



An
Bord
Pleanála

Inspector's Report

ABP-314891-22

Development	Section 254 licence for 18m Streetpole Solution with AW3871 multi-operator Alpha antenna and ground equipment cabinet.
Location	Public Footpath along R397, Keenagh, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	LC21/18
Applicant(s)	Signal Infrastructure Limited
Type of Application	Section 254 Licence.
Planning Authority Decision	Grant Licence
Type of Appeal	Third Party
Appellant(s)	Edwin Jones.
Observer(s)	None.
Date of Site Inspection	08.09.2023.
Inspector	Fiona Fair

1.0 Site Location and Description

- 1.1. The subject appeal site is located on the public footpath to the eastern side of the Regional Road R397 to the south of Keenagh village in County Longford. There is a housing estate Glough Dillon located to the northwest and a soccer pitch with car parking hard standing. Another smaller housing estate Gloughree Well is located to the southeast. There are one-off dwellings peppered along this section of the R397. The R397 has a grass verge and footpath on both sides of the road. Telegraph poles and wires run along the western footpath at this location.
- 1.2. The width of the footpath at the subject site location is approx. 2m.

2.0 Proposed Development

- Section 254 Licence for the installation of an 18m Alpha Streetpole Solution with 1 no. 3.2m AW3871 ALPHA shrouded antennae at Azimuths (TBC) and 2 no. 300mm dishes (to be included only if no fibre infrastructure in the area).
- One no. ground equipment cabinet.
- The cabinet is 1.898m in length x 0.80m in depth, with a height of 1.652m

3.0 Planning Authority Decision

3.1. Decision

The Executive Managers Order MO no. P29754, dated 18th February 2022 contains the details of the grant of permission.

It States:

“Being satisfied that all requirements relating to the application have been complied with and considering the proper Planning and Development of the County of Longford, IT IS HEREBY DECIDED, in pursuance of the above Acts to Grant Permission to the applicant in the terms of this application.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Subsequent to further information being requested with respect to clarification that the site location is on public property in the charge of Longford County the Planning Department issued a recommendation for a grant of permission subject to 11 no. conditions

I note:

Condition No. 2 restricts the maximum height of the telecommunications street pole to 15.0m and the maximum width of the structure to 360mm

Condition No. 3 restricts any further dishes, antennae or equipment being attached without written approval of the PA.

Condition No. 5 In the event of obsolescence, it shall be removed from the site and the site reinstated at the applicant expense.

Condition No.7 requirement for a road opening licence

Condition No. 8 The public road shall not be adversely affected by the works with regard to pavement, obstructions, road operation, footpaths, verges, drainage or public lighting.

Condition No. 10 written agreement required for alternative temporary pedestrian route along the full length of the road during construction.

3.2.2. Other Technical Reports

- None on file.

3.3. **Prescribed Bodies**

None relevant

3.4. **Third Party Observations**

None on file or referred to.

4.0 **Planning History**

None Relevant.

5.0 Policy Context

5.1. National Guidelines

- Planning and Development Act 2000, as amended. The development is considered under Section 254(1) (e) (e) of the Planning and Development Act 2000 as amended.
- National Broadband Plan, DCENR, 2012. Sets out a strategy to deliver high speed broadband across the State.
- Circular Letter PL07/12 – This circular updates the guidance document and specifically refers to temporary permissions, removal of separation distances from houses and schools, bonds and contributions, planning considerations related to location and design and health and safety matters, and the establishment of a register / database.
- Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DoE, 1996. Provide guidance on, amongst other things, siting of masts. This includes, in city suburbs, to co-locate telecommunications where possible and to locate new telecommunication masts in industrial or in industrially zoned land or commercial or retail areas. The guidance states that only as a last resort, if these alternatives are not available, should free-standing masts be located in a residential area or beside schools. Further, 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 location, with the support structure be kept to the minimum height consistent with effective operation.

Development Plan

- 5.1.1. The Longford County Development Plan 2021 – 2027 is the pertinent statutory Plan. Section 5.9 Information Communication Infrastructure states:

“The provision of a high-quality competitive information and communications telecommunications (ICT) service is essential in order to promote industrial and commercial development, and to enhance social inclusion and mobility. There is a reliance on the provision of such services for industrial, commercial, tourism and social development and the expansion of ICT infrastructure is key to meeting the needs of the County’s population and a digital economy. This is addressed further in Chapter: Economic Development Strategy.”

