



An
Bord
Pleanála

Inspector's Report ABP-312964-22

Development	A 42m multi-user lattice telecommunications structure with antenna and dishes, associated ground equipment cabinets, a new access track and, associated site works
Location	Athy Business Campus, Co Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	191168
Applicant(s)	Signal Infrastructure Ltd
Type of Application	Permission
Planning Authority Decision	Permission granted
Type of Appeal	Third Party
Appellant(s)	Hibernian Cellular Networks Ltd
Observer(s)	None.
Date of Site Inspection	22 nd of June 2022
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The site is located within Athy Business Park which is on the western outskirts of Athy town. The Business Park hosts a range of commercial premises with the predominant building being the Minch Malts extensive brewing complex which includes large industrial buildings and silos that run alongside the Grand Canal.
- 1.2. The location is industrial in nature on the outskirts of Athy town, and access to the site is from a tree lined service road serving a wider industrial area.
- 1.3. The subject site is within a 3ha landholding to the west of the service road. The overall site is currently undergoing major construction work in the form of large grain stores, Daltons Grain Intake. There are offices, a weighbridge and trucks, and large sheds with a crane currently onsite.
- 1.4. The subject site is 0.07Ha where the mast is proposed, is positioned at southern extremity of the site in a corner with mature hedgerows along two site boundaries.

2.0 Proposed Development

- 2.1. The development will consist of construction of a 42m multi-user lattice telecommunications support structure carrying antenna and dishes enclosed with a 2.4metres high palisade fence compound together with associated ground equipment cabinets, a new access track and associated site works at Athy Business Campus.

3.0 Planning Authority Decision

3.1. Decision

Kildare Co. Co. granted the proposed development subject to 5No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Report dated 11-12-2019 recommended further information be requested from the applicant:

- Comply with Section 17.11.3 of the Kildare County Development Plan in terms of details the existing coverage in the area, technical explanation for justification for additional coverage, existing telecommunication structures within 2km of the site, and colour brochure of the specification for the tower.
- Radio Emissions Statement
- Address Third Party submission

Following a response from the applicant on the 11th of March 2020, Planning Report No. 2 (27-03-2020) can be summarised as follows:

- The proposed development will maintain coverage to existing rates, as Eir are vacating the Minch Malt site, and the other two sites within 2Km are at a low antennae height and provide poor coverage.
- The Radio Emissions Statement was submitted
- Photomontages submitted and it is considered the proposal will not have an injurious impact on the visual amenities of the area.

3.2.2. Other Technical Reports

- Environment Section: No objection
- Athy Municipal District : No objection

3.3. Prescribed Bodies

No relevant responses to the referrals sent out by the planning authority.

3.4. Third Party Observations

Hibernian Cellular Networks Ltd made a submission citing the following concerns:

- Visual impact on the Kildare landscape
- The potential users Eir and Imagine currently transmit 490metres from the subject site.
- The existing facilities have been used for decades, they are excellently positioned, and provide the perfect base for transmission. The current application unnecessarily duplicates mast infrastructure in Athy.

- The applicant and site share companies are attempting to ‘un-share’ from their current location 490m east of the site, resulting in splitting the infrastructure.
- The proposal is for a highly robust mast at 42metres and runs contrary to Kildare policy objectives TL5-TL8 and the Development Management Standards in Chapter 17

4.0 Planning History

11/300011

Permission granted to Hampton Properties for a grain storage facility on the subject site, which was not carried out and expired on the 21/07/2016.

12/300016

Permission granted to Highpoint Communications Ltd for a 42m high hexagonal telecommunications tower, carrying 13No. panel antenna and 12No. RT dishes at Athy Business Campus. (this was not implemented and the planning permission expired)

5.0 Policy Context

5.1. National Policy

5.1.1 Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, 1996 (issued by the Dept. of Environment, Housing & Local Government)

Section 1.3 of the Guidelines states:

The aim of these Guidelines is to provide relevant technical information in relation to these installations and to offer general guidance on planning issues so that the environmental impact is minimised’.

Section 4.3 states:

‘The visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases

the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc.’

Section 4.5 (Sharing & Clustering) states:

‘Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share’.

and

‘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’.

