



An
Bord
Pleanála

Inspector's Report

ABP-313037-22

Development

Replacement of a 25m telecommunications monopole structure with a 30m telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment enclosed by security fencing.

Location

Eircom Exchange, Main Street, Kiltyclogher, Co Leitrim.

Planning Authority

Leitrim County Council

Planning Authority Reg. Ref.

21265

Applicant(s)

Eircom Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Cllr Justin Warnock.

Observer(s)

None.

Date of Site Inspection

April 30th 2022.

Inspector

Paul Caprani

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1.0 Site Location and Description

1.1. The subject site is located in the centre of the village of Kiltyclogher in north County Leitrim. The site is located on the eastern side of the Main Street, which runs southwards from the village towards the N16 (Sligo-Enniskillen National Primary Route) which is located approximately 8 Km to the south. The site is located approximately 150m to the south of the Sean Mc Diarmada statue at the and the intersection of the two main streets within the village. The site is located on a rectangular plot of land to the rear of a series of commercial and residential buildings fronting onto Main Street. The mast is to be located adjacent to an existing Eircom Exchange building. Access to the lands to the rear is provided via an unnamed laneway which runs between two of the buildings fronting onto Main Street to the north west of the site. The laneway leads to the village community garden, the eircom exchange building and a small tarmac multi-sport surface facility. Kiltyclogher primary school is located further to the north-east. It fronts onto the Glenfarne-Kiltyclogher Road (R281) to the north east of the site. The subject site currently accommodates an existing monopole structure with associated aerials and antenna which rises to a height of 28.9m (the monopole element is only 25m high). It is located within 2 m high palisade fencing. The area of the site amounts to 70 sq.m or (0.007 ha).

2.0 Proposed Development

2.1. Planning Permission is sought to replace the existing 25 m high monopole structure with a new lattice-type 30m high structure together with associated antennae and dishes. It is also proposed to replace the security fencing. The stated purpose of the replacement is address Eir's requirements to significantly improve the broadband and telecommunication services in the Kiltyclogher and surrounding area, which has in recent years experienced a significant increase in demand in 4G and data services.

3.0 Planning Authority Decision

3.1. Decision

3.2. Leitrim County Council granted planning permission for the proposed development subject to 5 standard conditions.

3.3. Planning Authority Reports

3.4. Planning Report

- 3.4.1. The planners notes the applicant's contention that the proposed replacement of the existing monopole is necessary to facilitate demand for additional broadband and wireless data services. The lattice structure will allow additional antenna and dishes to be attached. The planning authority notes that the proposal seeks to replace an existing structure rather than place an additional mast in the village. As such the planning authority notes that the development will not adversely affect the visual amenities of the area.
- 3.4.2. It is noted the members of Leitrim Co Council passed a motion in September 2019 exercising a precautionary principle opposing the roll out and testing of 5G infrastructure in the county. Notwithstanding this, the report notes that the planning decision should be primarily informed by the County Development Plan and Departmental Circulars. It is also noted that, in accordance with Circular PL07/12 any grant of planning permission should not be temporary.
- 3.4.3. On the basis of the above it is recommended that planning permission be granted for the proposed development.

3.5. Other Technical Reports

None

3.6. Prescribed Bodies

3.7. A letter from the Irish Aviation Authority states that there is no requirement for obstacle lighting to be attached to the structure

3.8. Third Party Observations

- 3.9. A number of letters of objection were submitted arguing that the proposal could have negative impacts on residential amenity, property prices and could have negative health implications also. The objection were submitted by various third parties, Local Councillors and Kiltyclogher Community Council.

4.0 Planning History

No history files are attached. The planners report makes reference to the planning history. It is set out below.

The parent permission for the 25m high monopole and associated infrastructure including fencing was granted under Reg. Ref. 08-246.

Planning permission was granted for the continued use of the 25m high monopole and associated infrastructure under Reg. Ref. 13-101.

