



An  
Bord  
Pleanála

## Inspector's Report ABP-315950-23

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<b>Development</b>	Construction of Mobile and broadband tower.
<b>Location</b>	Eir, Mill Street, Monaghan, Co. Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	2250
<b>Applicant(s)</b>	Eir (Eircom Limited)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eir (Eircom Limited)
<b>Observer(s)</b>	Cllr Paudge Connolly Edmund Mc Philips Macartan & Eimear Connolly Paul Gilsenan Fergal & Pauline O' Brien Mary Mc Philips Rosemary Croarkin

Peter Mc Kenna  
Friends of the Irish Environment  
Raymond Aughey  
George Wright

**Date of Site Inspection**

09<sup>th</sup> of June 2023

**Inspector**

Karen Hamilton

## 1.0 Site Location and Description

- 1.1. The site is in the middle of Monaghan town centre, Co. Monaghan. The site is located to the rear of commercial, retail, and residential properties which front onto North Road, Mill Street, Hill Street and Market Street, some of the town's main streets. Access to the site is via a private alleyway, along Mill Street, beside the Monaghan Post Office.
- 1.2. Monaghan town centre is flat. There are many Architectural Conservation Areas surrounding the site and a number of protected structures in the vicinity. The town centre continues to operate as a Market town and has retained a traditional environment.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - 18m monopole (overall height of 19.5m), antennas, dishes, and associated equipment together with new ground level cabinets.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse permission for three reasons as stated below:

1. The site is in close proximity to number of ACAs (Architectural Conservation Areas) and protected structures. Policy TCOP 3 of the Monaghan County Development Plan 2019-2025 states that the location of antennas or other support structure in ACAs or near protected structures will be resisted. Furthermore, the Telecommunications Antennae & Support Structure Guidelines for Planning Authorities 1996 note that, whatever the general visual context, proximity to protected structures should be avoided. Policy ACP 2 of the Monaghan County Development Plan 2019-2025 seeks to resist development that would adversely affect the character and appearance of an ACA. The Planning Authority is of the opinion that the proposed development would (i) adversely affect the character and appearance of surrounding ACAs

and (ii) unduly impact on the surrounding protected structures. Accordingly, the development would, if permitted as proposed, materially conflict with policies ACP 2, BHP 6, TCOP 3 of the Monaghan County Development Plan 2019-2025 and the Telecommunications Antennae & Support Structure Guidelines and be contrary to the proper planning and sustainable development of the area.

2. Policy RD 24 of the Monaghan County Development Plan 2019-2025 states that development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity shall be restricted. As per information submitted, or lack thereof, it is unconfirmed whether or not the development will unduly overshadow and/or overbear upon the surrounding residential properties. Accordingly, to permit the development as proposed would be contrary to the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.
3. Section 15.21 of the Monaghan County Development Plan 2019-2025 seeks to facilitate the orderly development of telecommunications by requiring co-location of antennae support structures and sites where feasible unless it is demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible. As per the information submitted, or lack thereof, it is the opinion of the Planning Authority that your proposal has not been acceptably justified at this location. Submitted coverage maps confirm that the town and the surrounding area currently benefit from good-very good ICT coverage and it is considered that's co- relocation (at five ICT sites in the area, all within c. 1.5km of the town centre) has not been adequately addressed. Accordingly, to permit the development as proposed would be contrary to Section 15.21 of the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planner's report reflects the decision to refuse permission following the submission of further information as summarised below:

- Submission of information to justify the necessity of the proposed location, having regard to the 6 existing sites within the vicinity (c. 1.5km).
- Submission of a Visual Impact Assessment.
- Consideration of the location beside the ACAs in the visual impact assessment.
- Shadow projection drawings.
- Review of the 20 observations submitted with the application.

The report of the area planner concluded that the FI submission did not justify the need for the mast at this location, would have a negative impact on the ACAs and protected structures in the vicinity of the site and had the potential to detrimentally impact residential amenity.

