



An
Bord
Pleanála

Inspector's Report ABP-314614-22

Development	Installation of a 36m lattice support structure carrying telecommunications equipment including antennas, dishes, together with associated equipment cabin, cabinet, fencing, access gate and all associated site development works (to provide for high speed wireless data and broadband services)
Location	Lugboy , Taughmaconnell , Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	22114
Applicant(s)	Hibernian Cellular Networks Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Signal Infrastructure Ltd.
Observer(s)	None.
Date of Site Inspection	2 nd February 2023.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.0116ha appeal site is situated c. 6km to the south east of Ballyforan in the townlands of Lugboy and Tuaghmacconnell, County Roscommon. It lies to the east of the R357, the Regional road between Ballyforan and Ballinasloe. Access is via a private road off a minor county road, L7566, that joins the Regional road. The private road to the site serves agricultural land and a water storage facility with telecommunications infrastructure erected on/alongside it (see photographs). At the time of site inspection the narrow county road was lightly trafficked. It serves agricultural land, farms and scattered residential development. The nearest dwelling to the site is a property c.550m to the south of it. Other properties are more removed.
- 1.2. The site lies on elevated ground but the existing water infrastructure and telecommunications are low lying and whilst visible from the surrounding road network in particular to the west and south, they are not dominant.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information and clarification of further information, submitted on the 23rd May 2022 and 19th July 2022 respectively, comprises the installation of:
- A 36m lattice support structure carrying telecommunications equipment including antennas and dishes,
 - Associated equipment cabin and cabinet,
 - 2.4m high palisade fencing around the site,
 - Access gate and all associated site works.
- 2.2. It is stated that the development will provide for high speed wireless data and broadband services and is proposed given the absence of existing suitable telecommunications structures in the area. The development will be sufficiently high to provide a line of site to connect to other telecommunication equipment and will serve multiple operators comprising the applicant's existing customer base (including

mobile network operators, radio stations, wireless broadband companies and blue light services).

2.3. The planning application includes:

- A Technical Assessment of the proposed development (submitted 19th July 2022),
- Details of landownership, with consent from the landowner including use of access road to the site,
- Details of c.90m sightlines in each direction, to be achieved by removal of short section of hedgerow at the junction of the private lane and county road (Drawing No. 6486-JOD-XX-XX-DR-C-200-002).
- A Landscape and Visual Impact Assessment. The report refers to Viewshed Reference Points but provides no photomontages or views of the development from these reference points.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 15th August 2022, the PA decided to grant permission for the development subject to nine conditions. C2 requires that the transmission power output, antennae type and mounting configuration be in accordance with the plans submitted (unless altered by grant of permission), C4 relates to the provision of sightlines, C5 requires provision of a detailed Construction Management Plan and C8 sets out limits for sound pressure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 13th April 2022 – Refers to relevant national and local planning policy, reports and submissions received. It considers that EIA and AA are not required and assesses the merits of the development under a number of headings including strategic assessment, site specific assessment, visual impact, design and siting, access and traffic, flooding and other issues. The report

recommends further information in respect of co-location options to establish whether or not a need exists for the proposed structure, legal entitlement to use right of way to the site, accessibility, visual impact assessment of the development, sightlines at junction of access road and local road, details of palisade fencing and finishes of cabinets.

- 17th June 2022 – Recommends clarification of FI given the absence of a full response to the initial request (necessity to locate development at the subject site, site layout plan showing achievable sightlines).
- 15th August 2022 – Refers to the FI submitted and considers that despite limited explanation of why co-location/shared infrastructure options have not been pursued instead of the proposed new infrastructure (including PA ref. 22/27, appealed to the Board), there would likely be superior coverage from the subject mast, and on the basis of the precedent for telecommunications infrastructure at the site, it is reasonable to accept the case made for the development. Recommends that sightlines are addressed by condition (plans refer to hedgerow removal, FI to trimming). The report recommends granting permission for the development subject to conditions.

3.2.2. Other Technical Reports

- Area Engineer (4th April 2022) – No objections.

3.3. Prescribed Bodies

- Irish Aviation Authority (4th April 2022) – No requirement for obstacle lighting at the location.

3.4. Third Party Observations

3.4.1. On file are two observations:

- Signal Infrastructure Ltd. It states that the observer currently has a planning application for a telecommunication mast Skyvalley, Taughmaconnell c.740m to the north east of the appeal site. Pending permission, the observer would facilitate co-location of up to three operators and a broadband provider, fulfilling requirements for the area.

- Viatel. Have equipment attached to the water reservoir at Lugboy, Taughmaconnell. Consider the existing site far from ideal and support the location of a tower at the hill top location.