5.1.2 *Circular Letter PL07/12*

This Circular Letter updates the guidance document. Planning authorities are advised that from the date of this letter attaching a condition to a grant of planning permission for telecommunications masts and antennae which limit their life to a set period should cease. Only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue limiting their life.

5.2. Development Plan

5.2.1 *Kildare County Development Plan 2017-2023*

Chapter 8

8.13 Telecommunications Infrastructure

Free-standing masts should be avoided in the immediate surrounds of small towns and villages. In the vicinity of larger towns communications providers should endeavour to locate infrastructure in industrial estates or on industrial zoned land. Only as last resort when all other alternatives have been exhausted should free standing masts be located in residential areas or close to schools and hospitals. Relevant Policy Statements include:

TL 5 Have regard to the provisions of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) and circular letter PL07/12 and to such other publications and material as may be relevant during the period of the Plan.

TL 6 Achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress, and sustaining residential amenity and environmental quality.

TL 7 Ensure that the location of telecommunications structures minimises and/or mitigates any adverse impacts on communities, public rights of way and the built or natural environment.

TL 8 Minimise the number of masts and their visual impact on the environment, by continuing to facilitate appropriate development in a clustered manner, where feasible, respecting the scale, character and sensitivities of the local landscape, whilst recognising the need for economic activity within the county. It will be a requirement for applicants to satisfy the planning authority that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, applicants should be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.

5.2.2 Chapter 17 Development Management Standards

17.11.3 Telecommunications and Supporting Infrastructure

When evaluating planning applications for the provision of such infrastructural installations, the Council will seek to ensure that:

- The preservation of residential and visual amenity is considered.
- The telecommunications infrastructure is sited so as not to cause a negative impact on the special character and appearance of designated conservation areas, protected structures and sites of archaeological importance.
- The location of commercial masts on State buildings will be discouraged. All masts on State buildings shall have regard to national and Council policies regarding schools and residential areas.
- Only as a last resort will masts be permitted within or in the immediate surrounds of smaller towns or villages, in a residential area or near a school, hospital

or residential care home. 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 locations. The support structure should be kept to the minimum height consistent with effective operation. At such locations the support structure should be monopole or poles rather than a latticed tripod or square structure.

- In the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land. The use of existing structures is always preferable to the construction of an independent antennae support structure. The possibilities offered by some commercial or retail areas should be explored in terms of potential locations for “disguised” masts. Tall buildings and rooftops, where antennae can be treated to blend in with surroundings, should be considered.

5.2.3 **Athy Town Development Plan 2021-2027**

The subject site is zoned **Q Enterprise and Employment**.

Policy I4 –It is the policy of the Council to promote and facilitate the development and renewal of energy and communications networks in Athy, while protecting the amenities of the town.

Objectives

It is an objective of the Council to:

IO4.2 Support and facilitate the provision of telecommunications infrastructure, including broadband services in Athy, subject to safety and amenity requirements.

Action • To liaise with EirGrid, ESB Networks and telecommunications providers in relation to the rationalisation of transmission and telecommunications infrastructure and/or underground routing of overhead lines in Athy.

5.3. **Natural Heritage Designations**

The River Barrow and River Nore SPA is located 1km to the east of the subject site.

Other *Natura 2000* sites within 15kms of the subject site include:

Rye Water/ Carton Valley SPA

Pollardstown Fen SAC

Ballynafagh Lake SPA

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Hibernian Cellular Networks Ltd has taken this appeal against the decision to grant permission for the proposed development. The following is a summary of the grounds of appeal.

6.1.1 **Introduction.** The planning authority has not given proper regard to the development plan as the proposal will materially contravene Policies TE 2, TE4, TE6 and provisions set out under Section 15.8.2 of the Development Management Standards in the Athy Town Development Plan 2012-2018.

Furthermore, proper regard was not given to policies TL5, TL7 and TK 8 of the development Management Guidelines under Section 17.11.3 of the Kildare Co. Dev. Plan and Ministerial Guidance set out under Section 4.3 and 4.5 of the *Telecommunications Antennae and Support Structures Guidelines 1996*.

