



An
Bord
Pleanála

Inspector's Report

Development

Erection of 24.4m high lattice support telecommunications mast with associated equipment cabin, metal mesh surround and all associated site works at Forth Commons, Rathaspick, Co, Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20160583

Applicant

Skytel Networks Ltd

Type of Application

Permission

Planning Authority Decision

Refuse

Appellant

Skytel Networks Ltd

Type of Appeal

1st Party v. Refusal

Observer(s)

(1) Towercom
(2) Robert Byrne & Others

Inspector

Colin McBride

Date of Site Inspection

09th November 2016

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.32 hectares, is located to the 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 land use is predominantly agricultural but on the upper slopes of hills there is forestry. The site is an area of dry heath located just south of an existing laneway providing access to other telecommunications structures. To the east of the site is a fenced compound. To the north of site is a large support structure and to the south west at a lower ground level are two more support structures.

2.0 Proposed Development

2.1 Permission is sought to erect a 24.4m high lattice support telecommunications mast with associated equipment cabin, metal mesh surround and all associated site works.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 Permission refused based on two reasons.

1. Having regard to existing telecommunications towers, masts, fencing and ancillary structures in the area and the sites wide zone of influence it is considered that the proposed development would seriously injure the visual amenities of the area and would contravene both Objective TC06 and Objective NH1 of the Wexford County development Plan 2013-2019 as it would damage or threaten the integrity of the adjacent proposed

Natural Heritage Area which is of national importance, which is a high amenity area, and detract from views to this '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 use of existing masts and sites is set out in Policy TC04 outlined in the Wexford County Development Plan 2013-2019, and within 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities'. The proposed development would, therefore, contravene the policy of type Planning Authority and be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1

- (a) Biodiversity & Forward Planning (29/06/16): Refusal recommended on the basis of loss of habitat from Forth Mountain pNHA and contrary objective NH101 of the County Development Plan.
- (b) Planning Report (15/07/16): Concerns raised included visual impact and failure to demonstrate justification for the structure in light of existing telecommunications structure in the vicinity. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 No planning history on the site.

On sites in the vicinity.

- 4.2 PL26.246372: Permission granted for a 40m multi-user telecommunications slim line mast within existing site compound with all associated site works on a site 280m north of the appeal site.
- 4.3 20130845: Permission granted for the retention of existing telecommunications cabin carrying associated antennae, associated equipment, associated security fence and access track.

5.0 Development Plan

- 5.1 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.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A first party appeal has been submitted by Doyle Kent Planning Partnership Ltd on behalf of Skytel Networks Ltd. The grounds of appeal are as follows...

- There is a need for improved telecommunication facilities to keep pace with the demand for improved telecommunication services and such is acknowledged under National policy. There is currently a need to improve broadband services which are lacking in rural Co. Wexford.
- The applicant provides residential and business broadband services in the south Co. Wexford. The site is necessary to improve broadband provision and ideally located to provide best possible coverage and is intended to serve 750 homes and businesses in the area.
- It is noted that the proposal would not be contrary Objective TC06 of the County Development Plan as there is technical justification for the proposal

and its overall visual impact would not be significant. It is noted that its impact is negated by the size and design of the structure that there are already existing telecommunications structures of a larger scale in the vicinity. Its visual impact in the wider area is not significant.

- In regards to Objective NH01 it is noted that an ecological report was submitted and a screening report and that the proposed development, either by itself or in combination with other development is not likely to have a significant effect on any European Site. It is noted that habitat loss is minimal and does not come within Annex I of the habitats directive. It is note that protection measures are outlined under the ecological report and the strictures do not apply to NHA's as apply to SAC's and SPA's.
- It is noted the applicant/appellant has made reasonable effort to attain space on existing masts and such has not been feasible due to the level of equipment needed, lack of availability on other structures and market conditions for a company of the size applying for this structure.

7.0 Responses

7.1 Response by Wexford County Council.

7.1.1

- It is noted that the Forth Mountain is designated a sensitive landscape and that the proliferation of masts at this location has reached a point where the cumulative impact of additional masts would have a negative impact on the landscape and visual amenity of the area.

