

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL93.245854

**Development:** 24m High Telecommunications Support Structure in Place of Existing Telecommunications Support Structure at Ballindud, Tramore Road, Waterford

### Planning Application

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

**Planning Authority Reg. Ref.:** 15/113

**Applicant:** Vodafone Ireland Limited

**Planning Authority Decision:** Grant Permission with Conditions

### Planning Appeal

**Appellant(s):** Vodafone Ireland Limited

**Type of Appeal:** 1<sup>st</sup> v Condition

**Observers:** None

**Date of Site Inspection:** 14 February 2016

**Inspector:** Juliet Ryan

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site has a stated area of 0.014 hectares and is located within an existing industrial site on the southern outskirts of Waterford City. The surrounding area is generally rural in character.
- 1.2 The site is accessed from a local road that runs east from the Tramore Road (R675) just south of the latter's junction with the outer Waterford Ring Road (R710).
- 1.3 The site is elevated above the surrounding uses. Kilbarry Bog, a pNHA is situated just north of the site.
- 1.4 Existing uses on the lands comprise largely warehousing and storage, with a number of large shipping containers in place at the time of inspection, and a sign advertising the rental of same at the entrance gate.
- 1.5 There are currently two telecommunications support structures on the lands. The structure to be replaced is a monopole with a stated height of 12<sup>1</sup> metres. The second structure is also a monopole of similar size but appears to be slightly taller. A single wind turbine is also located on the lands, and appears to be c.15 metres in height.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development comprises a 24 metre high latticed replacement telecommunications structure of an existing 12m high monopole. The Applicant states that it is designed to overcome the limited structural capacity of the existing monopole. Various coverage illustrations in this regard are included in the application documentation.
- 2.2 The application documentation states that the development will enhance GSM, 3G and 4G services in the area along with providing voice and data coverage along the national and regional routes.
- 2.3 The proposed structure will be erected on a concrete foundation (of greater depth than the foundation for the existing monopole) and will be a three sided latticed tower design with antennae and dishes on each side.

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<sup>1</sup> There appear to be discrepancies in the documentation on file in this regard. The application letter for the subject proposal refers to a height of 12m, as do the drawings submitted with the application; however, the Planner's Report refers to 15 metres. It would appear the latter is an erroneous reference and based on the height of the adjacent monopole.

### **3.0 PLANNING HISTORY**

- 3.1 There is no planning history pertaining to the subject monopole given that it was constructed as exempted development (PDR, 2011, Class 31 (j) & (k)).
- 3.2 The Planner's Report summarises the various histories relating to the adjacent monopole, the most recent of which is Reg Ref 12/500054, which is due to expire in July 2017.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Submissions / Observations**

No submissions or observations were received in respect of the proposal, including from the IAA, to which the Planning Authority referred the application.

#### **4.2 Planning and Technical Reports**

- 4.2.1 No internal reports aside from the Planner's Report appear to have been prepared in respect of the subject proposal.
- 4.2.2 The first Planner's Report raised concerns regarding the visual impact of the subject proposal and the failure of the applicant to demonstrate consideration of co-location with the adjacent monopole. The report also stated that there did not appear to be an extant permission for the existing pole on site.

#### **4.3 Additional Information**

- 4.3.1 Additional information was requested in respect of four items, which may be summarised as follows:
1. Requests Visual Impact Assessment
  2. Details of alternatives considered
  3. Amendment of site boundaries and details of extant permission and landowner's permission
  4. Demonstrate consideration of options for co-location

4.3.2 The Additional Information response (which was considered significant and subsequently advertised) may be summarised as follows:

- Photomontages and Visual Impact Assessment
- Describes need for improved coverage and urgency of adequate mobile phone and data services, particularly for nearby Court Services
- Describes how new technological innovations are placing demands on network
- Sets out site selection criteria and factors determining coverage
- Clarification regarding site boundaries
- Clarification that no existing permission pertains given that it was exempted development (Class 31 (J) & (K) and constructed in place of a previous lighting structure on site
- Confirms that height and space on the adjacent monopole is not sufficient to meet requirements

#### **4.4 Reports Consequent to Additional Information**

4.4.1 No Third Party submissions (including IAA) nor internal reports other than the Planner's Report appear to have been made.

