



An
Bord
Pleanála

Inspector's Report

ABP-306657-20

Development	Construction of a 30m high monopole structure with telecommunications equipment attached. The development will be carried out within the curtilage of a Protected Structure.
Location	Kilcrea House, Kilcrea, Donabate, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0553
Applicant	Three Ireland Services (Hutchinson) Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission (2 no. reasons)
Type of Appeal	First Party
Appellant	Three Ireland Services (Hutchinson) Ltd.
Date of Site Inspection	20/05/2020
Inspector	Conor McGrath

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1.0 Description of Site and Proposed Development

- 1.1. The appeal site is located at Kilcrea House, approx. 1.5km southwest of Donabate village, and north and west of the Broadmeadow Estuary. Kilcrea House is a protected structure, comprising a detached five-bay two-storey house which the NIAH dates to c.1800. There are associated stables and outbuildings to the east and south of the property. The original entrance driveway leading from the west remains in-situ but is no longer in use. Access is now provided from a driveway to the north which also serves an adjoining bungalow and the wider farm complex. Farm buildings to the east and southeast of Kilcrea House include modern barn structures on the eastern side of the holding. There is an existing lattice type telecommunications mast located within a paddock on the southern side of the farmyard complex, south of the house. The surrounding area is generally low-lying, however, the appeal site is located on a low ridge running west-east, with views to the east and south across agricultural lands.
- 1.2. The proposed development comprises the erection of a 30m high monopole telecoms mast with associated equipment and compound, in the southeastern corner of the farm complex, bounded by modern barns to the west and north. The application is described as replacing the existing 30m high lattice tower within this farm complex. This existing mast is located outside the red line application boundary.

2.0 Planning Authority Decision

2.1. Decision

The planning authority decided to refuse permission for the proposed development for two reasons as follows:

1. The proposed development on lands zoned as High Amenity would seriously injure the visual amenities of the area contrary to this zoning and would set an undesirable precedent for other similar development.

2. The development would be out of character with and have a negative impact on the setting of protected structure, Kilcrea House contrary to objectives of the development plan and would set an undesirable precedent for other similar development.

2.2. Planning Authority Reports

2.2.1. Planning Reports: Having regard to policy, the 30m high monopole structure in such close proximity to a protected structure would be inappropriate and would not protect and enhance the amenity of the area. No permission was granted for the existing telecom structure and it constitutes unauthorised development. The previous reasons for refusal have not been overcome. Refusal recommended.

2.2.2. Other Technical Reports

- Conservation Officer: This is a very significant building in Fingal and any development within its curtilage needs to be particularly appropriate and sensitive. The existing mast is operating without planning permission. The Telecommunication Guidelines note that proximity to protected structures should be avoided. While the location is as far away from the house as possible within the holding, this is still too close to be acceptable. The mast will rise to a significant height above adjoining sheds. The development in the immediate setting of a historic residential protected structure is not acceptable given the nature, design and height of the structure.
- Transportation: No objection.

3.0 Planning History

PA ref. F18A/0558: Permission refused for a 30m high monopole telecommunications mast to replace the existing mast, for three reasons generally reflecting the subject planning appeal case. The proposed mast structure was located approx. 40m to the west of the subject appeal site.

PA ref. F11A/0045: Permission granted for a two-storey dwelling to the southwest of Kilcrea House.

4.0 Policy Context

4.1. Fingal County Development Plan 2017-2023

The appeal site is located within an area zoned HA: *Protect and Enhance High Amenity Areas*.

Vision: Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place.....

High Amenity zoning (HA) has been applied to landscapes of special character in which inappropriate development would contribute to a significant diminution of landscape value in the County.

Objective NH51: Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective NH52: Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquility.

Kilcrea House is identified as a protected structure – RPS no. 0500, Late 18th or early 19th century house & outbuildings

Objective CH20: Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.

Objective CH21: Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.

Telecommunications Antennae and Support Structures

Objective IT05: Provide the necessary telecommunications infrastructure throughout the County in accordance with the Telecommunications Antennae and Support Structures Guidelines July 1996

Objective IT07: Require best practice in siting and design in relation to the erection of communication antennae.

Objective IT08: Secure a high quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.