Section 5.9.1 Telecommunications Infrastructure is of relevance, it states:

“Fast, reliable and cost-effective telecommunications can encourage economic development in an area and can enhance quality of life in a number of areas by offering new choices in education, entertainment and communications. There are a number of mobile voice and data service providers operating across the county including Vodafone, O2, Three and Meteor. “

Policy CPO 5.172 states:

“Promote and facilitate the sustainable development of a high-quality ICT network throughout the county in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.”

Policy 16.4.17 Telecommunications and Broadband states:

“High quality communications and information technology networks are critical for the continued implementation of the Economic Strategy. Refer to Chapter 5: Transport, Infrastructure, Energy and Communications for relevant policies.”

Policy DMS 16.183 states:

“Require compliance with the requirements of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” July 1996, except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.”

Policy DMS 16.184 states:

“All proposed applications to address the following:

- a) To encourage the location of telecommunications structures at appropriate locations within the County, subject to environmental considerations, providing open access networks in all developments.
- b) To require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the non-availability of this option in proposals for new structures.
- c) To avoid the location of structures in sensitive landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved (see Chapter 11: Built and Cultural Heritage, Chapter 12: Natural Heritage and Environment and Chapter 13: Green Infrastructure).
- d) Within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished / removed, and the site reinstated at the operator’s expense. This will be a condition of planning permission.”

5.2. **Natural Heritage Designations**

5.3. The site is not located within or adjacent to a Natura 2000 site.

5.4. **EIA Screening**

The proposed development is not of a type that constitutes an EIA project and environmental impact assessment is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A third-party appeal has been received from Edwin Jones of Keenagh Co. Longford. It is summarised as follows:

- He is the owner of the lands abutting the footpath and the proposed antennae and cabinet.
- Concern with respect to road users and pedestrian safety.
- Concern reduced mobility could arise for people with impaired vision, wheelchair users and children on bikes.
- Obstructs the footpath.
- The drawings submitted are not 100% to scale and are misleading.
- If the doors of the cabinet are open it will cause a hazard to footpath users.
- While the application is justified in terms of need for telecommunications structure generally it is not specifically justified for its need in Keenagh.
- There is nothing on the file to suggest that Longford County Council considered the convenience and safety of road users incl. pedestrians.
- The Area Engineer has not commented on the request for a licence.
- Footpaths are supposed to allow for safe movement of pedestrians.

6.2. Applicant Response

6.2.1. A response to the 3rd party appeal was submitted by JRA Consulting on behalf of the applicant Signal Infrastructure Limited. It is summarised as follows:

- The first party met with the area engineer on site to discuss the proposal.
- The proposed cabinet will be recessed into the existing hedgerow, to the back of the footpath line and in reality projects very little beyond the natural line of the hedgerow and other vegetation.
- The location chosen is a wide section of footpath.
- Photo submitted indicating the location of the cabinet and pole demarcated on the ground prior to installation.
- The doors of the cabinet are approx. 600mm wide. When open for servicing the clear width of the footpath will be reduced to 1 m.

- Servicing is limited to once or twice per year for a few hours, depending on functionality of equipment.
- The dimensions on the drawings submitted to Longford County Council are correct. The 1.6m and 2.8m dimensions relate to the site area.
- The proposed streetworks development is an immediate solution to a coverage blackspot in the area.

6.3. **Planning Authority Response**

- None received.

6.4. **Observations**

- None Received.

6.5. **Further Responses**

- Not Relevant.

7.0 **Assessment**

7.1.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). In their consideration of the development, under section 254(5) of the Act, the Board is required to have regard to:

- a. the proper planning and sustainable development of the area,
- b. any relevant provisions of the development plan, or a local area plan,
- c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d. the convenience and safety of road users including pedestrians.