8.0 Observations

8.1 Observation from Towercom

- Towercom Ltd note that they have an existing 43m high support stricture 100m north of the appeal site as well as two other telecommunications support structures in close proximity. The observers note the that their

structure and one of the other structures in the vicinity allow connection to the ESB national fiber network allowing broadband connectivity without the need of line of sight or additional support structure as proposed. The observers note the recommendations of the Telecommunication Antennae and Support Structures regarding justification, co-location and sharing of existing structures. It is noted that there is capacity for co-locating for existing structures and that the applicants/appellants are using financial reason to justify the need for the additional structure despite the costs of co-location being less than the provision of a new structure. The observers ask that the Board uphold the decision to refuse permission.

8.2 Observation from the following Robert Byrne and Others.

- The observation is made up of multiple identical submissions (17). The observers indicate that they live in rural Wexford (Rosslare/Kilrane) which is currently lacking in broadband services and that they support the proposal for an additional telecommunications mast on Forth Mountain which will deliver improved broadband services.

9.0 Assessment

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development
Visual amenity/Development Plan policy
Justification/co-location/National policy
Ecology
Other Issues

9.2 Principle of the proposed development:

9.2.1 The proposal is for a 24.4m high lattice support telecommunications mast with associated equipment cabin, metal mesh surround and all associated site works on Forth Mountain, which is an upland area that is already the site of a number of existing telecommunications support structures. The proposal is by a company that provides residential and commercial broadband services in south Co. Wexford and is looking to improve the provision of broadband coverage in this area. The need to facilitate improved telecommunications infrastructure is advocated under Development Plan policy TC01 and under the National Guidelines in the form of the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities (1996).

9.3 Visual Amenity/Development Plan policy:

9.3.1 The first reason for refusal noted that “having regard to existing telecommunications towers, masts, fencing and ancillary structures in the area and the sites wide zone of influence it is considered that the proposed development would seriously injure the visual amenities of the area and would contravene both Objective TC06 and Objective NH1 of the Wexford County development Plan 2013-2019 as it would damage or threaten the integrity of the adjacent proposed Natural Heritage Area which is of national importance, which is a high amenity area, and detract from views to this ‘Landscape of Greater Sensitivity’. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.3.2 Map 13 of 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 encourages the provision of high capacity telecommunications infrastructure under Objective TC01. The national guidelines relating to Telecommunications Antennas and Support Structures: Guidelines for Planning Authorities (1996) note that telecommunication support structures 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 current proposal is within a restricted near hilltop area on which there are a significant number of permitted telecommunications structures and attached equipment (three existing support structures). In this regard I would note that this location is a suitable location for telecommunications structures and such have permitted and therefore considered to be acceptable in regards to visual impact.

9.3.3 The Planning Authority are of the view that there are already sufficient telecommunications structures at this location and that the cumulative impact of another structure as proposed would have an adverse visual impact at this location and in the context of the proposed Natural Heritage Area (identified as being adjacent to the site in the refusal reason). The appellants have included a Visual Impact Assessment in the appeal submission and I have taken this into account along with my on-site observations. I would note that the nature of the structure proposed is a 2.4m high lattice structure that is significantly more lightweight and lower in height than the largest telecommunication structure currently on Forth Mountain. I would consider that the overall scale and more lightweight nature of the structure proposed would mean that it would not have a significant visual impact at this location whether on its own or when viewed in the context of its cumulative visual impact with existing structures two of which have a much more significant visual impact. Notwithstanding the designation of the site as being a Landscape of Greater Sensitivity or the location of the site within a proposed Natural Heritage Area, I would consider that the proposal would be acceptable in regards to its overall visual impact.