Objective DMS144: Encourage the location of telecommunications based services at appropriate locations within the County, subject to environmental considerations and avoid the location of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.

4.2. National Policy:

4.2.1. Telecommunications Antennae and Support Structures Guidelines (1996)

The Guidelines acknowledge that telecommunications proposals have their own locational requirements but must also fit into the national network. There may not always be locational flexibility, however, where required it may involve moving to other sites or providing additional base stations.

Section 1.2 encourages co-location of antennae to avoid an unnecessary proliferation of masts. It is policy to support a national telecommunications network to facilitate top quality telecommunication service throughout the State.

Chapter 4 includes guidance for design and siting, visual impact, sharing facilities and clustering. Visual impact is among the more important considerations in arriving at a decision on a particular application and will vary with the general context of the proposed development. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles). Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape.

4.2.2. Circular Letter: PL 07/12 Telecommunications Antennae and Support Structures Guidelines (October 2012)

This circular updates elements of the 1996 Guidelines. The circular letter advises that the practise of planning permission on a temporary basis should cease. Only in exceptional circumstances should conditions limit the life of a planning permission.

Bonds for the removal of redundant structures should no longer be sought and future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated.

This Circular Letter reiterates that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. Planning authorities do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and should not be additionally regulated by the planning process.

4.3. Natural Heritage Designations

The appeal site is not designated for any nature conservation purposes. Malahide Estuary SPA and SAC lie to the south and east of the appeal site, approx. 600m distant at the closest point.

4.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity / the absence of any 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.

5.0 The Appeal

5.1. Grounds of Appeal

The first party make the following points in their appeal against the decision to refuse permission for the proposed development.

- The structure was designed and located to minimise impacts on the protected structure, as recommended by the Architectural Heritage Impact Assessment.
- There will be no impact on the character, distinctiveness or sense of place of this High Amenity area, given the design and scale of development.
- Permission could be granted in accordance with S.37(2) as the development is of strategic importance and there are conflicting development plan objectives.
- The development complies with national strategy for mobile communications and the National Planning Framework.
- The population of the area served, and the associated demand for telecom services, is set to grow.
- There has been a telecoms structure on the site for over 20 years, however, the existing structure cannot be upgraded to meet current or future demand.
- Increased data usage necessitates a new structure to meet technical height and stability requirements.
- The existing mast was erected prior to the listing of Kilcrea House as a protected structure.
- The site is not located within the historic curtilage of Kilcrea House and the location ensures that views from the house will be protected and respected.
- The upper section of the mast will be visible on approach to Kilcrea House, however, the simplified design and screen planting can be implemented by condition.
- Development plan objectives relating to the provision of telecoms infrastructure and to High Amenity areas are conflicting.

5.2. Planning Authority Response

In response to the appeal, the planning authority refer to Planning and Conservation Officers reports on the file and note that the existing telecommunications structure is outside the red line boundary of the application.

6.0 Assessment

6.1. It is proposed to consider that appeal under the following broad headings:

- Protected Structures
- Landscape and visual amenity.

6.2. Protected Structures:

6.2.1. Kilcrea House and associated outbuildings are identified as a protected structures in the current county development plan. Kilcrea House is described on the NIAH as being of regional, architectural and artistic interest¹. I note also the report of the planning authority Conservation Officer and the importance placed on this structure within the county.

6.2.2. The application was accompanied by an Architectural Heritage Impact Assessment which identifies that the site of the proposed mast is not located within the original historic curtilage of the Kilcrea House. This conclusion appears to be reasonable, although the principle question arising is the impact of the proposed development on the character and setting of the protected structure.

6.2.3. In this regard, the Architectural Heritage Impact Assessment includes a photographic survey of the lands and a number of photomontages. These include views southeast across the northern demesne lands / designed landscape. The assessment states that the mast is located at the furthest possible point from the protected structure in order to mitigate impacts. It concludes that there will be moderate impacts on views from the designed landscape which will be mitigated through mast design and

¹ <https://www.buildingsofireland.ie/buildings-search/building/11336025/kilcrea-house-kilcrea-co-fingal>

screen planting. I have reviewed the submitted photomontages and assessment, however, based on my observations on-site, I do not consider that existing mature vegetation on the lands would screen the proposed mast from the north to the extent suggested.