Specially,

1. No requirement for a new site:-
 - a. Existing site is centrally located

- b. Existing site higher than proposed site
 - c. Excellent access to existing site
 - d. Existing site used by all operators
 - e. Existing site managed for the benefit of telecoms
2. No need for new site demonstrated
 3. Radio coverage plot at variance with publicly available information
 4. Commitment to new site unproven
 5. Extensive visual impact from proposed site.

6.1.2 Existing Site Sharing Facilities

All operators including eir, Three and Vodafone in addition to Ripplecom and Imagine, and Tetra transmit from the former Minch Norton grain silo 490metre east of the site. From the building roof top each operator has the benefit of a fibre connection, an electrical connection and excellent height for transmission. The building is owned and managed by Hibernian Cellular Networks, who purchased it in 2019. The building was cleaned and upgraded to ensure ease of access for all operators, and the company has a good working relationship with all of the operators.

6.1.3 Applicants claims in relation to the condition of existing rooftop premises

This issue has been erroneously raised by the applicant with the express purpose of discrediting the existing facilities in order to promote its own application. Since Hibernian purchased the property two staff have been employed on full time duty, cleaning and fixing up the wider property. Claims that the rooftop is not secure are false. The operators have never complained about the property or the access to it. Therefore, the applicant's claims come as a surprise. A new 42m telecommunications structure is not required.

6.1.4 Applicant's Claims in relation to the effectiveness of the purpose-built structure

The fact the former Minch Norton grain silo was not built specifically for telecommunications is not a relevant consideration as to its suitability as a host site. High buildings in urban areas can perform the role of optimum coverage as opposed to erecting free standing masts which are more suitable in rural areas.

6.1.5 Coverage Plots

The coverage plots submitted as further information are at variance with Comreg's publicly available outdoor coverage plots. Vilicom display coverage is red and blue colours only with no explanation as to what each colour represents, whereby one could conclude only two types of coverage exist. The coverage maps don't show whether the coverage patterns relate to 2G, 3G or 4G. Comreg's information is correct and is a most up to date version of coverage.

6.1.6 Letter of support for sharing does not amount to unconditional support

Eir's letter of 27th of January states that Eir is interested in co-locating equipment onto the new tower to enhance 3G, 4G and wireless broadband. However, it has not been demonstrated that any such relocation would have the effect of improving and enhancing the coverage. What is stated by Eir does not constitute a commitment to the applicant's proposed mast.

6.1.7 Permission planning application at the site, Ref: 12300016

Kildare Co. Co. granted permission to Highpoint on 27th of March 2013 for a 42metre telecommunications mast in broadly the same location as the current proposal. At the time Telefonica (now Three) and Meteor (Now Eir) made the same unenforceable commitments to support the application, that they would move from the appellant's rooftop location. The permission has lapsed and failure to implement it, demonstrates a new structure is not required in the area.

6.1.8 Similar Applications by Applicant

Appeal Reference **301613** In Kilkenny at Johnswell the applicant applied for planning permission for an additional 42metre mast alongside existing telecommunications structures. The Board refused the proposal on the basis that not all new tower applications applied for are necessary, and that existing infrastructure is often adequate, and that commitments to share are unenforceable by the planning authority.

6.2. Applicant Response

Signal has replied to the issues raised on appeal. The following is a summary of the response.

- **No Requirement for New Site:** The need for the new site is supported by the telecommunications operators, these include Three, Eir, Vodafone and Imagine who have signed letters in support of the application. There is a letter submitting that they intend relocating once the tower is in place. The appellants are not in a position to determine the needs of the service providers in the Athy area and their claim is unsupported and unsubstantiated.
- **Need for New Site Not Demonstrated:** The applicant, Cignal, will only build on sites where there has been an interest from the service providers to build at certain locations. The previous installation permitted on site was not erected due to issues relating to private financing. There are substantial costs involved in delivering telecommunication sites, and these are designed and constructed according to the operators' exact specifications and will be leased on a long term basis. The applicant and companies such as Cignal would not deploy unnecessary duplicate infrastructure in locations where there is already sufficient infrastructure space to co-located equipment onto. Once built the tower will be offered to all other wireless network providers in line with Cignal business and planning policy to maximise co-location at existing sites. The letters of support for the proposals from 4No. operators – Three, Vodafone, Eir and Imagine demonstrate there is a requirement for a new site in Athy.
- **Radio Coverage plots provided at variance with publicly available material:** The coverage details provided by Three and Villicom have been drawn up by a technical team and illustrate justification response. The Comreg Coverage Checker comes with a specific disclaimer, and it states it is not intended to amount to advice upon which you can rely upon. Comreg Coverage map does illustrate general coverage deficit from very good to good for 4G for the entire Athy town area. Beyond this it continues to reduce to fringe coverage particularly to the east.
- **Commitment to new site unproven:** It is not possible or reasonable to expect a written contract between the operators and the applicant for an installation that does not exist. The written signed letter from each operator should be sufficient for planning application purposes. The contractual commitment to the site is dependent on planning permission being secured.