4.4.2 The Planner's Report consequent to the receipt of Additional Information states disagreement with the conclusions of the visual impact assessment, which considered there to be no adverse visual impact. The report accepts the applicant's rationale in respect of alternatives considered and various other clarifications submitted.

#### **4.5 Planning Authority Decision**

The Planning Authority decided to grant permission subject to seven conditions of which Condition No. 7 requires a revised design comprising the replacement of the proposed lattice support structure with a fake tree monopole type structure for a reason stated to be in the interest of visual amenity and proper planning and sustainable development of the area.

## **5.0 GROUNDS OF APPEAL**

The grounds of the First Party Appeal may be summarised as follows:

- Requests Board to remove condition, which is considered wholly unreasonable
- Condition requires material design change that was not raised during additional information stage of assessment
- Site is located in industrial area and is not within a designated or residential location
- There are no protected views in proximity of the site
- A full visual impact assessment was submitted, which demonstrates minimal visual impact on the surrounding area
- Planning Authority has not justified need for fake tree design, particularly given location in industrial area, as advocated by Section 4.3 of Telecommunications Guidelines
- Development was assessed by reference to statutory and strategic policy and deemed appropriate
- Fake tree type structures are only available in certain designs and sizes and the requirements of the subject proposal was not conceived along these parameters
- Proposal will bring long term benefits with improved mobile broadband speeds and accords with national policy in this regard
- Proposal is a critical piece of infrastructure for the surrounding area and will be made available to other network operators
- Proposal accords with National Guidelines insofar as its minimal visual impact is not seriously detrimental
- Fake tree design will restrict possibilities for co-location and limit the services and nature of equipment that can be provided
- Condition no. 7 will ultimately prevent the development from progressing

## **6.0 RESPONSES / OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

The Planning Authority confirms it has no further comment to make, and refers the Board to the planning reports on file.

### **6.2 Article 28(1) & S.131 Circulation**

Given the location of the site proximate to the Kilbarry pNHA, and in accordance with Article 28(1)(n) of the Planning and Development Regulations and Section 131 of the Planning and Development Act, the Board invited submissions from the following:

- DoAHG (Development Applications Unit)
- The Heritage Council
- An Taisce

No responses were received.

## **7.0 POLICY CONTEXT**

### **7.1 Waterford City Development Plan 2013 - 2019**

7.1.1 The site is zoned 'Industrial' in the Development Plan, in which use for telecommunications antennae is permissible in principle.

7.1.2 Section 3.4.12 of the Development Plan sets out policy in respect of Industry and Enterprise. Pol.3.4.6 seeks to promote and facilitate the provision of telecommunications infrastructure in appropriate locations subject to environmental considerations (excerpt copy appended).

7.1.3 Just north of the site is the Kilbarry pNHA. The latter comprises Kilbarry Bog, which runs in a north south direction on both sides of the Tramore Road.

### **7.2 Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)**

These set out current national planning policy in relation to telecommunications structures and address issues relating to, *inter alia*, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally

supportive of the development and maintenance of a high quality telecommunications service.

## 8.0 ASSESSMENT

- 8.1 The closest European site is the Lower River Suir SAC, which is located some 5 kilometres north of the subject site. Given this distance, the intervening urban land uses, and given that the subject proposal comprises the replacement of an existing structure on an existing industrial site, and having regard to the absence of any source-pathway-receptor links to the SAC, no appropriate assessment issues arise.
- 8.2 This is a S.139 appeal against a condition. As such, I am satisfied that the Board need not determine the proposal as if it had been made to it in the first instance. Accordingly, the subject assessment will confine itself to the consideration of Condition no. 7, which states the following:

*“Prior to the commencement of development the developer shall submit revised detailed designs for the proposed development for the written agreement of the Planning Authority which shall replace the proposed lattice support structure with a fake tree monopole type. No development shall take place on site until such time as the design of the fake tree monopole has been agreed in writing with the Planning Authority and the developer has received written confirmation of same.*

**Reason:** *In the interests of visual amenity and proper planning and sustainable development of the area.”*

- 8.3 At the outset I would note that neither the subject site nor any proximate sites are designated scenic areas nor the subject of protected views or prospects. I would further note that, per the grant of permission, the Planning Authority appears to accept the principle of telecommunications structures on the subject site (which is zoned industrial, whereby such developments are permissible in principle). Further, it accepts the 24 metre height of the replacement structure (the current structure being 12 metres in height). As such, the net issue appears to be the design of the structure and the perceived visual impact of a three sided latticed structure vis a vis a fake tree monopole.
- 8.4 The Planning Authority reasons Condition no. 7 on grounds of visual amenity and the proper planning and sustainable development of the area. The First Party’s main objections relate to the fact that such fake tree monopoles are only available to certain specifications, which will not

afford the coverage capacity required by the operator. The lattice structure as proposed was specifically designed to provide a certain level of required functionality, and the effect of Condition No. 7 is to make the development unviable.