### 3.2.2. **Other Technical Reports**

Environment Section: No objection to proposal

### 3.2.3. **Prescribed bodies**

Irish Aviation Authority: No objection to proposal

### 3.2.4. **Observations**

The planning authority received 20 observations on the proposed development. The issues raised are similar to those received from observers on this appeal and have been summarised below in Section 6.4.

## 4.0 **Planning History**

None of relevance

## 5.0 **Policy and Context**

### 5.1. **Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996).**

- 5.1.1. Section 4.3 includes only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and villages. If such 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.

- 5.1.2. Section 4.3 include guidance on the visual impact. Care should be given when dealing with sensitive landscapes and other designated areas. Proximity to listed buildings should be avoided.

## 5.2. **Circular Letter PL 07/12, DoECLG 2012.**

This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

## 5.3. **Architectural Heritage Protection Guidelines for Planning Authorities**

Section 3.11: Management of Architectural Conservation Areas.

- Consideration given to the management of infrastructural developments.
- Large scale infrastructural development adjacent to an ACA may have an impact on the character.

## 5.4. **Monaghan County Development Plan 2019-2025**

### 5.4.1. Land use zoning

The site is located on lands zoned as Town Centre, TC, where it is an objective “*To provide, protect and enhance town centre facilities and promote town centre strengthening*”.

- Telecommunications Structures are permitted in principle (Table 9.2).

### 5.4.2. Telecommunications Guidance

Section 7.20 Telecommunications

- Objective TCO 1: To facilitate the development of a high quality and sustainable telecommunications network for County Monaghan to support economic growth, improve quality of life and enhance social inclusion.
- Policy TCP 1: To support the delivery of high-capacity Information Communications Technology Infrastructure and broadband connectivity

throughout the county, in order to promote economic competitiveness and to facilitate more flexible work practices.

- TCP 2: To co-operate with the Department of Communications, Energy and Natural Resources on locating new infrastructure.
- TCP 3: To achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of economic and social progress and maintaining residential amenity and environmental quality.

#### Section 15.21 Development Management Guidelines for Telecommunications

- TCOP1: Comply with the national guidance.
- TCOP2: Promote the best practice siting and design.
- TCOP 3: Resist the location of antenna in sensitive locations including ACAs.

#### 5.4.3. Architectural Conservation Areas

- ACP 2 To resist development that would adversely affect the character and appearance of the Architectural Conservation Area. New development or alterations to existing building(s) in an ACA shall reflect the historic architecture in terms of scale, design and materials used. Regard shall be had to any objectives contained in the character appraisals (where applicable).

Table 6.9: Some of the relevant Architectural Conservation Areas

Location	Feature of Interest
Hill Street (No's 12-20)	Row of Protected Structures
Mill Street (No's 1,2 & 14-20)	Important streetscape
Church Square	Important urban space and focal area

#### 5.5. Natural Heritage Designations

Nonrelevant

## 5.6. EIA Screening

The proposed development does not fall within the scope of any Class of development for the purposes of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal, submitted by an agent on behalf of the applicant, is in relation to the refusal of permission. The issues raised are summarised below:

#### 6.1.1. Proximity to ACAs and Protected Structures

- The reason for refusal relates to the impact on the protected structures and ACAs.
- The proposed monopole is not overly excessive and is located on an existing Eir site.
- There are varied roof heights and infrastructure in the vicinity of the site.
- The proposal would not be noticeable and if seen would be intermittent.
- The current telecommunications infrastructure is a familiar part of the skyline.
- The proposed structure will be able to accommodate multiple telecommunications operators.
- The proposal is designed to fit in with best practice.
- A Visual Impact Assessment demonstrates no significant impact on the surrounding area.
- The height of the current infrastructure can not meet the demands for the surrounding area.
- The subject site is outside the ACAs (map included Fig 1)
- Whilst there will be some visual impact, the structure will be set back from the public road.



- The magnitude of the impact is acceptable having regard to the need for telecommunications provision.

