



An
Bord
Pleanála

Inspector's Report

ABP-314205-22

Development	Construction of 24m telecommunications monopole and all associated site works
Location	Ard Na Veigh Road , Magheraboy , Co Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	22175
Applicant(s)	Vantage Towers Ltd.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First Party.
Appellant(s)	Vantage Towers Ltd.
Observer(s)	None.
Date of Site Inspection	9 th October 2022
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.3. Planning Authority Reports	4
3.4. Prescribed Bodies	5
3.5. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Sligo County Development Plan 2017 to 2023.....	7
5.2. Natural Heritage Designations	8
5.3. EIA Screening	8
5.4. Appropriate Assessment	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response	11
6.3. Observations/Further Responses.....	12
7.0 Assessment.....	12
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	15

1.0 Site Location and Description

- 1.1. The 0.0036ha appeal site is situated to the south west of Sligo Town in the townland of Magheraboy, County Sligo. It lies approximately 750m to the west of the N4 and c.120m to the east of a railway line, within an agricultural landscape outside of the existing built up area. Access to the site is via a minor county road (Robbers lane) through the residential area to the north of the site, Magheraboy Estate.
- 1.2. The elevated site comprises part of an agricultural field, north of a small cluster of farm buildings. The nearest residential property is c. 120m to the south east of the site and houses in Magheraboy estate lie c.190m to the north of the site. There is an existing telecommunications mast c.240m to the north west of the site (see photographs).

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 24m high telecommunications monopole structure with antennas, dishes and associated telecommunications equipment. The development is proposed within a 2.4m high fenced compound. Access is proposed from the adjoining public road through the existing access gate which serves the farm yard.
- 2.2. The application includes:
 - A statement by the applicant detailing the purpose of the application. The statement refers to the demand for telecommunication services and, in particular the future demand for large data transfer at speed facilitated by 4G and 5G. It refers to the 'very good' coverage in the area shown on the ComReg outdoor mobile coverage maps and that the proposed development will extend 'very good' cover over a larger area to the east, south and west and ensure that Vodafone network can meet both current and forecast demand due to growing populations and future technologies. It refers to an existing structure 250m north of the site and states that it is not structurally capable of facilitating the necessary upgrades. Consequently, it was only possible to position Vodafone equipment midway up the tower. As a result of changes in technology, a new structure is required to accommodate new

equipment to improve services and meet demand. Vodafone is not the owner of the existing tower and cannot upgrade it. The existing tower is adjacent to houses. Failure to secure the site would impact on local mobile phone and broadband service provision in the area. Other structures in Sligo town have been considered (section 4.1) but discounted on grounds that Vodafone is already present (no improvement in cover provided), the site is not suitable for sharing or inappropriate location.

- A letter from Vodafone stating that they would commit to installing equipment on the structure, if granted permission, which would improve mobile and wireless broadband in the Magheraboy area.

3.0 Planning Authority Decision

3.1. Decision

3.2. On the 14th July 2022, the PA decided to refuse permission for the development for the following reasons (in summary):

- i. By virtue of its scale, siting and design the development would have an adverse impact on the visual and residential amenities of the area (permitted development of 62 units to northwest of the site).
- ii. The siting of the development, located to a central part of the intended east west corridor of designated public open space would be prejudicial to the PA meeting strategic policy objective SP-OS-4 and Objective O-OS-23 in respect of open space provision.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- 12th July 2022 – Refers to the planning history of lands in the area of the appeal site, relevant policies from Sligo CDP, national and regional planning policies in respect of telecommunications and internal reports. Screens the proposed development for AA and EIA and considers that these are unnecessary due to the nature and scale of the development and its distance

from sensitive sites. The report Considers the merits of the development under compliance with national and local policy, zoning, visual impact and health implications. It also refers to the matter of decommissioning of the existing mast to the north of the site, raised by a third party. I note that this is not of file or on the PAs website (public viewer) and the Board may wish to seek this submission in advance of any decision. However, I do not consider that this is strictly relevant to my assessment below.

The Planning Report recommends refusing permission for the development on the grounds of impact on visual and residential amenity (62 units to north of the site) and prejudicial impact on implementation of open space policies.

