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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 21/522**

**APPEAL** by Hibernian Cellular Networks Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 20<sup>th</sup> day of December, 2021 by Waterford City and County Council to refuse permission for the proposed development.

**Proposed Development:** Erection of a 42 metre high telecommunications lattice mast carrying antennas and dishes together with associated ground-based equipment all enclosed in security fencing together with access track at Barranaleaha and Faha, County Waterford.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

EJK

## Reasons and Considerations

The Board considered the Waterford City and County Development Plan 2022-2028 in particular:

- (a) Policy UTL 16 facilitating the continued provision of communication networks, smart infrastructure, broadband and appropriate telecommunications infrastructure and services in order to contribute to economic growth, development, resilience and competitiveness, taking into account inter alia description of the siting and design options explored and the reason for the chosen solution, details of the design, including height, materials and all components of the proposals and having regard to the “Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, 1996 and Circular Letter PL07/12” issued by the Department of the Environment Heritage and Local Government,
- (b) Policy L03 to assess all proposals for development outside of settlements in terms of the 2020 Landscape and Seascape Character Assessment (Appendix 8) and the associated sensitivity of the particular location, noting the proposed development site is classified as Low Sensitive with a potential to absorb a wide range of new developments, and
- (c) Policy L04 to protect scenic routes including the designated route as east from Gorteen along third class route via Monamraher to the R674, east to Helvick (Heilbhic) Head, west to N25 which passes the proposed development site, and
- (d) Policy BD20 outlining hedgerow protection objectives and associated Development Management requirements set out in DM48.

The Board is not satisfied that an adequate technical justification has been presented by the developers to explain why coverage can't be achieved through development (including clustering and/or consolidation of access) at the existing infrastructure/site in close proximity rather than the proposed solution to develop a new 42 metre high lattice mast and reinstatement/construction of an access road, including the removal of 64 metres of ditch and roadside hedgerow, beside a designated scenic route. The Board also considered the proposed removal of roadside hedgerow should be approached in the context of Policy BD20 as set out above. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the shortcomings with information presented by the developer required relevant technical expertise to overcome and, therefore, there remained a lack of sufficient technical evidence to justify the reason for the proposed development at this site.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *31* day of *May* 2023.

*EJK*