#### 6.1.2. Impact on Residential Amenity

- The mixed-use area of Monaghan Town is the location for coverage.
- Operators need to provide an indoor voice and data service to homes and business.
- There is a long history of telecommunications infrastructure in the area.
- It is not uncommon for telecommunications infrastructure to be in close proximity to residential areas.
- The proposal will allow for co-location of other operators. This is in line with the national guidance.
- The proposal will minimise adverse impacts by location on the existing exchange building.
- The overshadowing report and visual impact assessment indicates the proposal will not overshadow/overbear the surrounding residential properties.

#### 6.1.3. Need for Telecommunication Structure

- Section 15.21 of the Monaghan County Development Plan 2019-2025 seeks to facilitate the orderly development and co-location of telecommunications structures.
- The structure will facilitate co-location of equipment, increase the data services for residential and business and provide widespread connection.
- There are 5 existing telecommunications structures within c. 1.5km vicinity.
- A Site Selection Justification Report submitted within the application provides justification for the 1m structure to increase the line of sight to surrounding sites providing point to point connection.

#### 6.1.4. National Regional and Local Development Plan Polices

- The development plan provides support for locating telecommunications structures.

- The Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development highlights the need for greater telecommunications infrastructure.
- National Broadband Plan 2012.
- The National Planning Framework and National Development Plan support the proposals.

#### 6.1.5. Planning Precedents

- An Bord Pleanála have granted permission for similar types of development at Kingscourt, Ballinagh, Ballyhaise, Balla and Scarriff.
- Monaghan County Council has granted permission for a similar structure in Castleblayney.

## 6.2. Planning Authority Response

6.2.1. The PA submission notes no further comments.

## 6.3. Applicant Response

6.3.1. The applicant is the appellant.

## 6.4. Observations

6.4.1. Twelve observations were received on the appeal from residents of the town, Councillors and Environmental groups. Some of the issues raised are similar and have been grouped into common themes and summarised below:

#### 6.4.2. Location, Design & Layout

- The site in Monaghan Town is inappropriate.
- There is no indication of the site screening on the plans.
- The exclusion zone is falls from the top of the equipment to about 4m above the ground.
- No foundation drawings have been submitted.
- There is no problem with coverage of broadband within Monaghan Town.

- There are 5 masts within a 1.5km radius.
- The existing mast is unauthorised.

#### 6.4.3. Built Heritage

- The proposal will impact the many protected structures in the vicinity of the site.
- The proposal will have a negative impact on the ACAs.
- The proposal does not comply with the guidance in the development plan in relation to the protection of the built heritage.

#### 6.4.4. National Guidance

- The proposal is not in keeping with national legalisation.
- The Board have been incorrect in its application of national legislation in the past.

#### 6.4.5. Impact on Residential Amenity

- The proposal will encroach onto neighbouring properties.
- The proposal will injure the amenities of surrounding area.
- The location of the pole will lead to fear, anxiety, and distress for those living in close proximity.
- The proposal is too close to existing dwellings.
- Children would not be able to play in the rear gardens.
- The erection of the mast will lead to a sterilisation of the lands in the vicinity.
- The proposal will be located within 2m of adjoining boundary walls and will face habitable rooms.
- The proposal will devalue properties in the vicinity.
- Photographs illustrating the location of the proposed mast relative to the surrounding properties.

#### 6.4.6. Impact on visual amenity

- The photomontage was taken from the furthest building in North Road.

- The proposal would be an eyesore.
- There is already a large mast in the vicinity of the site.
- The photomontages are taken from blind spots.

#### 6.4.7. Impact on Health

- The proposal will pose a health risk to the existing landowners.
- It is requested that the EPA carried out a detailed investigation of the strengths and exclusion zones.
- There will be harmful Novel Electromagnetic Field and Novel Radio Frequency Radiation (EMF/RFR) radiating from the proposal.

#### 6.4.8. Health and safety

- There is not enough space for a fire truck to gain access.
- There is no evidence the applicant has submitted compliance with the ICNIRP public limits.
- There has been no risk assessment of the impact on the surrounding area.