4.0 Planning History

4.1. There is no planning history in respect of the appeal site. The following are current appeals in the area of the site:

- ABP-313704-22 (PA ref. 22/27) - Current appeal relating to development of a 30m high multi-user lattice tower telecommunication structure with antenna and dishes, site works and access track, on land c.740m to the north east of the appeal site.
- ABP-313750-22 - Current strategic infrastructure development application for a windfarm and associated site works, on an extensive site to the north of the appeal site.
- ABP-313998-22 - Current appeal relating to the erection of a temporary meteorological mast at Skyvalley, on land c.1.8km to the north east of the appeal site.

5.0 Policy Context

5.1. National Guidelines

- Project Ireland – National Planning Framework. Policy Objective 48 – supports the development of a stable, innovative 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 area 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.
- 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.

5.2. Roscommon County Development Plan 2022 to 2028

5.2.1. The current Roscommon County Development Plan, which covers the period 2022 to 2028, was adopted by the County Council on 8th March 2022 and came into effect from the 19th April 2022. In section 7.12, Information and Communication Infrastructure, the Plan recognises that a high quality and competitive telecommunications service is essential in order to promote industrial and commercial development, to improve security and to enhance social inclusion and mobility. Policies of the Plan:

- Support improving high quality broadband and ICT infrastructure throughout the county in accordance with the government's *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities* in order to achieve balanced social and economic development whilst protecting the amenities of urban and rural areas (ITC 7.62 and ITC 7.63).
- Encourage the co-location of antennae on existing telecommunications structures (ITC 7.65), and
- Ensure that such structures are located to minimise and/or mitigate any adverse impacts on communities, public rights of way and the built or natural environment (IT 7.66).

5.2.2. The appeal site falls within the Lough Funshinagh, Stonewall Grasslands and Esker Ridges Landscape Character Area, as identified in the Roscommon Landscape Character Assessment, with 'moderate' landscape value. Policies of the CDP seek to minimise visual impact on these areas (NH 10.25). There are no national monuments in the immediate area of the site, Protected Structures or designated scenic or tourist routes.

5.3. Natural Heritage Designations

5.3.1. Approximately 1km to the west of the site is Killeglan Grassland Special Area of Conservation (site code 002214). Approximately 2km to the east is Feacle Turlough proposed Natural Heritage Area (pNHA, site code 001634). Other sites of national and European natural heritage interest lie in the wider area (see attachments).

5.4. EIA Screening

- 5.4.1. Having regard to the nature and limited scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site or 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

- 6.1.1. Third party grounds of appeal are:

- Context. Appellant has secured planning permission for a 30m tower at Skyvalley, Taughmaconnell, c.740m from the subject site. The permission granted has been appealed to the Board under PL20-313704 (PA ref. PD/22/27). The 30m tower has been designed to meet the requirements of operators eir Mobile, Three and Vodafone. The Skyvalley site is proposed to replace the underperforming site at the water tower, Lugboy, Taughmaconnell, which is too low to provide widespread cover in the area. If permitted the tower will provide for full coverage requirements on all licensed wireless technologies (2G, 3G, 4G and 5G) for each of the operators with space for future expansion.
- Ground 1. No requirement for additional infrastructure at Taughmaconnell. Both masts target the same Mobile Network Operators (MNOs), Three Ireland, eir Mobile and Vodafone, with other operators using the equipment of the main MNOs (Lycamobile, Postmobile, Tesco Mobile and Virgin media). The Hibernian application is solely supported by Viatel Ireland Ltd, whose requirements could be accommodated on the Cignal site, in line with co-location policy. The technical justification submitted illustrates theoretical coverage, however in the absence of a commitment to site share and co-locate, the development is speculative. Statutory operators have indicated

their intention to co-locate or reposition on the Cignal tower once constructed (letters on file from Eir, Imagine, Vodafone and Three).

- Ground 2. Decision to grant permission for a second site is premature pending decision under first above application. PA may have concluded that the Hibernian structure was preferential (coverage). However, Cignal site is the operator approved site (by virtue of letters of support). The Cignal site has been specifically designed for Eir Ltd, Three Ireland, Vodafone Ireland and Imagine. No requirement for a second structure in the same neighbourhood. Subject development less likely to be built (no evidence of operator support).
- Ground 3. Wayleave issues. Uncertainty in respect of ownership of access track. Part owned by Roscommon County Council and no letter of consent submitted. No wayleave or right of way submitted over some sections of the access road.

6.2. Applicant Response

6.2.1. The applicant makes the following response to the issues raised:

- No requirement. Technical assessment demonstrates that coverage constraints and limitations at existing water tower would be resolved and enhanced coverage achieved with the proposed tower (+30m above water tower and +2m above Cignal mast). The proposed development will have capacity to handle further expansion (capacity and technologies), aggregate and consolidate existing services and serve more providers/operators (in comparison with existing water tower). Proposed development would enable greater coverage, for residential and business customers and surrounding road network, than the existing water tower and appellant's mast at Skyvalley. Likely superior coverage has been accepted by the PA. Identical text in letters of support and are not legally binding (as accepted by Inspector under ABP-301613).
- Premature. Application has been well considered by the PA. At time of PA decision, Cignal development was (and is) subject to third party appeal. No objections to subject development, accept by commercially motivated

appellant. Proposed development is fully compliant with Roscommon CDP and Telecommunications Guidelines and is available to for co-hosting all telecommunication providers including Signal's partners.

