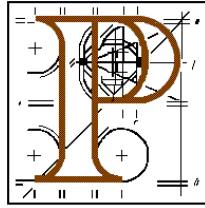


## An Bord Pleanála



### Inspector's Report

**Planning Appeal No.:** PL26.246372

**Development:** Erect a 40m telecommunications support slim line mast within an existing compound at Shelmalier Commons, Forth, County Wexford.

**Planning Application:** Permission

**Planning Authority:** Wexford County Council.

**Applicant:** Hibernian Cellular Ltd.

**Appellant:** Hibernian Cellular Ltd.

**Planning Authority:** Reg. Ref.: 2016-0016

**Planning Authority Decision:** Refuse

**Observers:** (1) Towercom  
(2) Michael Brazzill

**Type of Appeal:** First Party

**Site Inspection:** 18<sup>th</sup> June 2016.

**Inspector:** Hugh Mannion

## **1. SITE DESCRIPTION**

The proposed development is located on Forth Mountain in rural county Wexford on a local high point (OD 223m) about 10k west of Wexford town centre. The site is part of an area of high ground between the R738 to the north and the R733 to the south; within this area is a network of narrow county roads. The landuse is predominantly agricultural but on the upper slopes of hills there is forestry.

The site has a stated area of 0.04ha and comprises a mesh wire enclosed compound with a gate, an equipment shelter and an antenna (described as a 'newstalk' antenna in the application drawings). The site is in a clearing very close to the top of Forth Mountain. This clearing is approached over an access track partly through an open field and partly with forest on both sides. Immediately to the southeast is an extensive group of working farm buildings. Immediately to the south is a group of telecoms related structures the most prominent of which are two large towers with a multiplicity of dishes and antennae.

## **2. PROPOSED DEVELOPMENT**

The proposed development comprises the erection of a 40 metre telecommunication multiuser slim line mast within an existing compound (the compound and associated works were granted permission under reference 20130845, including cabin, security fence and access track) at Shelmalier Commons, Forth, County Wexford.

## **3. HISTORY**

Permission for retention of a telecommunications cabin with associated antennae (overall height of 6m) associated equipment, associated security fence and access track were granted in December 2013 under reference 20130845.

## **4. PLANNING AUTHORITY DECISION**

The planning authority refused permission for two reasons as follows;

1. Having regard to the existing telecoms towers, masts, fencing and ancillary structures in the area and the site's wide zone of influence it is considered that the proposed development would seriously injure the visual amenity of the area and would contravene objectives TC06 and

objective NH1 of the Wexford County Development Plan 2013-2019 as it would damage or threaten the integrity of the adjacent proposed NHA which is a site of national importance which is a high amenity area and detract from views to this designated landscape of greater sensitivity. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

2. The planning authority is not satisfied that the applicant/developer has satisfactorily demonstrated that it is not possible to co-locate with the existing telecommunications towers in close proximity to the proposed site. The requirement to maximise the use of existing masts and sites is set out in Policy TC04 outlined in the Wexford County Development Plan 2013-2019 and in the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities. The proposed development would, therefore, contravene the policy of the planning authority and be contrary to the proper planning and sustainable development of the area.

The **planner's report** on file recommended refusal.

## 5. **GROUND OF APPEAL**

The grounds of appeal may be summarised as follows;

- The mast is within an existing compound and there will be no impact on locally important heath habitat. There are no aquatic habitats close by and no disturbance to fauna. Visual impacts do not impact on ecological value.
- Whereas the site is located within a 'landscape of greater sensitivity' as designated in the County Development Plan the proposed development arises from the overriding technical need for the equipment at this location.
- The development plan recognises that different landscape units have differing potential to absorb development. In the present case topography, screening and the existing antennae support structures allow significant potential to absorb new structures.
- The applicant is not a service provider to individual customers but operates 62 sites countrywide which provides facilities for telecommunications providers. The justification for the site was

provided for in the application under reference 20130845. The site serves a number of security related companies which wish to keep their presence quiet but Digiwired and Ripplecom are potential customers. The site also provides links (line of sight or LOS) within the ESB national fibre network and from there will be part of the rural broadband.

## **6. PLANNING AUTHORITY RESPONSE**

The planning authority's comments on the appeal are as follows;

- The site is on Forth Mountain which has many masts, the proposal is located in a clearing in a planted area and is not visible from the surrounding area.
- The proposed mast is located in an area designated 'landscape of greater sensitivity' and will impact on a pNHA
- A temporary permission would not mitigate the impact of the mast.

## **7. OBSERVATIONS**

The objections/observations make the following points;

- There is a Towercom mast 140m to the south and an O2 mast 200m south of the application site.
- The application has not had proper regard to the principle of mast sharing established in the DoE guidance.
- Proliferation of masts should be avoided.
- The proposal will give rise to visual impacts,
- The proposal will impact on a pNHA,
- Temporary permission should not be granted.

## **8. Planning Policy**

The Wexford County Development Plan 2013- 2019 is the relevant development plan for the area. The relevant Development Plan objectives area;

### **TC04**

To require a demonstration of need for the proposed mast, having regard to the requirements for the co-location of masts and facilities where practicable and technically feasible. It will be the requirement of the applicants to satisfy the Planning Authority that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.