## 7.0 **Assessment**

The issues raised in the grounds of appeal are addressed under the following headings:

- Impact on Built Heritage
- Impact on Residential and Visual Amenity
- Justification for the Structure
- Other Issues
- Appropriate Assessment

## 7.1. Impact on Built Heritage

### Introduction

7.1.1. The subject site is in the centre of Monaghan Town on a site surrounded by residential, commercial, and retail buildings. The lands are zoned for town centre use and telecommunications infrastructures are permitted. The site is not located in an Architectural Conservation Area (ACA) although those buildings which surround the site located in ACAs (detailed below) where the rear of these properties has been excluded. Those ACAs are:

- Mill Street ACA
- Church Square ACA
- Market Street ACA
- Hill Street ACA.

7.1.2. There are several protected structures located around the site, *inter alia*:

- Monaghan Courthouse
- Market House (Market Square)
- 18 Mill Street
- Post Office: Mill Street

7.1.3. The planning authority (PA) refused permission for a c.19m high monopole telecommunications structure for three reasons where the first reason related to the impact on the built heritage surrounding the site. The PA considered the proximity of the telecommunications structure beside the ACAs and protected structures would adversely affect the character of the built heritage and would not be in keeping with the national guidance and policies of the development plan regarding appropriate development at these locations. A number of observations submitted to the appeal request the refusal is upheld for, *inter alia*, adverse impact on the built environment.

7.1.4. The grounds of appeal note the location of the site relative to the ACAs and protected structures although consider the design and layout of the monopole structure will not have a significant detrimental impact on this setting. The current telecommunications structure in the vicinity of the site is referenced and it is

considered no adverse impact was generated from this, the proposed development will not be significantly different.

- 7.1.5. As stated above the site is surrounded by ACAs and in the vicinity of a number of protected structures. Upon site inspection it was noted that the surrounding area has retained the traditional town environment and is generally well kept and attractive. The protected structures and ACAs support the vitality of Monaghan Town Centre. There is currently a telecommunications mast in the vicinity of the site, also referenced in the grounds of appeal. Whilst the applicant considers this structure to be visually acceptable in the context of the surrounding area, I consider it has a negative impact on the current townscape. The proposed development will be greater in scale to the existing structure and having regard to this design, it is my opinion will have a more significant impact on the built heritage and the character and setting of the area.
- 7.1.6. It is important to note that national guidance on telecommunications and architectural heritage require the careful placing of infrastructure in areas which have been designated as sensitive. The Telecommunications Antennae and Support Structures Guidelines provide guidance for locating telecommunication infrastructure in sensitive areas where Section 4.3 states that proximity to protected structures should be avoided. The Architectural Heritage Protection Guidelines states that infrastructure development near ACAs may affect the character of the area.
- 7.1.7. This national guidance is reiterated through local policy whereas the Monaghan County Development Plan 2019-2025 includes a range of policies and guidance requiring the appropriate development and the protection of ACAs and protected structures. I note that Policy TCOP2 provides guidance for locating telecommunications structures where the location of antennas or other support structure in ACAs or near protected structures will be resisted.
- 7.1.8. Therefore, having regard to the location of the site which is in close proximity to a number of protected structures and four ACAs, and the overall design of the monopole which will be visible from those designated areas, it is considered the proposed nature and scale of the proposed development will have an adverse impact on the built heritage of Monaghan Town Centre and should be refused permission.

## **7.2. Impact on Visual and Residential Amenity.**

- 7.2.1. The site is located to the rear of residential properties, a row of c. 15 terrace dwellings to the west of the site. The second reason for refusal relates to the impact of the proposal on the amenities of those residents in the vicinity of the site.
- 7.2.2. The grounds of appeal note the location of the current telecommunications structure, the general acceptance of such structures at locations such as this town centre site and the precedent for other telecommunication structures in proximity to residential properties. The observations received on the appeal are mostly from those residents in the vicinity of the site who have raised concerns over the impact of the proposed structure both physically and the impact on health (addressed separately below in Section 7.3).
- 7.2.3. The proposal will be located directly behind that row of dwellings along Hill Street, c. 2m from the rear gardens and c. 20 from the rear boundary of some dwellings. The structure at 18m tall will be visible from the rear of these dwellings. The application was accompanied by photomontages of the proposed mast and a shadow projection survey.
- 7.2.4. Whilst the design of the proposed monopole structure is minimalist in parts, it is designed to facilitate sharing of other operators. As stated in the planner's report, there is no indication that the current telecommunications structure will be removed from the site. Therefore, there is potential for multiple structures on the structure in proximity to the existing dwellings.
- 7.2.5. Views 1 and 5 of the submitted photomontage illustrations indicate the structure elevated above the rooftops. No illustrations from the rear of the dwellings have been submitted. This aside, I consider the location of the mast, c.2m from a common boundary and c.20m from the rear of a row of dwellings would be very prominent. I consider, therefore, that the proposed development would seriously injure the residential amenities of the existing properties.