3.3.2. Other Technical Reports

- Area Engineer (30th June 2022) – Site is within 50kph speed limit zone. Large section of the roadway (Robbers Lane) leading towards the development is not in charge of Sligo CC and is narrow and in poor condition. No plans to upgrade the road. Recommends permission subject to conditions.
- Executive Architect (11th July 2022) – Site is located within an area of zoned OS and adjacent to boundary with RS Medium/High Density Residential zoned lands. Site is also traversed by Open Space Objective O-OS-23 Oakfield Road to Summerhill Roundabout. The proposed location of tower is in direct line of greenway and may hinder its development in the future. Part 8 planning permission approved by members of PA for 62 dwellings on site directly to north of development. Scale and proximity of the tower would impact negatively on housing development (18m from southern block), would be visually intrusive and detract from visual amenity of buildings. Also likely to have detrimental effect on allocation of social housing units. Proximity of tower to edge of Robbers Lane may impact on future road widening projects to open up the lands further south for development.

3.4. Prescribed Bodies

- None.

3.5. Third Party Observations

- None (but see comments above in summary of Planning Report).

4.0 Planning History

- None.

5.0 Policy Context

- Project Ireland – National Planning Framework. Policy Objective 48 – supports the development of a stable, innovate and secure digital communications and services infrastructure on an all island basis.
- Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996. The Guidelines support the role out of telecommunications infrastructure in the country. In section 4.2 Design and Siting, the guidelines recognise that location will be substantially influenced by radio engineering factors and recommends consideration of a number of factors including:
 - Visual Impact (section 4.3), the Guidelines state that visual impact is among the more important considerations which have to be taking into account at arriving at a decision on a particular application. It is acknowledged that the approach taken by the PA will depend on the location of the development e.g. rural/agricultural arear or industrial area. However, it advocates great care in applications in sensitive landscapes and designated areas and avoidance in proximity to listed buildings, archaeological sites and other monuments. Along major roads or tourist routes, the Guidelines state that where masts may be visible but not terminating views, it might be decided that the impact is not seriously detrimental. Similarly, along such routes it is stated that views of the mast may be intermittent and incidental and may not intrude on the general view or prospect. The Guidelines also refer to local factors which will have to be taken into account in

determining the extent of visibility e.g. intermediate objects, topography, other objects in wider landscape. The Guidelines also acknowledge the need for increased number of cells, to cater for a larger number of customers. Only as a last resort should free standing masts be located in a residential area or beside schools. If such a location should become necessary, the Guidelines state that sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location, with the support structure kept to the minimum height consistent with effective operation and use of monopoles rather than a latticed tripod or square structure.

- Sharing Facilities and Clustering (section 4.5) – The Guidelines state that the sharing of installations will normally reduce the visual impact on the landscape and that *‘All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share’*.
- Circular letter PL07/12 – Amongst other things the circular advised that planning authorities should not include time limited conditions, specific separation distances in development plans for telecommunications installations or be concerned regarding health and safety matters, which are regulated by other codes.
- Circular letter PL03/18 – Provides that where mobile or broadband operator demonstrate to the satisfaction of the PA that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service, such infrastructure shall not attract development contributions.

5.1. Sligo County Development Plan 2017 to 2023

- 5.1.1. Telecommunications policies are set out in Chapter 11 of the SCDP (policies P-TEL-1 to 5). Section 11.2.1 supports the implementation of the National Broadband Plan, and any related programmes, to provide high speed broadband in the County and recognises the importance of telecommunications infrastructure as a pre-requisite for

a successful economy. It states that the Council will aim to achieve a balance between facilitating the provision of telecommunication services in the interest of social and economic progress and protecting residential amenity and environmental quality.

- 5.1.2. In section 13.9.4 development management standards are set out for telecommunications. These include restricting masts in sensitive landscapes and sites of natural heritage interest, minimising impacts on the landscape and encouraging sharing of masts.
- 5.1.3. The Sligo and Environs Development Plan 2010-2016, incorporated into the current development plan, zones the appeal site 'open space' and alongside a 'green corridor' (O-OS-23). The objective for open space areas is '*Ensure adequate provision and maintenance of public open space, to be delivered and need for parks and playground*'. Objective O-OS-23 provides an integrated trail and greenway for walking, cycling and jogging between Oakfield Road and Summerhill Roundabout.
- 5.1.4. Development proposals on lands crossed by green corridors will be required to make adequate provision for their construction and to facilitate access to these corridors as appropriate.
- 5.1.5. Land to the north of the site (and open space area) is zoned for housing development 'R3 medium/high density residential development' and forms part of the Plan's Strategic Land Reserve.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site lies c.1.5km to the south west of Cummeen Strand/Drumcliff Bay proposed Natural Heritage Area (pNHA) and Special Area of Conservation (SAC) (shared site code 000627) and Lough Gill pNHA and SAC (shared site code 001976).