5.0 Policy Context

5.1. Development Plan

The site is governed by the by policies and provisions of the Leitrim Co Council Development Plan 2015 -2021. The site is zoned for 'General Development' in the land use zoning provisions in the Kiltyclogher Area Plan.

The Council recognises the importance of advanced communications infrastructure for an information-based society, and as a key support for business, education and research. The Council will support and facilitate the provision of advanced communication networks and services to the extent required to contribute to national, regional and local competitiveness and attract inward investment. The Council will also encourage the further co-ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity in the county, particularly in the District Towns, as a means of improving economic competitiveness.

Policy 132: It is the policy of the Council to ensure that all areas of the County have adequate mobile communication coverage and in particular service providers will be encouraged to provide services.

The Council considers the provision of a state-of-the-art telecommunications network to be critical in addressing the County's peripherality and will seek to ensure the County is served by the most up-to-date technology available.

Policy 134: It is the policy of the Council to support the provision of a modern telecommunications infrastructure throughout the County, while seeking to ensure that such equipment is so sited, that it will not adversely impact on the visual or residential amenities of any areas within the County, or on the natural beauty or archaeological heritage of the County, or give rise to genuine public concern on health grounds, having regard to standards of the International Radiation Protection Association and the World Health Organisation. Whereas reason must apply in all cases, only as a last resort should free-standing masts/antenna be located within, or in the immediate surrounds of smaller towns or villages, within a residential area, within the vicinity of schools or private dwellings. For the purposes of clarity, there is a presumption against granting permission for the siting of masts/antenna within the vicinity of these type developments.

5.1. **Telecommunications Antenna and Support Structure – Guidelines for Planning Authorities (1996)**

These guidelines set out the criteria for the assessment of telecommunications structures and relevant points as summarised below:

- An Authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations may include high amenity lands or sites beside schools (Section 3.2).
- In rural areas towers and masts can be placed in forestry plantations providing of course that the antennae are clear from obstructions (Section 4.3).
- Only as a last resort should freestanding masts be located within or the immediate surrounds of smaller towns and villages. If such location should

become necessary, sites already developed for utility should be considered and masts and antenna should be designed and adopted for this specific location (Section 4.3).

- The sharing of installations and clustering of antenna is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.2. **Circular Letter PL07/12**

- 5.2.1. This circular letter revises elements of the 1996 Guidelines. In particular Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications mast except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and advises that a condition be included stating that when the structure is no longer required, it should be demolished and removed from site and the site be reinstated at the operator's expense.

5.3. **Natural Heritage Designations**

The site is not located within or in close proximity to a Natura 2000 site. The closest Natura 2000 Site is the Lough Melvin SAC (Site Code: 000428) is located 5.5km to the north west of the subject site

5.4. **EIA Screening**

Telecommunication infrastructure is not a class of development listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended) in respect of EIA.

6.0 **The Appeal**

The decision of Leitrim Co. Council was the subject of a third-party appeal by Cllr Justin Warnock. The grounds of the appeal are outlined below

- There is no appropriate screening available to conceal the mast from public view. The additional height proposed will exacerbate the adverse visual impact and will result in a mast being visible over a wider area.

- The lattice type structure will be more visible than the existing monopole.
- The drawing contained in the planner's report do not provide an accurate representation of the height and width of the proposed mast.
- The proposed mast would have a profound impact on the many protected structures in the village including, the Church, The Market House and the Heritage Centre.
- The fact that there is an existing telecommunications structure on site should not be used as justification to increase the overall size of the mast.
- No technical justification as to why alternative sites were not chosen is set out in the documentation submitted with the application.
- There are two masts servicing the area (one mast is located c1.25 km to the south of the village). It is therefore considered that the adequate coverage in the area. Furthermore, there is no demand for advanced technologies which rely on broadband in the village.
- The proposal would be visibly injurious to the area and as such would be contrary to Section 4.3 of the Guidelines on Telecommunications.
- The impact the proposal will have on protected structures in the village would render the proposal incompatible with many of the policy statements in the development plan and the Architectural Heritage Protection Guidelines.
- Kiltyclogher is the birthplace of Sean Mc Diarmada of 1916 fame. The context and setting of the Statue of Sean Mc Diarmada within located in the centre of the village will be adversely affected by the proposed mast.
- It has not been demonstrated that the proposal is justified or necessary in technical terms and would represent a haphazard and uncoordinated approach to developing telecommunications infrastructure in the village. It will also result in a proliferation of masts within the village.

