existing telecommunications infrastructure in the area is not suitable to meet the needs of Eir and Vodafone. With the nearest structure being indicated as located approximately 2km to the west of Glaslough.
- 7.2.9. I note that the observers to this appeal submission, which I note includes a Third-Party telecommunications operator within this area, has questioned this on the basis of the existing coverage within the village being described as being good and giving rise to no issues and the understanding that 3G and 4G services typically have catchment of 15-30km.
- 7.2.10. They add further concern that by way of the appeal that the applicant now seeks 5G at this location which together with the amendments to height of the structure is not what was sought under their application to the Planning Authority.

- 7.2.11. On this point I note that the coverage maps or the documentation included by the applicant with the original application do not set out that the proposed development is to include 5G capabilities for Eir and/or Vodafone in terms of the service that they provide at this location.
- 7.2.12. It is further outlined within the third-party appeal that there has been no demonstration of consultation with other operators with regard to their needs for additional infrastructure and technical requirements with regard to same.
- 7.2.13. Moreover, they raise concern that this structure would not only be located in a position of a high visual amenity, residential amenity and built heritage sensitivity, the site is also located at a low point within this drumlin landscape with the ground levels surrounding the village providing less sensitive locations to where such a structure could be located whilst at the same time meeting the needs of the applicant.
- 7.2.14. The matters raised are relevant issues in the context of the policy requirement to set out a justification for the structure and demonstrate a reasonable consideration of alternatives for what is proposed under this application as improved 3G and 4G capabilities at this location for Eir and Vodafone.
- 7.2.15. I cannot verify the technical circumstances and requirements in these matters. However, I consider that in light of the questions raised and the failure of the first party to address these questions the evidence provided to the Board is deficient in terms of demonstrating an approach which seeks to optimise the location and siting. There is also no mention of 5G in the considerations provided by the First Party with their application to the Planning Authority.
- 7.2.16. I therefore consider that the First Party has provided insufficient technical justification with their application on the proposed development, including what appears to be the expanded scope of the telecommunication infrastructure from improved 3G and 4G coverage under the initial application to including 5G in their appeal submission to the Board. I also consider that the information provided with the application and appeal submission appears to conflict with other information provided by Observers to this appeal.
- 7.2.17. Whilst local through to national planning provisions through to guidance generally deems such developments to be acceptable subject to detailed proper planning and sustainable development considerations, I note that the Telecommunications

Antennae and Support Structures Guidelines, 1996, states that: *"only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in 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 and should be monopole (or poles) rather than a latticed tripod or square structure"*.

7.2.18. On this particular point having inspected the site, having had regard to publicly avail aerial photography, having had regard to third party submissions submitted to the Planning Authority during the course of its determination and the Observations received by the Board from Third Party, I consider that it is the case that the proposed development would be sited in a location that the adjoining and neighbouring properties in a restricted area are predominantly residential but also include community related land uses. The number of residential and community properties through to spaces set out by the observers in my view appear to accurately represent the existing situation from having inspected the site setting.

7.2.19. Given the concerns previously expressed about the lack of detail provided by the First Party to support the proposed development of a more significant in height, built form through to capabilities due to its increased height and diameter width to accommodate other users I am not convinced based on the information provided that they have robustly demonstrated that this location is a last resort location and that there are no more suitable alternative sites or locations that are less sensitive to this type of development or indeed that the coverage in this area is poor. The latter is strongly argued to not be the case by observers to this appeal case and I note during my inspection I had full 4G capabilities as well as Wi-Fi on the devices I had on hand with me.

7.2.20. For this reason, I consider that to permit the proposed development would be contrary to the said Guidelines but also would be contrary to policy TCOP 4 of the Development Plan which requires such developments to co-locate antennae support structures and sites where feasible unless where it is demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible.

- 7.2.21. In respect to this point I note that this concern formed the basis of the Planning Authority's third reason for refusal for the proposed development sought under this application.
- 7.2.22. Added to this concern is the fact that the site's sensitivity is added to by its location within a designated Architectural Conservation Area and would form part of the visual setting of Church of Ireland Parochial Hall, a Protected Structure (RPS No. 41400730) and a building listed in the NIAH where it is rated: '*Regional*' and its categories of special interest are given as '*Architectural*' and '*Social*'.
- 7.2.23. Under the Development Plan TCOP 3 sets out that the Council will seek: "*to resist the location of antennae or other support structures in sensitive landscapes, areas of primary or secondary amenity, special protection areas of conservation, architectural conservation areas or on or near protected structures*".
- 7.2.24. Moreover, the location of the replacement mast structure though backland in its nature is one that a structure of the size proposed would be highly visible from the streetscape setting of Main Street at a point where one enters into the main centre of this historic village of rich built heritage interest and merit. In predominantly residential, community and open space context with this reflected in the character of the urbanscape of the stretch of Main Street it would form part of a structure of the type and height proposed would be visually incongruous and at odds with natural as well manmade features that contribute to its intrinsic character.
- 7.2.25. For this reason, I consider that the proposed development if permitted would be contrary to policy ACP 2 of the Development Plan which sets out that the Council will seek: "*to resist development that would adversely affect the character and appearance of the Architectural Conservation Area*".
- 7.2.26. I further note that policy ACP 2 sets out that: "*new development or alterations to existing buildings) in an ACA shall reflect the historic architecture in terms of scale, design and materials used*".
- 7.2.27. In this regard the proposed development is not a type that could be one that its scale, design and materials could realistically one that could reflect the historic architecture of the surrounding ACA of Glaslough. Though I note that as part of the appellants appeal submission they are willing to reduce the overall height of the structure. Even with a reduction in height to an overall height of 16.5m it would still be a dominant