5.3. EIA Screening

- 5.3.1. The proposed development is modest in scale and residential in nature. It is situated within an existing urban area and removed from sites of natural, cultural and built heritage interest and would be connected to existing services. The proposed

development would not, therefore, result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.4. Appropriate Assessment

- 5.4.1. Having regard to the nature, modest scale and location of the proposed development which is substantially removed from the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Grounds of appeal are:

- Development provides critical communication services for the local residential area, a section of the N4, western distributor road and railway line, for business, social, educational and tourism purposes. It is not possible to ensure services with existing infrastructure.
- 3G network is being phased out and latest technologies (4G and 5G) require close proximity to source of demand. Demand for mobile and broadband services is growing. 4G is the most important service and 5G is rapidly growing. Existing infrastructure is being upgraded to meet demand. The purpose of the development is to provide 4G and 5G services to the area.
- The existing structure, 250m to the north of the site (Vodafone and Three Ireland transmit from the structure) is structurally unable to support the new equipment required. In order to provide continuance of service, both structures need to be in place before removing old equipment. Existing mast adjoins the rear garden of a property. The compound area is too small for a new mast to meet exemption rules. The adjoining lands are not available for development.

- There is no existing infrastructure to provide the required propagation of services for the area of Magheraboy (see application documents).
- ComReg 4G coverage maps shows 'Good' for Three and Vodafone in the area. Some blackspots for Eir. Ideally the requirement is 'Very Good' for outdoor coverage level.
- The development is effectively a replacement site for the upgrade of critical services. A site close to existing is therefore required. The existing and proposed structures are located in open space/green links zones. The existing structure is surrounded by residential use and the proposed structure by zoned residential development. Zoning matrix does not include telecommunications. As existing structure is in open space, the proposed development is suitable for consideration for telecommunications.
- Development will not conflict with corridor for open space and will provide coverage for it.
- Development is consistent with policies of Sligo CDP which recognise the importance of high quality telecommunications infrastructure as a pre-requisite for a successful economy. Development is not situated in a designated/high value landscape and does not impact on any of the areas listed in the CDP. Area Engineer has no objections to development. Neither a Habitats Assessment nor EIA are required.
- Applicant is aware of the proposed residential development on adjoining lands and future development on zoned land in the area. No information on proposed development on planning search map. To provide the area with essential services it is important they are located close to source of demand. Such structures are common in towns and villages, including residential estates. At 18m from the residential development, the development is greater than many others (from residential development) and the existing structure to the north adjoins a back garden.
- Proposed greenway route is indicative and may not be realised for some time. Illogical to refuse permission, therefore, for a 6mx6m compound on the potential of a future route. Local authority would have to CPO lands when it

owns land to north. Greenway incorporated into housing development (shown as 'gravel/sand path' page 12 of appeal) and runs naturally along this route and not across mast site.

- Public road could be upgraded by opening up in an eastward direction. Sightline for proposed residential development would be restricted if roadway opened to west.
- Development in consistent with the Government's guidelines on Telecommunications in respect of:
 - Design - Monopole, in open space, close to residential development, away from schools, no alternatives available.
 - Visual impact – Limited flexibility to secure necessary coverage in area, ideal site for service provision, development does not conflict with any development plan designations, no industrial estates/tall buildings/ESB substations in area. Site is chosen as a last resort. Due to new technology, it is now necessary for free standing masts to be located within or in the immediate surrounds of suburban areas to provide required cover. Design is monopole, height is required to secure propagation of services.
 - Access – Is by existing farm yard entrance.
 - Site sharing – The structure will support more than a single operator.
- National and regional policy documents support the provision of communications and its associated infrastructure as a vital component of the country's economy.
- The importance of communication services has been emphasised during the Covid epidemic. Development supports working from home, as is becoming a norm post Covid.

6.2. Planning Authority Response

- 6.2.1. Refer to the Planning Report and state that, in terms of site selection, applicant states that the proposed development is effectively a replacement mast but at no point does the applicant state the exact catchment of the proposed structure. As the

site immediately adjoins a residential land and having regard to section 4.3 of the government's Guidelines on Telecommunications, insufficient details have been provided on any investigations of alternative new/replacement sites that are close to the existing lattice structure and not adjacent to residential development (including industrial estates, industrial zoned land etc.). Request the Board to uphold their decision.

6.3. **Observations/Further Responses**

- None.

7.0 **Assessment**

7.1. Having examined the policy context of the development, application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal relate to:

- Compliance with Government guidelines on siting.
- Impact on residential amenity.
- Impact on public open space.