- **Visual Impact** : In terms of visual impact, the site is in an industrial area with tall structures and against a backdrop of ESB pylons. The proposal would not be unduly obtrusive when viewed from the surrounding area. The appellant's grain silo is 45metres in height. The sting of the structure is away from Athy's ACA, town centre and the Canal.
- There were no objections to the development from residents in the area.
- Full list of surrounding telecommunication sites in Athy is supplied and a map. The site was chosen based on planning history and relevant local and national planning guidelines and policies. It is a brownfield urban site.
- The policy of site sharing cannot be understood to mean all operators must share a single site in a given area, rather it's the intention to encourage site sharing as a general principal over a single operator use sites in accordance with the Code of Practice. The proposed installation will add capacity to the available infrastructure in the Athy area which currently has 3 sites in the town.
- It is the preferred option to move outside of Athy ACA to an industrial area to increase the height of the coverage as opposed to building tope sites. The standardised site led to greater efficiency.
- Athy is the 6th largest town in Kildare with a growth rate of 60% since 2002 census. The importance of the telecommunications infrastructure is a crucial element of Athy's economic and social development. The National Planning Framework it is acknowledged the telecommunications networks play a crucial role in enabling social and community infrastructure. The advent of the next wireless technology will accelerate the infiltration of mobile wireless networks into everyday life, and this requires an investment into the necessary infrastructure.
- The case cited in Johnswell Co. Kilkenny is not relevant to the current proposal as there are no existing multi-user independent masts in Athy town or its immediate hinterland. In Johnswell, there are a number of masts located alongside the subject site in a rural area.

6.3. Planning Authority Response

Following a Section 131 of the Planning and Development Act, 2000, request on the 14th of March 2022, the planning authority indicated in its letter to the Board (received 5th of April 2022), it had no further comment to make on appeal.

6.4 Appellant's Further Submission

(Received by the Board on 19th of April 2022 following the quashing of the original Board decision assessed under ABP-307336-20).

The applicant's response to the appeal of the 15th of June 2020 fails to provide a planning or technical justification for the proposed development. There is no need for an additional mast in Athy as demonstrated by the lapsed planning permission if the alleged reason for not implementing the permission is true, then an extension of a duration could have been sought on commercial grounds. There is no demand for the development and the proposal is purely speculative and does not comply with the Telecommunications Guidelines or development plan policy. The four mobile network operators that submitted letters with the applicant's response to the appeal, are all currently accommodated on the appellant's roof top facility in Athy. They have no need for additional mast space for those operators and none of them have provided any legal or enforceable planning commitment to locate or relocate the proposed development.

There is no technical justification for the proposed development. The proposed mast is lower in height than the client's rooftop facility which is accessible by lift, it has spare capacity, and has a larger area than the compound of the proposed mast. There are no coverage enhancements or additional capacity benefits that would be achieved at the proposed development that cannot be provided at the existing rooftop facility. The proposed structure especially one lower than the existing system will not improve coverage or provide additional capacity. The Board is requested to overturn the planning authority's decision and refuse the proposed development.

7.0 Assessment

7.1 Introduction:

An Bord Pleanála had previously decided on this planning appeal, under reference ABP-307336-20 on the 24th of September 2020. I was the reporting inspector on the original case. The Board's decision was quashed by order of the High Court on content and the case was remitted back to the Board for determination. The case was remitted to the point just after the developer's (Signal Infrastructure) response was received, and the submission was circulated under Section 131 of the Planning and Development Act. The parties were asked if they wished to make any further general submissions or observations prior to 18th of April 2022 (Bank Holiday, therefore 19th of April 2022 is the appropriate date). The planning authority had nothing further to add on appeal. The third-party appellant made a further submission to the Board on the 19th of April 2022, which is summarised above.