On the basis of the above An Bord Pleanála are requested to overturn the decision of the Planning Authority and refuse planning permission for the proposed development.

6.1. Applicant Response

A response was received from the applicant on April 7th 2022. It is outlined below.

- The upper part of the masts must be able to propagate signals and therefore must be kept free of all screening.
- The existing monopole is inadequate for the equipment needed to provide a proper service. The proposed lattice structure will be triangular in shape. The structure will be 2.8m at the base tapering to 1.8m at the top. It will be more suitable to host additional equipment.
- Notwithstanding what was contained in the planner's report, the application was accompanied by a set of scaled drawings, which are the appropriate drawings in which to inform the decision in respect of the size and scale of the structure.
- It is acknowledged that the structure by its nature, will have a visual impact, and due to its increase in size, the visual impact arising from the proposal will only be slightly greater. However, it is not considered that the proposed development will be contrary to section 4.3 of the guidelines as masts will be required to remain visible despite measures taken to minimise visual impact.
- The existing structure will remain in place if the proposal is refused.
- The reason for the proposal is to provide important coverage for the village. Existing mast structures in the wider area were considered prior to submitting the application. The mast 1.25km to the south of the site is too far away to secure the coverage that is required within the village. Significant technological and work practice efficiencies are made available by situating infrastructure at this telecoms exchange.
- It is highlighted that the existing structure does not meet the requirements for the village of Kiltyclogher. The telecommunications market has changed and will continue to change and grow at a rapid and exponential rate for the foreseeable future to bring new services for businesses and society in general and for the tourism sector.

- The response goes on to outline the evolving telecommunication network from 2G to 5G. In general, a smaller propagation coverage under the more advanced networks means that more telecommunication sites will be required. The proposal ensures that technological requirements can be met without the addition of another mast structure within the village. Maps are provided showing telecommunications coverage in the area. It is noted but currently 2G and 4G coverage in the area is poor.
- The COVID pandemic has placed a substantial demand on social and business needs in rural areas as more people are now working and learning from home.
- It is submitted that the proposal is not contrary to the development plan. It is not located within the curtilage of a protected structure and any adverse visual impact on the setting of a protected structure within the village already exists with the presence of an existing mast. Furthermore, it is considered that the proposed telecom structure is located at a sufficient distance from the protected structures to ensure that it does not impact on the curtilage or attendant grounds of these protected structures.
- On the basis of the above, it is considered that there is a clear demand and clear need for the proposed new structure. It is not considered that the proposal would be contrary to the 1996 Guidelines and will be very important in facilitating the revitalisation of rural towns and villages by enabling remote working and tourism and generally supporting communities.
- Finally, it is considered that the proposed development will not result in a significant visual impact over and above the existing mast on site.

6.2. Planning Authority Response

The planning authority's response is summarised below:

- The site is located in an area zoned as 'general' in the development plan. Telecommunication Mast are permitted under this zoning objective. It should also be noted that there is an existing mast on the subject site.