6.2.4. Ground levels at the site of the proposed mast are higher than those at the protected structure, although these levels are not detailed in the application. The structure is significant in height and notwithstanding the proposed mast design, would represent an incongruous feature when seen in views toward the house, and would negatively impact on the setting of the structure. Proposed screening planting will not mitigate impacts in this regard. It is not considered that views from within the house itself will be negatively impacted by the development, however.

6.2.5. I note that the lands outlined in blue in the planning application drawings include Kilcrea House and adjoining farm buildings, but do not include the historic demesne lands identified in the Architectural Heritage Impact Assessment nor any adjoining farmlands to the south or east. These lands are accessible from the lands outlined in blue, however, and I note the extensive nature of the farm complex within this constrained landholding.

6.2.6. I do not consider that a requirement for a mast within this landholding and adjoining this protected structure has been established. The mast is not associated with or required for this farm operation and no sustainable case for development with such impacts on the setting of a protected structure has been made. It has not been demonstrated that there are no alternative sites available in this regard. Having regard to the planning status of the existing mast, I do not consider it appropriate to take this into account in considering the impacts of the proposed development.

6.3. Landscape and visual amenity

6.3.1. The appeal site is located within a coastal landscape, zoned as High Amenity in the current county development plan, and occupies a locally elevated position. The existing lattice mast on the site, which is stated to be of a similar height to the proposed structure, is visible across a wide area within and without this High Amenity zone. These include views from the R126 to the north, the new Donabate Distributor Road and from the estuary to the east. Existing mature trees on the site

do not screen the structure from such views. I note that this existing mast is of a lighter construction than the proposed structure which will have an associated increased visual prominence. Having regard to the planning status of the existing mast, I do not consider it appropriate to take this into account in considering the visual and landscape impacts of the development.

- 6.3.2. Having regard to the height of the proposed structure and its locally elevated position, I consider that the proposed development would negatively impact on the visual amenities of this High Amenity area, contrary to the objectives of the development plan for the area. It is not clear that there are no alternative sites available which would satisfy the demand for telecommunication services in this area. I do not consider that the objectives of the development plan are in conflict in regard to development of this nature.

7.0 **Appropriate Assessment Screening**

- 7.1. The appeal site is not designated for any nature conservation purposes, however, the site is located within approx. 600m of Malahide Estuary SAC (000205) & SPA (004025). Appendix 1 sets out the qualifying and special conservation interests of this site. A watercourse approx. 100m north of the appeal site, flows east to the estuary but there is no direct connection thereto. There are also a range of other European sites within 15km of the appeal site.

Qualifying interests for Malahide Estuary SAC are as follows:

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Special conservation interests for Malahide Estuary SPA are as follows:

- Great Crested Grebe (*Podiceps cristatus*) [A005]

- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
- Shelduck (*Tadorna tadorna*) [A048]
- Pintail (*Anas acuta*) [A054]
- Goldeneye (*Bucephala clangula*) [A067]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Knot (*Calidris canutus*) [A143]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Redshank (*Tringa totanus*) [A162]
- Wetland and Waterbirds [A999]

7.2. The nature and scale of the proposed development is small and there will be no loss of habitats for which the European sites are designated and no indirect disturbance of habitats. There is no evidence that this limited site acts as a roost or foraging site for species of conservation interest. There are no operational emissions to the European sites.

7.3. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Malahide Estuary SAC (000205), SPA (004025), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

8.1. That permission be refused for the proposed development.

9.0 Reasons and Considerations

Having regard to-

- (a) the scale, height and locally elevated position of the proposed development in an area zoned as High Amenity, *To Protect and Enhance High Amenity Areas*.
- (b) the scale and location of the proposed telecommunications mast in close proximity to a protected structure, Kilcrea House (RPS 500),
- (c) the guidelines to planning authorities relating to Telecommunications Antennae and Support Structures, issued by the Department of the Environment and Local Government in July 1996, and
- (d) the policies and objectives of the development plan for the area,

it is considered that the proposed development would have a negative impact on the character and setting of this protected structure and would negatively impact on and landscape and visual amenities of the area, contrary to the provisions of the Fingal County Development Plan, and would set an undesirable precedent for other similar development in this area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Conor McGrath
Planning Inspector

20/05/2020