The appeal will be considered under the following headings:

- Planning Policy
- Need for the Proposed Development
- Visual Impact
- Coverage
- Appropriate Assessment

7.2 Planning Policy

The relevant development plan is the recently adopted Kildare County Development Plan 2021-2027. It is stated under Section 8.13 of the Plan that in the vicinity of larger towns providers should endeavour to locate infrastructure in industrial estates or on industrial zoned lands. The subject site is within an Industrial/ Business area of Athy and is zoned *Enterprise and Employment* in the current Athy Town Development Plan. The subject site is the corner of a larger site which includes large grain stores and tall silos. In principle, the inclusion of a 42metre lattice structure on the site is in keeping with the zoning objective of the site and will not conflict with the existing land uses. On balance, I consider the site location and planning principle to be acceptable.

Previously, there was planning permission for a 42metre lattice structure at this location granted under planning reference **12/300016** '*Permission granted to Highpoint Communications Ltd for a 42m high hexagonal telecommunications tower, carrying 13No. panel antenna and 12No. RT dishes at Athy Business Campus*' with a proposal to share the facility with a number of operators. This permission was not carried out, and the planning permission expired on the site in 2018. Therefore, the principle of the proposed development was accepted previously at this location, under the previous development plan. Although a new county development plan has been adopted since the expiration of the previous permission, the essence of the policies and zoning were carried forward into the new development plan, and the principle of the development remains acceptable.

7.3 Need for the Proposed Development

7.3.1 The third-party appellants, own a building 45m-47m high, situated 490metres from the subject site. The rooftop of the building is a host site for telecommunications equipment for decades for shared operators such as Eir and Imagine. The building is a tall former grain silo and according to the appeal it has the benefit of a fibre connection. The appellants have submitted the existing structure is not deficient in any way, it includes an electronic connection, height, access and fixing points for a multiplicity of operators, and a new 42metre telecommunications structure is not required in the Athy vicinity. The appellant has further submitted the proposal is to split away from the existing infrastructure with the knock-on effect potentially leading to the construction of an unnecessary and speculative new mast.

7.3.2 The applicant, Cignal Infrastructure Limited states the service operators have signed letters demonstrating there is a need/requirement for a new site in Athy. In short the letters state:

- *Three Ireland:* The existing rooftop site at Minch Norton has been a suitable location but it is unsuitable for planned future technology upgrades owing to issues with access, limited space and capacity of the roof, and the concentration of operator equipment already in situ on the rooftop. The proposed new mast provides preferable access arrangements for operations and maintenance personnel. Three intends to decommission the equipment currently on the Minch Norton silo and relocate to the new structure.

- *Eir Mobile* : The company is interested in co-locating equipment onto the new tower to improve and enhance 3G, 4G and wireless broadband of the Athy area.
- *Imagine*: The proposed site if permitted will be incorporated into the company's rollout plans for the area and will assist in the delivery of new services to both new and existing customers as digital services evolve. Imagine are currently positioned on the Minch Norton silo building but an additional purpose-built site would help provide increased capacity for existing and new customers in the wider area.
- *Vodafone*: The company is currently upgrading existing sites, densification of new sites in urban areas and entirely new sites where there is currently a deficiency in the network coverage. The proposed development provides Vodafone with a secure, purpose built co-located telecommunications installation that provides significant benefits for ongoing operations and maintenance and is the industry's preferred method of deploying antenna and transmission equipment.