- The increase in height will enable the mast to clear any surrounding trees or buildings to allow for an unobstructed signal. This is fully in accordance with the Circular Letter PL07/02 as it will allow for current and future data requirements.
- The drawings in the planner's report were for illustrative purposes only and were not to scale.
- The existing mast already impinges on the skyline and the marginal increase in height will not materially detract from the townscape given its backland location.
- Its location in the centre of the village is appropriate where the main centre of population in the area is located.
- The demands for additional broadband and data requires have been significantly expanding and developing in recent years and it is appropriate that operators constantly develop and upgrade their infrastructure.
- The nearest protected structure (Market House) is in excess of 90 m from the site. It is acknowledged that there are a number of NIAH structures along the main street in closer proximity, however the impact on historical or heritage sites is not significant.
- Any impact is reversible as the mast structure does not constitute a permanent impact.
- The planning authority is satisfied that the proposal is in accordance with the County Development Plan and government guidelines on mobile telecommunication structures. Furthermore, it is satisfied that it will not adversely impact on the visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

6.3. Observations

- None on file

6.4. **Further Responses**

- None on file

7.0 **EIAR Screening**

7.1. The development is not a class of development for which EIAR is required.

8.0 **Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the Planning Authority's reason for refusal, and the applicant's rebuttal of this reason, I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Visual Impact in the context of the village.
- Depiction of the development in the planner's report.
- Justification for the increase in height.
- The need for the development and alternative sites
- Impact on protected structures in the area.

8.1. Visual Impact

8.1.1. Concerns are expressed in the grounds of appeal that the proposed development will have an unacceptable visual impact in the village of Kiltyclogher. A key consideration in determining the current application and appeal lies in the fact that there is an existing monopole structure 25 meters in height currently located on the subject site. Therefore, there is an existing structure of a similar size, scale and design to that which is proposed to construct under the current application. I would agree with the arguments set out by the planning authority that the proposed development represents a marginal increase in the overall scale and height in the context of what already exists on the site. The existing structure on site breaks the skyline within the village. To increase the height of the overall structure by c.5 meters will not in my view have an adverse impact in material terms over and above what exists on site. On the basis of the existence of the existing monopole on site, I don't

think that it can be reasonably argued that a replacement structure which is c.5 m or 20% higher than the existing structure, represents a development that is unacceptable in visual terms. Therefore, I do not consider that planning permission should be refused on this basis.

8.1.2. Furthermore, I consider the incorporation of a more transparent lattice-type structure would be less visually overbearing than solid steel monopole structure, which I consider to be more dominant in visual terms.

8.2. Depiction of the Development in the Planners Reports

8.2.1. It is acknowledged in the planning authority's response to the grounds of appeal that the drawings depicted in the planner's report were not to scale. The drawings submitted with the planning application, however, are appropriately scaled. These drawings have been consulted and assessed and used to inform this assessment and to make a recommendation to the Board in respect of the application and appeal.

8.2.2. Justification for the Increase in Height

8.2.3. I consider that the applicant has in this instance justified the increase in height in both the planning application covering letter and the response to the grounds of appeal. The coverage maps submitted in both reports clearly indicate that there is a dearth of coverage in the Kiltyclogher particularly in relation to 2G and 4G networks. It is also apparent from the information submitted that the 3 sided lattice structure enables more antennae and dishes to be attached which facilitate co-location of operators to a greater extent. It seems logical to enable more operators to obtain unobstructed signals above buildings and tree canopies that there needs to be an increase in height in the overall structure to facilitate such unimpeded signals to provide a better network. Furthermore, and as argued above, I do not consider that the modest 20% increase in height has any profound adverse visual impacts when compared with the extant structure which is operating on site.

8.2.4. I would also support the arguments put forward by both the planning authority and applicant that there is an increasing need to facilitate home working and learning which is becoming a more preferable form of work/learning in the post pandemic era. This will undoubtedly create more demand on the data and

broadband requirements. The need to provide a bigger mast which can facilitate more antennae and dishes is therefore justified in my opinion.