feature of the ACA, the visual setting of Donagh Parochial Hall Protected Structure as well as when viewed from the public domain of the streetscape scene of Main Street and less so from the R185.

- 7.2.28. Further, policy TCOP 2 of the Development Plan sets out the Council will seek: *“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”*.
- 7.2.29. The Planning Authority in their reasons for refusal considered that due to the adverse visual impact that would arise from the proposed development on the amenity of the area and the host landscape character of this village, an impact that it did not accept was accurately depicted in the visual impact assessment provided that it permitted it would materially conflict with this policy objective.
- 7.2.30. Whilst I note the suggested amendments to the proposed development put forward by the First Party and whilst these would undoubtedly reduce the significant level of visual amenity impact that would arise, I do not consider that they do not overcome the adverse visual and built heritage amenities that would arise from it.
- 7.2.31. In conclusion, based on the considerations set out above I consider that the principle of the proposed development in this case is not acceptable with this being based on the proposed developments inconsistencies with local through to national planning provisions and guidance based on visual amenity, heritage amenity through to that sufficient justification was provided for this development in such a village setting where the development would be one that one be neighboured by a significant number of established residential and community land uses. I therefore concur with the reasons set out by the Planning Authority under Reason No. 1, 2 and 3 of its notification to refuse planning permission.

7.3. Residential Amenity Impact

- 7.3.1. The fourth reason given by the Planning Authority in its notification to refuse planning permission considered that the proposed development would have a detrimental impact on the residential amenity of properties in the vicinity and for this reason, if permitted, it would be contrary to Policy RD 24 of the Development Plan.

- 7.3.2. Policy RDP 24 of the Development Plan sets out that *“development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”*.
- 7.3.3. I note that the Observers in this appeal case raise concerns that the proposed development would, due to the development being located adjoining and neighbouring a significant number of residential properties, if permitted, be a type of development that would give rise to overshadowing, visual overbearance through to dominance.
- 7.3.4. In relation to the adjoining properties, I consider despite the diameter of the structure it would, if permitted, have the potential to give rise to a level of overshadowing above that of the existing situation. Notwithstanding, a level of overshadowing can normally be expected in an urban context and having regard to the overall height, mass, and bulk of the proposed mass and despite the height of the structure being in excess of the tree line and roofline of buildings in its vicinity I do not consider that it would give rise to a substantive increase in overshadowing of properties.
- 7.3.5. However, I do consider that the proposed structure given its limited lateral separation distance to properties adjoining and within the immediate visual curtilage its presence would be significantly overbearing, visually overtly dominant and incongruous with its village setting when observed from these residential properties.
- 7.3.6. I also consider it would be visually overbearing when viewed from the adjoining community building and community passive and recreational areas to the south east of it.
- 7.3.7. I note that the First Party seek to argue that there is no right to a view. Whilst this is the case this structure for the reasons set out would diminish the residential amenities of properties in a manner that is contrary to Policy RDP 24 of the Development Plan. I therefore consider that this serious injury to residential amenities that would arise from the proposed development if permitted adds to the concerns raised in terms of the proposed developments impact on the visual and built heritage amenity of its setting discussed above in a cumulative manner.

7.4. Health & Safety Risks

- 7.4.1. In the observations received by the Board concerns are raised in relation to the potential for the proposed development, if permitted, to give rise to serious health impacts on adjoining and neighbouring residents within its village context in a low point in this drumlin landscape. The site is within a village setting where it is bound and neighboured by a significant number of residential and community buildings as well as spaces. As such the concern is the health and safety risks associated with radiation, electromagnetic fields, and the unknown health impacts of 5G telecommunications infrastructures.
- 7.4.2. Additional concerns were raised in relation to the potential of the proposed development, if permitted, to also give rise to adverse biodiversity impacts including pollinators in what is set out to be despite the location being within an urbanscape a biodiversity rich area.
- 7.4.3. In relation to potential impacts on public health I am cognisant that Section 2.6 (Health and Safety Aspects) of Circular Letter PL 07/18 reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as a condition of planning permission nor determine planning applications on health grounds. It sets out that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- 7.4.4. In relation to the potential for safety concerns during the removal of the existing monopole structure and the construction of the replacement telecommunications structures, I consider that the proposed development could be considered a standard construction project and any issues could be addressed by way of a Construction Management Plan, which would include precautions to be taken in relation to traffic during construction due to the site's location within a village setting with access off its main road, if considered appropriate by the Board should it be minded to grant permission.
- 7.4.5. Therefore, having regard to the content of the Circular Letter, issues of public health in relation to the telecommunications structure are not a matter for the planning

authority and general biodiversity implications for the proposed development are also out of the Boards remit of expertise. Particularly as the proposed development does not form part of a European Site, there is significant lateral separation distance between it and the nearest such site, through to the proposed development does not set out that it would require interference with any trees or other natural features of interest to facilitate the proposed development if it were permitted. Furthermore, there are no safety concerns in relation to construction of the development with the proposed development having access onto the public road and forming part of a brownfield site within an urbanscape of a village.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of the proposed development, its significant lateral separation distance to the nearest European site, its brownfield and serviced location, it is considered 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.

