

Usher House
Main Street
Dundrum
Dublin 14
D14 N7Y8

www.towercom.ie

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| AN BORD PLEANÁLA | | | |
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An Bord Pleanala
64 Marlborough Street
Dublin 1

24th July 2019

RE: WHETHER THE CHANGE OF USE FROM AN EMERGENCY SERVICES MAST TO A COMMERCIAL MAST AT GORTICMEELRA TOWNLAND, DONAMON, COUNTY ROSCOMMON IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT (AN BORD PLEANALA REF: ABP-304751-19, PLANNING AUTHORITY REG REF: DED363).

A Chara,

1. INTRODUCTION

Further to An Bord Pleanala letter dated 27th June 2019, Towercom (Usher House, Main Street, Dundrum, Dublin 14) on behalf of Eircom Limited (1 Heuston South Quarter, St. John's Road, Dublin 8) wish to make a submission in response to the Referral by Roscommon County Council as to whether the change of use from an Emergency Services Mast to a Commercial Mast at Gorticmeelra Townland, Donamon, County Roscommon is or is not development or is or is not exempted development (ABP Ref: ABP-304751-19, PA Ref: DED 363). Roscommon County Council, as detailed in their Planner's Report, found there is no distinct definition as to what constitutes a mast or commercial mast as distinct to an emergency mast and referred the question to An Bord Pleanala under Section 5 (4) of the Planning and Development Act 2000 (as amended).

We contend that the question being asked in this Referral does not arise because there is no change of use from Emergency Services mast to Commercial mast. The existing structure is a telecommunications mast. We consider the development granted permission by An Bord Pleanala in 2008 is a telecommunications mast and not an Emergency Services mast. There is no change of use proposed as part of the current planning application (Planning Authority Register Reference: PD19/81, ABP Ref: ABP- 304418-19). It is proposed that the existing telecommunications structure will be made available to other telecommunications and broadband operators in accordance with Roscommon County Development Policy, the national telecommunications guidelines and the report of the Mobile and Broadband Taskforce.

2. SUBMISSION IN RESPONSE TO REFERRAL

2.1 NO CHANGE OF USE

In our response to this Referral, we wish to submit to An Bord Pleanala that the subject structure at the Eir Exchange, Donamon is a telecommunications structure and therefore not an Emergency Services mast or Commercial Mast. As such, no change of use is proposed as part of the current planning application (Reg Ref: PD19/81, ABP Ref: ABP- 304418-19) and now subject to appeal with An Bord Pleanala.

During both the previous planning application by Roscommon County Council and appeal by An Bord Pleanála (ABP Ref: PL20.230660, PA Reg Ref 08/178) in 2008/2009 the subject proposal was assessed as a telecommunications mast and not as an Emergency Services mast. Roscommon County Council refused the proposed development, in part for being less than 100m from an adjacent dwelling house, being considered a “mobile communications masts/ antennae”. We agree, the proposed antennas to be attached to the 15m support pole were for use by the Emergency Services, however the structure that was granted permission in 2009 by An Bord Pleanála was a telecommunications structure and not an Emergency Services mast.

Some of the conditions attached by An Bord Pleanála sought to limit the utilisation of this 15m support structure to less antenna than are permitted under the Class 31 telecommunications exemptions of Planning & Development Regulations (as amended) without further planning assessment. This is reasonable in some locations where there is potential for increased visual impact in a particularly scenic or landscape sensitive area, which we do not consider is the case at the subject site in Donamon. However, attaching these conditions does not change this telecommunications mast to an Emergency Services mast. During the lifetime of a telecommunications structure a number of planning applications may be made, granted and refused, as up to recently temporary planning permissions of 5 to 10 years were most common. There have been recent decisions by local authorities and An Bord Pleanála to remove restrictions on additional equipment at telecommunication sites, for example at ESB at Drogheda PL15.246812, Eir Exchange in Rush PL06F.300500, ESB at Swords PL 06F.246597, and ESB at Carlow PL 01.245143, thereby facilitating co-location between operators.

Furthermore, we wish to highlight the attachment of Condition No. 13 of An Bord Pleanála’s decision to grant permission requiring a financial contribution in accordance with the Development Contribution Scheme. Eircom paid a financial contribution of €12,500 to Roscommon County Council in relation to “communication masts” as defined under the Roscommon Development Contribution Scheme 2008. The subject development was categorised as a “Communication Mast” (amount of contribution €12,5000 per mast) under Table 5 D (a) of Roscommon County Council Development Contribution Scheme 2008. It is important to note that a “Not for profit Community related mast” under Table 5 category had a lesser contribution of €3,750 per mast. For this reason, we emphasise that the subject development was correctly considered as a telecommunications structure/ mast and not an Emergency Services mast.

The existing and proposed telecommunications use, as part of the 2019 planning application, has not changed, the only change is the type of additional antenna to be attached. The additional telecommunications antenna use was not specified in further detail because other operator interest is yet unknown. It is submitted that the existing structure’s use is telecommunications use and the proposed co-location of additional telecommunications antenna does not change this.

2.2 CO-LOCATION OF ANTENNAS

The co-sharing and co-location of antennas and associated equipment on telecommunications structures is encouraged by national and local policy, given it ultimately reduces the proliferation of telecommunications structures and the visual impact on the landscape. Co-location with existing structures where possible is also a more efficient and cost-effective process for the rollout of telecommunications infrastructure. The recent amendments in 2018 to the provisions of Class 31 of the Planning & Development Regulations 2001 (as amended) relating to exemptions for certain works to provide a telecommunications service allows for a broader range of telecommunications infrastructure to be exempted from planning requirements, which will ultimately enable enhanced coverage for the delivery of telecommunication services.

Planning Authorities and An Bord Pleanála often require by way of conditions attached to grants of permission that telecommunications structures be made available for co-location with other service

providers. For many years, the mobile phone operator O2 co-located their equipment on telecommunications infrastructure at Garda stations throughout Ireland. There are other numerous examples throughout Ireland of co-location between Emergency Services operators and other network operators, such as;

- Tetra structure at Eir Exchange, Rush, Co. Dublin (Emergency Services and Vodafone)
- Meteor structure at Ballymurray East, Monagay, Co. Limerick (Meteor and Emergency Services)
- Tetra structure at Derrylahan, Co. Cavan (Emergency Services, Meteor and Three)
- Vodafone structure at Carrowrevagh, Lisearney, Co. Mayo (Three, Meteor and Emergency Services)
- Kiolpa structure at Brodullagh South, Shrule, Co. Mayo (Vodafone and Emergency Services)

We submit that this type of co-location between different types of network operators happens regularly and does not constitute a change of use and remains as telecommunications use.

3.0 CONCLUSION

In concluding our response, we submit that the question being asked in this Referral as to a change of use from Emergency Services mast to Commercial mast does not arise. The existing structure as originally granted by An Bord Pleanála is a telecommunications mast and not an Emergency Services mast. Both Roscommon County Council and An Bord Pleanála in their assessments of the proposal in 2008/ 2009 considered it a telecommunications mast. Furthermore, there is no change of use proposed with the addition of future telecommunications antennas on the existing structure, similarly to numerous telecommunications sites throughout Ireland. The structure remains a telecommunications mast.

Yours faithfully,



Laura O'Connell

Towercom Limited

Usher House

Main Street

Dundrum

Dublin 14

01-531 0210