- Wayleave. No uncertainty regarding ownership of rights of access to appeal site. Owned by Patrick Mayers, with historical right of way over 100 years, and appropriate consent provided. No need to agree access with Roscommon CC and issue not raised by them.
- Requests that the Board determine the two appeals, subject case and Signal case (ABP-313704) at the same time.

6.3. **Planning Authority Response/ Observations/ Further Responses**

- None.

7.0 **Assessment**

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

- Need for the development.
- Compliance with guidelines in respect of sharing/co-locating and prematurity.
- Wayleave.

7.2. **Need for the Development**

7.2.1. It is evident from the submission on file from the applicant and appellant that there is a need for additional telecommunications infrastructure in the vicinity of the site, with the height of the existing water tower providing insufficient height to enable line of site to other telecommunications structures in the wider area.

7.2.2. The provision of improved infrastructure would therefore be consistent with the National Planning Framework and policies of the current Roscommon County Development Plan 2022-2028 which support the development of a high quality ICT network in the county, subject to certain safeguards.

7.3. Compliance with Guidelines in Respect of Sharing/Co-Location and Prematurity

- 7.3.1. It is evident from the information on file that the subject development and development by Cignal for a telecommunications mast on land c.740m to the north east of the appeal site, serve the same geographical area.
- 7.3.2. The applicant argues that the proposed development will provide greater coverage than the Cignal development. This has been accepted by the planning authority and from the technical information on file, I would accept that it demonstrates that the subject development provides better signal level (Figure 17), albeit with little difference in coverage prediction maps (section 5.3 to 5.5 and sections 6.4 to 6.6). Further, both masts would significantly improve coverage over existing levels.
- 7.3.3. Notwithstanding the foregoing, it is not the purpose of the planning system to adjudicate on commercial grounds and whether certain operators choose one facility over another is a commercial decision and one which lies outside the scope of this appeal. This assessment is therefore confined to matters which are set out in the government's guidelines on telecommunications.
- 7.3.4. In section 4, Development Control and Telecommunications, the government's guidelines refer to a number of matters to be considered by PAs in decisions on telecommunications development. These include visual impact and sharing facilities and clustering.
- 7.3.5. With regard to visual impact, the existing telecommunications infrastructure that is situated on the water storage structure, whilst geographically elevated, is relatively modest in height. Consequently, when viewed from the public road network in the area of the site, there is little visibility of the telecommunications structures. At 36m the proposed lattice tower will be significantly more visible, albeit at distance from the public road network. The appeal site is not situated alongside a designated scenic route or tourist route. However, it lies in an LCA of 'moderate' value and policies of the CDP seek to minimise visual impacts on these landscapes. I do not consider it appropriate therefore to recommend a grant of permission in the absence of a full assessment of the likely visual impact of the proposed development to include photomontages of likely views from the public road network.

- 7.3.6. As this is a new issues and there is another substantive reason for refusal, below, it is not pursued further. However, if the Board are minded to grant permission they may wish to seek further information in respect of visual impact.
- 7.3.7. The applicant states that the proposed development is brought forward to serve its existing customer base and will be available for sharing/co-location. In response to the appeal it is clearly stated that the development would facilitate the further expansion of existing users of the water tower site and additional operators. On file is an email of support from Viatel. However, no other submissions have been made by existing or additional operators to indicate their intentions to use the proposed infrastructure, despite the use of the existing water tower by Three, Vodafone and Eir (Comgreg site viewer). Whilst any letters of support are not binding, their provision does indicate an intention and reasonable effort on the behalf of the provider to ensure that the facility is shared. Having regard to the limited information on file provided by the applicant from existing customers/proposed uses, I am inclined to consider that applicant has not provided satisfactory information in this regard and that the application is therefore premature and speculative.
- 7.3.8. Notwithstanding the foregoing, the Board may wish to consider the subject appeal alongside their determination of the Cignal telecommunications mast under ABP-313998-2.

7.4. **Wayleave**

- 7.4.1. The applicant has provided folio maps demonstrating a wayleave that is broadly consistent with the location of the private access road to the subject site. Further, it is stated in the correspondence from the folio owner that the access has been used by the current owner and predecessors for many years. Roscommon County Council have not disputed ownership or raised concerns regarding the applicant's use of the road.
- 7.4.2. Having regard to the foregoing, I am satisfied that the applicant has demonstrated sufficient legal interest in the subject site and access to it, to make the planning application for the development.

8.0 Recommendation

8.1. I recommend that permission for the development be refused.

9.0 Reasons and Considerations

Having regard to:

(a) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, and

(b) the absence of information to demonstrate reasonable effort to share/co-locate on the subject site,

it is considered that the proposed development is premature, speculative and inconsistent with the government's guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

9th February 2023