### **TC06**

To minimise, and avoid where possible, the development of masts and antennae within the following areas:

- Prominent locations in Upland, River Valley and Coastal landscape character units and in 'Landscapes of Greater Sensitivity'
- Locations which impede or detract from existing public view points to/from Landscapes of Greater Sensitivity, rivers, estuaries or the sea
- Areas within or adjoining the curtilage of protected structures
- Areas on or within the setting of archaeological sites,
- Within or adjacent to Natura 2000 sites

The Council may consider an exemption to this objective where:

- An overriding technical need for the equipment has been demonstrated and which cannot be met by the sharing of existing authorised equipment in the area, and
- The equipment is of a scale and is sited, designed and landscaped in a manner which minimises adverse visual impacts on the subject landscape unit.

## **Objective NH01**

To conserve and protect the integrity of sites designated for their habitat/wildlife or geological/geomorphological importance and prohibit development which would damage or threaten the integrity of these sites, including SACs, cSACs, SPAs, NHAs, pNHAs, Nature Reserves, and Refuges for Fauna.

### **9. Assessment**

The first refusal reason relates to visual impacts arising from the proposed development and concludes that the proposed development would be contrary to Development Plan objectives to minimise, and avoid where possible, the development of masts and antennae within landscapes of greater sensitivity or where they would negatively impact on designated habitats including pNHAs.

Both observations received by the Board (from Towercom and Michael Brazzill) support this point.

Map 13 attached to the County Development Plan designates a significant area around Forth Mountain, including the application site, as an area of "landscape of greater sensitivity". The planning authority commits itself (see objective TC01) to facilitate high capacity telecommunications infrastructure while recognising (paragraph 9.3.1) that the location of masts can be a contentious issue requiring careful consideration.

The guidelines relating to Telecommunications Antennas and Support Structures (Department of the Environment and Local Government, 1996) make the point that masts should be preferentially located away from small towns or villages. They should be located in industrial estates in larger towns and cities. The guidelines recognised that upland/mountainous areas will be preferred by telecoms developers and where no alternative is available "sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location".

The present application is within a restricted near hilltop area on which there are a significant number of permitted telecom developments. These developments include the fencing/equipment shed and 'newstalk' antenna within the compound the subject of this application. Within a few meters of this compound and on the highest point of the immediate area is a further telecoms mast and an equipment shed. To the south (perhaps 100 m distant) and adjoining a working farm yard is a further group of telecommunications masts and associated equipment compounds. I conclude, therefore, that this

site and the immediately adjoining telecoms site already comprises an area with permitted telecommunications uses.

I have considered the visual impact assessment submitted with the application including the 'before' and 'after' photomontages. I have compared these to my on-site observations and I conclude that the relatively light frame of the proposed development will not materially add to the visual impacts on the existing masts in the area. I note that the planning authority's comments on the appeal accepts this point.

Forth Mountain NHA is listed in table 31 in the County Development Plan and shown on map 12 attached to the plan. Objective NH01 therefore applies. In my view there are no emissions foreseeable arising from the proposed development which will damage or threaten the habitats or wildlife or geological/geomorphological importance of the NHA and therefore I conclude that the proposed development would not contravene objective NH01 as set out in the County Development Plan.

### **Mast Sharing**

The second refusal reason refers to the planning authority's concern that the application has not established that the service cannot be provided from a shared mast. Objective TC04 of the Development Plan requires that an applicant demonstrate a need for the proposed mast, having regard to the requirements for the co-location of masts and facilities where practicable and technically feasible. Applicants must satisfy the Planning Authority that a reasonable effort has been made to share installations. Where it not possible to share a support structure, applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.

In my view the last of these requirement, clustering of masts, has been achieved in this application.

In relation to mast sharing it may be noted that the applicant is not a telecoms provider but rather a service provider to telecommunications Companies. The applicant includes statements from 'Digiweb' and 'Ripplecom' making the case that the mast is required. The appeal further makes the case that the site provides a line of sight link to the ESB national fibre network and from there will be part of the rural broadband network.

In my view there is sufficient evidence that the applicant has made a reasonable effort to share installations and I conclude that the application should not be refused for reason number 2 as set out in the planning authority's decision.

## **Appropriate Assessment**

I note the appropriate assessment screening submitted with the appeal. I agree with the conclusion of the screening report which is that having regard to the separation distances between the site and the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA, the limited scope of the works and the low potential for surface or ground water contamination that there are no likely significant effects on the Slaney River Valley SAC. Having regard to the distance between the application site and the Wexford Harbour and Slobbs SPA there are no likely significant effects on the feeding areas associated with that European site.

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 the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **10. RECOMMENDATION**

Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

### **Reasons and Considerations**

Having regard to –

- a) The national strategy regarding the improvement of mobile communication services,
- b) The guidelines relating to telecommunications Antennas and support structures which were issues by the Department of the Environment and Local Government to planning authorities in 1996,
- c) The location of the proposed development on a well screened site relatively remote for residential development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or prejudicial to public health and would be acceptable in terms of traffic



safety and convenience. The proposed development would therefore accord with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

**Reason:** To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

4. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of the visual amenities of the area.

---

**Hugh Mannion**  
**Planning Inspector**  
**30<sup>th</sup> June 2016**