

ADDENDUM REPORT

FILE NO: 312964-22

At the request of the Board on the 22/11/2023 I was asked to examine the planning status of the former Minch Norton grain silo in the ownership of the appellant, *Hibernian Cellular Networks Ltd*, considering whether it is currently in use as a grain silo or whether a material change of use has occurred, and the status of the associated development – i.e. the siting of the telecommunications infrastructure thereupon.

I will examine the request under a number of headings as set out below.

I carried out a site inspection of the third-party appellant's property on the 15th of March 2024 and attached relevant photographs to this report which includes 2 photo plates of the roof top from the appellants original appeal submission received on 15th of July 2020.

1.0 The site:

- The applicant's site, Signal Infrastructure Limited, subject to appeal APB 312964-22, is located west of Athy town in Athy Business Campus in Woodcock South adjoining the newly expanded Chancellor's Mills site.
- The third-party appellant, *Hibernian Cellular Networks Ltd*, owns the former Minch Norton grain silo positioned within a site on the south side of William Street Upper in Athy town. I noted from my inspection, the industrial buildings and access off William Street Upper to the south of the street, are no longer part of the original large Minch Norton industrial site. The buildings to the north of William Street Upper, are occupied and operated by Minch Malt Ltd (who are not party to this appeal).

- For clarifications purposes, the Minch Malt site to the north, is now a separate independent fully operational site to the Minch Norton 'Corn Mill' site, where the subject grain silo is located.
- The former Minch Norton grain silo forms part of a cluster of buildings, which are marked on GIS maps of Athy as '*Corn Mill*'. The Board should note, it is not clear from the appeal file the full extent of the third-party land ownership at the Former Minch Norton Corn Mill Facility site. There are other land uses associated with a few of the buildings on the former Minch Norton facility as detailed below: a car valeting, car repair and car servicing area.
- According to the appeal file, the host building, a tall grain silo, was built by G & T Crampton between 1958- 1961 for Minch Norton. It was one element of a large complex of industrial buildings located in the western part of Athy town along the banks of the River Barrow.
- The former grain silo itself is circa 45metres in height. It can be seen from a very wide area. I noted the building from the eastern approach to the town along the N78 off the M9 motorway interchange. It is significantly taller than any other permanent structure in Athy town.

2.0 Planning Histories

Unlike the planning application site (ABP -312964-22), which had planning permission granted for a telecommunications structure under Planning Reference 12300016, I could find no planning histories associated with the antennae, aerials, dishes, etc placed on top of the former grain silo.

On site, I examined the former grain silo from all four elevations, and each elevation hosted a plethora of telecommunications structures.

The photographs accompanying the appellant's submission reveal the extent of the apparatuses currently located on the roof top.

There is no indication from planning history files when the structure ceased to be a grain silo. It has been vacant for a considerable number of years. It is accessed off William Street Upper via a yard area, which was the subject of a Referral to the Board ABP- 311087-21: *'whether a processing and recovery and temporary storage of waste materials into recovered articles such as concrete, aggregates, metals, timber for onwards reuse, recovery and recycling is or is not development and is or is not exempted development'*.

The Board determined the development was not exempted development. The waste recovery use no longer appears to be associated with the overall former Minch Norton site.

In the vicinity of the former grain silo, within the original Minch Norton Corn Mill curtilage, there is a car servicing outlet and a car valeting service. I found no planning histories associated with both of these changes of uses. There is another crash repair outlet to the rear of the grain silo with a separate access off William Street Upper. Again, I could find no planning history associated with that landuse / site area.

3.0 Current Status

As stated previously, there is no indication on the appeal file when the structure ceased to be a grain silo. It states in the third-party appeal submission, the roof top of the building proved to be attractive to mobile phone operators due to its height and central location in Athy. The appellants purchased the former grain silo in 2019. One of the operators *Eir* has stated on the appeal file, it has utilised the top of the former grain silo as a facility provider for over fifteen years.

In my opinion, the former silo is now a support structure for the antenna and telecommunications structures on its rooftop. As can be seen from the photographs supporting this report, the extensive intensity of the telecommunications structures and supporting systems on the rooftop of the structure. There are large equipment cabinets on the rooftop, multiple antennae on all elevations of the building and satellite dishes. Therefore, in my opinion, a material change of use has occurred on site/ to the structure,

from its former use as a grain silo to an existing telecommunications host facility.

Furthermore, having regard to the planning history of the site, I can find no evidence of planning applications for the telecommunications structures on the top of the roof. I could not establish which structures pre-date S.I. 31 of 2018 *Planning and Development (Amendment) (No. 3) Regulations 2018*. In the absence of sufficient supporting technical information on the appeal file, I would assume that a number of the telecommunication structures may be classified as 'development' under the *Planning and Development Act 2000* (as amended) and may not be considered exempted development under the relevant planning legislation.

These outstanding matters may need to be investigated by the appropriate planning enforcement section of the planning authority, and are, in my opinion, beyond the remit of the Board.

4.0 Conclusion

I accept under Section 7.3.3 of my Inspector's Report dated 8th of September 2022, I stated the following, *'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 credentials is beyond the planning boundaries and remit of this appeal'*.

I accept the Board's concern over the current planning status of the former Minch Norton grain silo and associated development on the roof top of the structure. It is a reasonable concern considering:

- there is a formal planning history for a telecommunications structure associated with the planning application site,
- the apparent lack of a formal planning history associated with telecommunications structures on the third-party appellants site,

- the nature and scale of the telecommunications structures on the roof top of the structure under the ownership of the party appellant
- the grounds of the third-party appeal relating to sharing existing site facilities in the town, and the planning status of said facilities.

Caryn Coogan

Planning Inspector

21st of March 2024