## **7.3. Justification for the structure**

- 7.3.1. The third reason for refusal relates to the justification for the structures. The PA state that the submitted coverage map confirms that the town and the surrounding area

currently benefit from good coverage and consider the co-location on one of those 5 existing structures has not been justified.

- 7.3.2. The grounds of appeal refer to the Site Selection Justification Report which accompanied the application and consider the positioning of the mast will allow a greater data connection between the line-of-sight range and the surrounding sites.
- 7.3.3. The national guidance on telecommunications requires planning authorities to encourage co-location of antenna on existing support masts. Policy TCOP4 of the Monaghan County Development Plan 2019-2025 seeks to facilitate the orderly development of telecommunications by requiring co-location of antennae support structures and sites where feasible unless demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible.
- 7.3.4. The grounds of appeal do not provide any additional information to justify the location of the structure at this site or the potential for co-locating on one of the other structures in the vicinity. Having regard to the location of telecommunications structures in the vicinity of the site and the information submitted with the application, I consider the proposed development has not been adequately justified and should be refused for this reason.

#### 7.4. **Other Issues**

- 7.4.1. **Health:** Circular Letter PL07/12, DoELG, specifically clarifies that health and safety matters in relation to telecommunications infrastructure are regulated by other codes and are not matters for the planning process.
- 7.4.2. **National Guidance:** Observations received on the appeal reference previous An Bord Pleanála decisions on telecommunications structures and the need to apply national guidance. As stated above throughout my assessment, regard has been given to any relevant national guidance on telecommunications structures and/or the built heritage.

#### 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the minor nature of the proposed development within an established urban area, 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.

## 8.0 Recommendation

8.1. I recommend that permission be refused.

## 9.0 Reasons and Considerations

1. Having regard to its location within the town centre of Monaghan and its very close proximity to a housing estate, it is considered that the proposed telecommunications structure would not be in compliance with the currently national guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, TCP 3 of the Monaghan County Development Plan 2019-2025 and would seriously injure the residential amenities properties to the immediate vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the existing character and the prevailing pattern of development, the site location beside four Architectural Conservation Areas and a number of Protected Structure, it is considered that the proposed development, by reason of its overall design and layout, the visibility from the surrounding area, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of Monaghan Town Centre and of the adjoining streetscapes generally. The proposed development would, therefore, materially, and adversely affect the character of the Market Street, Hill Street, Mill Street and Church Street Architectural Conservation Areas, would be contrary to national guidance Telecommunications Antennae & Support Structure Guidelines for Planning Authorities 1996 and the Architectural Heritage Protection Guidelines and Policies TCOP 3 of the Monaghan County Development Plan 2019-2025 and would be contrary to the proper planning and sustainable development of the area.
3. Policy TCOP 4 of the Monaghan County Development Plan 2019-2025 seeks to facilitate the orderly development of telecommunications by requiring co-

location of antennae support structures and sites where feasible unless demonstrated to the satisfaction of the Planning Authority that the co-location is not feasible. Submitted coverage maps confirm that the town and the surrounding area currently benefit from good-very good ICT coverage, and it is considered that's co-location (at five ICT sites in the area, all within c. 1.5km of the town centre) has not been adequately addressed. Accordingly, to permit the development as proposed would be contrary to Policy TCOP 4 of the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development 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.

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Karen Hamilton  
Senior Planning Inspector

12<sup>th</sup> of June 2023