7.6. Other Matters Arising

7.6.1. Amended Proposal:

I have noted in my assessment above that the First Party in their appeal submission to the Board put forward a revised suite of drawings and additional documentation in relation to an amended design.

As said in my assessment this seeks in part a reduction in the overall height of the structure in order to lessen the visual impact on its setting and they argue that in its amended height it would be visually less apparent with the structure marginally being visible above manmade and natural features. I do not consider this amendment to be such that it overcomes the four substantive reasons given by the Planning Authority to refuse planning permission.

In addition, to this they now seek that the structure provides for 5G capabilities which is not provided for in their application and has other gives rise to other considerations.

Given that the principle of the overall development as proposed is not deemed to be acceptable at this location for the reasons set out in Section 7.2 of this report above

and given that the proposed amendments also seek to now provide 5G with the documentation provided.

Whilst not providing the technical justification and/or a robust examination of alternative sites or locations in the area that could be more suitable than what is under the Telecommunications Antennae & Support Structure Guidelines, as updated, a last resort option.

I do not consider that it would be in the interest of natural justice and fair procedure for these overall amendments to be at a minimum new public notices should the Board be minded considering them.

As the principle of the development, irrespective of the amendments put forward by the First Party is not acceptable at this location. Therefore, for clarity I note that my assessment of the proposed development as set out above is based upon the proposed development as sought in the application as submitted to the Planning Authority.

7.6.2. **Freedom of Information:**

One of the observers to this appeal requests that the Board seek a variety of information from the appellant under the Freedom of Information Acts on their behalf. The Board does not have an ombudsman's role and its role under this First Party appeal is the *de novo* assessment of the proposed development based upon its appropriateness having regard to the proper planning and sustainable development of the area. In this regard I consider that there is adequate information available on this file for the Board to make this determination.

7.6.3. **Section 48 Contributions:**

Under the applicable Development Contribution Scheme, the proposed development is not exempt from payment of a Section 48 financial contribution.

8.0 **Recommendation**

8.1. I recommend that planning permission is **refused**.

9.0 Reasons and Considerations

1. Having regard to visual and built heritage sensitivity of the site on the western approach into the modest and historic settlement of Glaslough, the location of the site within the Glaslough Architectural Conservation Area and within the visual setting of Church of Ireland Parochial Hall, a Protected Structure (RPS No. 41400730), to the immediate and wider setting which is characterised by residential as well community land uses, it is considered that the proposed development would conflict with the 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities', 1996, as updated by PL07/12 of 2012, with regards to justification for siting at what is considered to be a last resort location and at a site which is of high visual, built heritage and residential sensitivity.

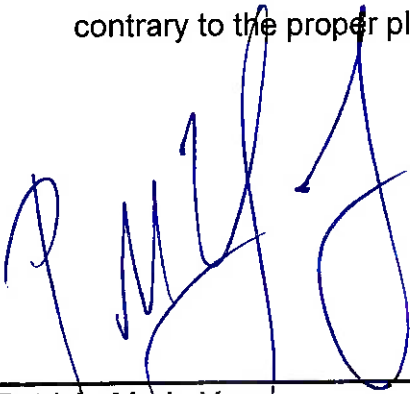
It is further considered that the proposed development would be contrary to the provisions of the Planning Authority as set out in the Monaghan Development Plan, 2019 to 2025, in particular Policy ACP 2; TCOP 2; TCOP 3; TCOP 4 and Policy RDP 24.

The proposed development would be visually obtrusive, would seriously injure the setting of the said Protected Structure, would seriously injure the visual amenities of the area, would therefore be contrary to the said Development Plan policies and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to:
 - (a) The guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by PL07/12 of 2012;
 - (b) The height, scale, and location of the proposed development in an area that is predominately residential in character;
 - (c) The limited lateral separation distance between the proposed development and adjoining as well as neighbouring residential properties in this village context;

- (d) The provisions of the Monaghan County Development Plan, 2019 to 2025;
- (e) The site's location within a designated Architectural Conservation Area and in the visual curtilage of Protected Structures.

it is considered that the proposed development would be visually incongruous, overbearing and would be a type of development that would be out of character with its visual and residential village context as well as this village's built heritage attributes, it would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Patricia-Marie Young
Planning Inspector

17th day of November, 2021.

DECISION QUASHED