In response to the letters of support from the operators, the third-party appellant, states the letters are not legally binding, there is a commercial incentive by the companies to support Cignal because the more towers in place that greater the bargaining power when negotiating licences to use the towers, and these operators rely on Cignal for a significant part of their networks. The appellants further state apart from one submission from Three, the submissions from Eir, Imagine and Vodafone are non-committal, misleading and vague. The existing silo building owned by the appellants, at 45metres, is taller than the proposed mast at 42metres. They further state telecommunication towers are not the preferred method for the industry, and each situation is different. The operator *Three* have had their equipment on top of the Minch Norton site for over fifteen years. There is no issue with access to the existing site and the dimensions of the roof are 15metres by 15metres which is substantially larger than the corresponding area at the top of the mast which is estimated to be no more 1.25metres each side of the three-sided mast (estimated as the dimensions are not included on the submission drawings). The appellants submit there are no constraints associated with the existing site at Minch Norton as alleged by *Three* in their submission, and *Three* have not approach the appellant about the issues, furthermore, the letter is dated June 2020 and there

has been no contact since the letter was written. Therefore, the concerns expressed in the letter cannot be real, and by stating the new mast is their preferential tenancy agreement, is evidence that Three has a commercial motivation for its submission and not a valid planning issue.

7.3.3 Having examined the Comreg Coverage mapping for the various companies, I note, it demonstrates there is adequate coverage for the individual operators in the Athy area. It has not been technically demonstrated by the applicant how a new independent mast within 500metres of a taller existing host would enhance the coverage in the area. I have noted the reports submitted by both parties regarding the necessity for an additional mast in the area to improve coverage in the area, on balance in my opinion, the existing rooftop host facility delivers excellent coverage to the service providers. Although the appellant has submitted a detailed report regarding access, capacity, safety and security of its Minch Norton roof top site, I believe it is the subject site and the proposed development that are under assessment in this appeal, and an examination of the neighbouring site and credentials is beyond the planning boundaries and remit of this appeal. The applicant, Signal Infrastructure Limited appears to be relying on the input of the service providers to support its case for planning permission for a new mast at this location. However, these service providers would appear to have adequate coverage in the area according to the Comreg Coverage Mapping. Therefore, the addition of a new mast at this location is questionable in planning terms.

The previous mast at the subject location, had the benefit of planning permission from 2013-2018, and it was not erected. I believe it is a valid argument there is no justification at this time for an additional new independent mast at this location because if a new mast was warranted it would have been erected during the life of the previous planning permission. The current proposal appears to be speculative and there is no planning justification to permit it. The current proposal is unnecessary and unwarranted at this time as there is sufficient coverage at the existing facility within 500metres of the site. In my opinion, given the evidence presented on file by both parties, I considered the need for a new additional mast has not been established and a new additional mast is unsustainable.

Chapter 17 of the Kildare County Development Plan section **17.11.3** states that in respect of new masts the planning authority will endeavour '*In the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned*

land. The use of existing structures is always preferable to the construction of an independent antennae support structure. The possibilities offered by some commercial or retail areas should be explored in terms of potential locations for “disguised” masts. Tall buildings and rooftops, where antennae can be treated to blend in with surroundings, should be considered. Currently the operators are located on an existing rooftop and in compliance with the Development Plan standards.

7.4 Visual Impact

The receiving environment is urban, business and industrial. Since the application was submitted large grain stores and silos have been erected on site throughout 2022. The general area is flat, with little or no landscape qualities.

Telecommunication masts are commonplace within industrial urban sites. There are tall buildings and features over 40metres in height within a 500m radius of the site, and the proposed development is set against the backdrop of an industrial area. Having regard to it's 42metre height, the proposed development will create a visual impact, however having regard to the industrial nature of the receiving built environment and the tall nature of existing structures in close proximity to the site, the visual impact will not materially negatively impact on the visual qualities of the area.

7.6 Other Matters

In terms of the cited relevant site at Johnswell, Kilkenny (ABP Ref: 301613-18) as been relevant to the current appeal. The subject site was a rural elevated location alongside a number of existing masts. The circumstances relating to the case were wholly different to the current case and there were different development plan policies associated with the development. Furthermore, there were a multitude of existing free-standing masts in close proximity to proposed development, unlike this current proposal. The case in my opinion, is not relevant to the current proposal.

7.6 Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend the Board overturn the planning authority's decision and refuse planning permission for the proposed development.

9.0 Reasons and Considerations

Having regard to current development plan policies, 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, and the submissions on the appeal file, it is considered that the proposed development would lead to a proliferation of telecommunications structures where there is an existing rooftop host facility accommodating the service providers in the immediate area, and there is insufficient technical evidence that the coverage in the general area is materially deficient to warrant permitting a free standing mast in the immediate area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

8th of September 2022