7.1.1. The Government's guidelines on telecommunications accept that the location of support structures will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance the guidelines recommend great care in siting of masts in sensitive landscapes and avoiding masts in proximity to listed buildings, archaeological sites and other monuments. In rural areas, towers and masts are directed to forestry plantations. In the vicinity of major roads or tourist routes or viewed from traditional walking routes, the guidelines state that masts may be visible but not terminating views. Similarly, views of masts which are intermittent and incidental are considered acceptable. The guidelines also state that local factors such as intermediate objects (buildings and trees), topography, the scale of the object in the wider landscape, other objects in the wider panorama, the position of the object with respect to the skyline etc. will have to be taken into account in determining effect and achieving balance in decision making (impact versus service provision). In the vicinity of larger towns and in city suburbs the guidelines

recommend that operators locate in industrial estates or industrially zoned land, commercial or retail areas, ESB sub-stations, tall buildings or other existing structures. Of note the guideline state '*Only as a last resort and if the alternatives suggested ...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, site already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location*'.

7.1.2. In this instance, the applicant has set out the technical need for an additional service provision in the area i.e. to increase in the area for 4G and 5G services. Currently ComReg coverage map shows:

- Three – Very good coverage for 4G in the area of the site, railway line and western distributor (part) and good coverage along the A4 and western distributor road. Fair to Good coverage in the area for 5G, including the western distributor road and N4.
- Vodafone - Very good coverage for 4G in the area of the site, railway line and western distributor (part) and good coverage along the A4 and western distributor road. No coverage in the area of the site for 5G. Some coverage along A4.

7.1.3. The additional need for service provision is most evident in the role out of 5G.

7.1.4. The applicant argues that the proposed development is in effect a replacement mast for the existing structure c.250m to the north of the site. It is stated that the structure is unable to support new equipment, the site is too small to be upgraded and that adjoining lands are not in the ownership of the applicant.

7.1.5. Having regard to the foregoing, I consider that the applicant has demonstrated a case for the need for additional service provision in the area. It is also indicated that the proposed mast, consistent with government guidelines, will be available for sharing/co-location.

7.1.6. The location of the proposed monopole is in an agricultural landscape, on rising topography. Views of the monopole would be available from the residential area and public roads to the north, with the structure seen within the features of the wider semi-urban rural landscape. The site is not designated as having an particular

landscape value and is removed from protected structures and sites and monuments of archaeological interest. Having regard to these parameters alone, I would consider the site suitable for accommodating a telecommunications structure.

7.1.7. However, the site is also situated on land zoned for medium/high-density residential development and it is evident from the submissions on file that the monopole is immediately south of a planned and permitted Part 8 residential development and within c.18m of the nearest residential dwelling. This proximity to residential development is inconsistent with the government's guidelines on the location of support structures which clearly indicate that only as a last resort, if the alternatives suggested are unavailable and unsuitable, should free standing masts be located in an residential area. Whilst the applicant has identified a need for additional service provision in the area, and considered existing structures in Sligo town/environs (see Figure 3, letter accompanying the planning application, alternative sites within a defined target area have not been identified or considered. From inspection of the appeal site and surrounding area I would accept that there may be limited opportunities e.g. industrial/commercial land, tall buildings, but a detailed site search has not been presented, particularly in the context of the defined search area (and the areas of limited service as indicated in the ComReg maps). In the absence of a robust context, which demonstrates the need to locate the proposed structure in close proximity to a residential development and the clear absence of alternatives, I consider that the proposed development fails to comply with the governments guidelines on the siting of telecommunications infrastructure, with the potential to impact on the residential and visual amenity of the area.

7.1.8. I do not consider the location of the existing mast in proximity to residential development a satisfactory justification for the proposed development.

7.1.9. The appeal site is also situated within a designated open space area and in the area of a proposed green corridor for walking, cycling etc. Government guidelines consider that telecommunication structures are acceptable when viewed from walking routes where views are intermittent, glimpsed and not terminating. In this instance, there is little consideration of the likely visual effect of the development on the proposed green corridor. However, I consider that the open space and green corridor could accommodate the structure, as it lies on rising topography, close to

the existing farm complex and mature trees and would not terminate or dominate views across the urban fringe.

- 7.1.10. The appeal site lies alongside the public road but there is ample scope for future road widening (to service the land), utilising land to the east which also falls within the strategic housing land reserve.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons stated below.

9.0 Reasons and Considerations

Having regard to 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, which state that only as a last resort should free-standing masts be located in a residential area, the proximity of the proposed development to permitted Part 8 residential development on land zoned for medium/high density residential development in the current Sligo County Development Plan 2017-2023 and the absence of details on unavailable or unsuitable sites in the area, the board is not satisfied that the developer has made a reasonable effort to comply with the Guidelines. The proposed development would, therefore, be inconsistent with national Guidelines, and be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

17th November 2022