9.4 Justification/co-location/National policy:

- 9.4.1 The second reason for refusal noted that “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 use of existing masts and sites is set out in Policy TC04 outlined in the Wexford County Development Plan 2013-2019, and within ‘Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities’. The proposed development would, therefore, contravene the policy of type Planning Authority and be contrary to the proper planning and sustainable development of the area”.
- 9.4.2 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. The national policy under Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities also advocate justification for the proposal in addition to demonstrating consultation with other operators regarding co-location and sharing of sites and support structures.
- 9.4.3 Firstly based on the information submitted by on the file and the appeal submission I would consider there is technical justification for the proposal on the basis that it would improve broadband services particular in the rural areas of the county. In terms of location the site is suitable location for telecommunications infrastructure as evidenced by the number of existing structures in-situ. The proposed development could also be deemed to be clustered with existing telecommunications structures, which is encouraged under TC04 of the County Development Plan.

9.4.4 In regards to co-location and sharing of existing structures, there is evidence submitted by the applicant/appellant that they have attempted to gain space on existing telecommunication structures and that such has not been possible due to various reason including financial impediments. It is notable that one of the observations is from the owners of one of the other structures (Towercom) who have indicated that there is capacity for co-location on their structure as well indicating that the type of structure proposed is not necessary due to the technology (connection to ESB fiber network) associated with their support structure and that appellants/applicants and that there is no justification for the proposed structure.

9.4.5 I would note that the applicant has made attempts to gain space on adjoining structures and has indicated that such has not been feasible. Despite the observation by Towercom I consider that this must be taken on face value. In addition, I would consider the proposal to cluster the mast with existing telecommunication structures is compliant with Development Plan policy and the national guidelines as well as reiterating that the proposal is satisfactory in regards visual impact. In regards to the nature of technology proposed the observers suggest that their structure provides the technology required for broadband services within the area and that a mast reliant on line of sight is not required. In this regard I would not that not all areas tend to be adequately serviced (particularly rural areas) with the most up to date broadband technology and there can still be a reliance on broadband requiring line of site to support structures. In this regard such provide the only alternative for broadband facilities in areas deficient in this regard and also provide alternative providers/competition. I would consider that such would be consistent with the recommendation of the National Guidelines.

9.5 Ecology:

9.5.1 The appeal site is located in a proposed Natural Heritage Area (despite the refusal reason indicating it is adjacent a pNHA). The pNHA is the Forth Mountain, Site Code 000761(site synopsis attached), and characterised by

heathland. An ecology report was submitted which indicates the nature and characteristics of the pNHA including identifying 7 protected species recorded within the designated site as well as details of plant species within the site. It is noted that a substantial amount of the study area is artificial surfaces associated with existing telecommunications structures. It is noted that none of the protected or rare species listed were recorded in the study area, which coincides with the appeal site and the adjoining telecommunications structures. The likely impacts of the proposal is the loss of 40sqm of dry heath to facilitate the proposal. The report advocates a number of mitigation measures including best practice construction methods, use of temporary silt trap fencing, measures to prevent spillages and management of excavation works.

9.5.2 Based on the extent and scale of the development and the contents of ecology report, I would consider that the overall physical impact of the proposal relative to the pNHA is small. The proposal entails loss of a small area of dry heath and such would not compromise the integrity of the area or impact adversely on protected species recorded in the wider area of the pNHA. I would consider it appropriate that conditions be attached regarding construction management to ensure no adverse ecological impacts. Having regard to such I am satisfied the proposal would be satisfactory in the context of ecology.

9.6 Other Issues:

9.6.2 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site (SAC, SPA), no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

10.1 I recommend a grant of permission subject to the following conditions.

11.0 Reasons and Considerations

11.1 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 issued by the Department of the Environment and Local Government to planning authorities in 1996, and

(c) the location of the proposed development on a well screened site relatively remote from 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, would not have a negative impact on a proposed Natural Heritage Area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of public health.

3. 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.

4. On full or partial decommissioning of the mast or if the mast ceases operation for a period of more than one year, the mast concerned (including foundations) shall be removed and all decommissioned structures and any access roads shall be removed within three months of decommissioning.

Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (e) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride

14th November 2016