7.1.2. Having regard to these requirements, local and national planning policy, the application details, the appeal submitted, all other documentation on file and my inspection of the site, I consider that the main issues for this appeal relate to:

7.1.3. Having regard to these requirements, local and national planning policy, the application details, the appeal submitted, all other documentation on file and my inspection of the site, I consider that the main issues for this appeal relate to:

- **Technical Justification**
- **The convenience and safety of road users including pedestrians.**
- **Appropriate Assessment**

7.2. Technical Justification

- 7.2.1. The subject appeal site is located on un-zoned lands on the grass verge abutting the public footpath to the eastern side of the Regional Road R397 to the south of Keenagh village in County Longford. Lands immediately to the east are zoned 'new residential' and lands to the west are zoned 'recreational / amenity / green space' and 'residential'.
- 7.2.2. The proposed street pole and antennae have a proposed height of 18m with 1 no. 3.2m AW3871 ALPHA antennae at Azimuths (TBC) and 2 no. 300mm dishes. The proposed painted green ground equipment cabinet, measures 1.898m in length x 0.80m in depth, with a height of 1.652m.
- 7.2.3. I note Condition 2 of the Licence LC21/18 granted by the planning authority restricts the height of the proposed telecommunications street pole to 15m. This condition has not been appealed by the first party and therefore should stand, in my opinion.
- 7.2.4. There is a satisfactory explanation within the submission provided by the applicant as to the lack of scope for colocation of existing infrastructure and the purpose of the proposed installation in responding to an existing blackspot in network coverage in the area and with regard to site selection and potential impact on the amenities of the environs.
- 7.2.5. The telecommunications pole itself is nondescript in character and design and not dissimilar in scale or design of a lamp standard or traffic light pole. I consider that the applicant's agent has clearly established the acceptability of the application under

the provisions of section 254. Given national and local policy I consider the development as proposed to be acceptable in principle at this location.

7.2.6. Overall, I see no reason to refuse permission on grounds of lack of technical justification, rationale or need.

7.3. The convenience and safety of road users including pedestrians.

The third party have raised a concern with respect to road users and pedestrian safety. Concern is raised that reduced mobility could arise for people with impaired vision, wheelchair users and children on bikes. It is contended that the drawings submitted are not 100% to scale and are misleading. That the cabinet obstructs the footpath. Especially if the doors of the cabinet are open it would cause a hazard to footpath users. Concern is also raised that Longford County Council failed to consider the convenience and safety of road users incl. pedestrians.

7.3.1. Having reviewed the plans and drawings submitted and having carried out a site visit I consider that the drawings submitted in support of the subject application are sufficiently accurate and not mis-leading. I note the letter on file dated 8th September 2021 from the Infrastructural Services Section of Longford County Council to the applicant's agent, in respect to the road taken in charge by Longford County Council at keenagh Village. The map attached indicates the roadside verge at the subject site location. No issue or concern has been raised by the planning department or the area engineer with respect to traffic safety or obstruction to pedestrians.

7.3.2. The Regional Road R397 at the subject site location is straight with no obstructions, the footpath and grass verge is in excess of 2m in width at the site location. As stated above the proposed ground equipment cabinet, measures 1.898m in length x 0.80m in depth, with a height of 1.652m. There would be c.1.2m clear footpath to the west of the cabinet to accommodate pedestrians. This I consider acceptable.

7.3.3. I note that third party's concern in respect of the doors opening causing an obstruction to pedestrians, however, given the limited need for servicing of the proposed infrastructure, its location and the footfall envisaged during the lifetime of the proposal I do not recommend that permission be refused on grounds of negative impact to convenience and safety of road users including pedestrians.

7.3.4. I note that there is a clear precedent set to permit similar Section 254 licence applications by other Planning Authorities and the Board on public footpath and verges adjoining public roads.

7.4. Appropriate Assessment

7.4.1. Having regard to the minor nature of the development, its location on the footpath verge, and the separation distance to any 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.

8.0 Recommendation

It is recommended that the Board directs the planning authority to Grant the licence subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the provisions of Longford County Development Plan 2021 - 2027, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the area, or give rise to a traffic or pedestrian hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The maximum height of the telecommunications street pole shall not exceed 15.0 m and the maximum width of the structure shall not exceed 360mm as measured in Drawing number SR-1280-103A as received by the planning authority on the 13th August 2021.

Reason: In the interest of the visual amenity of the area and the proper planning and sustainable development of the area.

3. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority, prior to the commencement of installation of the street pole.

Reason: In the interest of orderly development and visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without written approval.

Reason: To clarify the nature and extend of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

5. The public road shall not be adversely affected by the works with regard to pavement, obstructions, road operation, footpaths, verges, drainage or public lighting.

Reason: In the interests of traffic safety and amenity of the area.

6. The proposed cabinets and pole shall be maintained regularly and shall be kept graffiti free.

Reason: In the interests of visual amenity of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fiona Fair
Senior Planning Inspector

10. 09. 2023