- 8.5 It is clear that a balance must be struck between reducing visual impact and ensuring a high quality telecommunications infrastructure. In this regard I accept that the setting of the subject site is elevated and visible in the surrounding area. I further recognise that the site is proximate to Kilbarry Bog, which is a proposed NHA. However, I would note that telecommunications infrastructure by its nature generally requires such locations in order to maximise coverage. This is recognised by the Guidelines, which state:

*“... if an authority were to rule out every hilltop as a possible location, the consequence would be that the operator might not be able to service the area or that a number of structures might be required to provide the same level of service. In the latter case visual intrusion might be increased rather than diminished. Where there is an existing mast every effort should be made to share it provided the shared mast is not itself unduly obtrusive. If this is the case, clustering may be more acceptable...” (p.9)*

- 8.6 I would reiterate that there are no designated views in the vicinity of the site. The designation of Kilbarry Bog is grounded largely on its habitat function and aquatic ecology. As such, I do not consider undue weight should be accorded to perceived adverse visual impact on it.
- 8.7 The Board is referred to the Visual Impact Assessment submitted at Additional Information stage. In particular, the Board is referred to View 8. I would consider this to illustrate the proposal generally from where it will have most impact. Whilst it is visible, I would agree that this largely occurs in passing, and that due to the location of the site, the mast will not form part of a terminating view. Further, the baseline scenario is not one without a certain visual clutter itself (electricity poles, street lamps, road signage etc). I would consider the more sensitive views would be from the south along the Tramore Road (i.e. away from Kilbarry Bog), which has a less urban landscape. As can be seen from the Visual Impact Assessment and the site inspection photos, the structure will be mostly screened by existing vegetation and only discernible in glimpses from the south.
- 8.8 Arising from the above, I would not consider the visual impact of the proposal to be unduly negative. In forming this opinion I am also mindful that the Guidelines recognise that along major roads and walking routes that masts may be visible but their impact need not necessarily be



considered detrimental, particularly if they are not terminating views (Section 4.2 - excerpts appended).

- 8.9 On balance therefore, I do not consider that the proposal will have an unacceptable adverse visual impact on the immediate or wider area, and would reiterate that there are no designated scenic routes or views in the vicinity of this industrially zoned site.
- 8.10 Aside from my assessment above, I would also have concerns about the visual impact of a fake tree monopole structure at the subject site, and would question whether this might indeed be more visually obtrusive in the landscape than the latticed tower. I note the landscape is characterised largely by belts of deciduous trees, and that a fake tree (which are typically designed to look like pines) rising to 24 metres in this context would, in my opinion, be an inferior option, particularly given that it would come at the expense of reduced coverage.
- 8.11 Further, I would tend to agree with the First Party's submission that by providing additional mast space, and maximising the coverage that can be provided by the proposed design, it will reduce demand for new masts and therefore protect against the proliferation of such structures.

## **9.0 CONCLUSION AND RECOMMENDATION**

- 9.1 In view of the foregoing, I consider that the subject proposal will not have an unacceptable adverse impact on the visual amenities of the area. Further, I would have concerns as to the potential visual impacts of a fake tree monopole, particularly given the trade-off in reduced telecommunications coverage capabilities.
- 9.2 I recommend that Condition No. 7 be removed.

## **REASONS AND CONSIDERATIONS**

Having regard to the location of the subject site at the edge of an existing urban area and to the recognised need for improvements in telecommunications coverage in the vicinity; and given the lack of designated views or prospects in the surrounding area; and having regard to the receiving landscape, it is considered that the proposal would not have an adverse impact on the visual amenities of the area

and would be in accordance with the proper planning and sustainable development of the area.

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Juliet Ryan  
**Senior Planning Inspector**  
**22 April 2016**