8.3. Alternative Sites

8.3.1. The grounds of appeal argue that there is no technical justification for using alternative sites and that Kiltyclogher is already served by two existing masts 1.25 km and 4.18 km away. Again, it would seem logical to deduce that outlying telecommunication masts in rural areas would be less effective in serving the needs of the main population centre of the area. The greatest demand for telecommunications data would be from the population and businesses within the village itself. It stands to reason that placing a telecommunication mast within the population centre will provide a better service and coverage within the village. The fact there is an existing mast on site which is to be replaced by the proposed development, is also advantageous as it does not result in a proliferation of mast around the village. It is obvious that replacing the existing mast is the favoured alternative as it will provide better coverage within the main population centre of the area it is intended to cover it and will not result in a proliferation of masts within the village.

8.4. Impact on Protected Structures

8.4.1. As the photographs attached indicate Kiltyclogher is a picturesque village with two fine 19th century streetscapes centred around a statue of Sean Mc Diarmada, one of the leaders of the 1916 rising who was a native of the area. There are also a number of protected structures located within the village, although none of which are located adjacent or proximate to the mast. The mast itself is located behind a relatively large two storey building fronting onto the main street.

8.4.2. A key consideration is again the fact that there is an existing mast on the subject. The presence of the existing mast has implication for the streetscape setting and the protected structures. The critical question which the Board must determine is whether or not the proposed lattice mast, which is c.5 meters taller than the existing mast, will have a material and adverse impact over and above that created by the existing mast. It is my considered opinion that the proposed mast will have little

material impact over and above that which already exists on site. The mast is, as the photographs attached indicate, a prominent structure within the setting of the main street. The provision of a replacement mast will not have a profound impact on protected structures in the area or on the streetscape as a whole, notwithstanding the modest increase in height.

- 8.4.3. Finally, I would again reiterate my opinion that the incorporation of a more transparent lattice-type structure would be less visually overbearing than solid steel monopole structure and this may be less imposing on the streetscape and the setting of the protected structures.
- 8.4.4. For the above reasons I would reject the appellants contention that the proposal is contrary to section 4.3 of the Telecommunications Guidelines or the Architectural Heritage Protection Guidelines.

9.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

In conclusion therefore, I consider the proposed development to be acceptable in that it will not have an unacceptable visual impact when assessed the context of the mast it is to replace. Furthermore, the proposal will provide a better level of coverage within the village. This fully accords with Policy 134 of the development plan which seeks to support the provision of modern telecommunications infrastructure throughout the county so as to ensure that the county is served by the most up-to-date technology available.

11.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The national policy regarding the provision of mobile and telecommunication services.
- (b) The guidelines relating to Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment Community and Local Government in July 1996.
- (c) Circular letter PL07/12, issued by the Department of the Environment, Community and Local Government in October 2012.
- (d) The policies and objectives set out in the Leitrim County Development Plan including Policies 132 and 134.
- (e) The nature and scale of the proposed telecoms lattice mast and the fact that it is replacing an existing mast.
- (f) The submissions received.
- (g) The decision of the planning authority
- (h) The report of the inspector.

and considered that the proposed development, subject to compliance with conditions set out below, would achieve the objectives set out in national policy under Telecommunications and Antennae and Support Structure Guidelines for Planning Authorities, Circular letter PL07/12 and the Leitrim County Development Plan. Furthermore, the Board was satisfied that the proposed development having regard to the fact that it is replacing an existing mast on site would not be seriously injurious to the visual amenities of the area or be visually incongruous having regard to the existing structure on site. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development should be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity

2. Details of the materials colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. When the structure and ancillary structures are no longer required, they shall be demolished, removed and the site shall be reinstated to its pre development condition at the operator's expense.

Reason: In the interest of visual amenity

4. The developer shall facilitate, on reasonable terms, co-location on the mast for the provision of mobile telecommunications antenna for third party mobile communications operators. Details of any such proposal shall be the subject of written agreement with the planning authority or the subject of a separate application for planning permission as the case may be.

Reason: In the interest of visual amenity

Paul Caprani
Senior Planning Inspector

April 30th 2022