



An
Bord
Pleanála

Inspector's Report PL26.247297

Development

Construction of a 21.05m high telecommunications support structure with all associated site equipment units, security fencing, site works at

Location

Courthoyle, Newbawn, Adamstown, Co. Wexford.

Planning Authority

Wexford County Council.

Planning Authority Reg. Ref.

2016-782

Applicant(s)

Three Ireland (Hutchinson) Ltd

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First-v-Refusal

Appellant(s)

Three Ireland (Hutchinson) Ltd.

Observer(s)

- (1) Johanna Cullen & Geraldine Cullen
- (2) Joan Cullen
- (3) Elaine & John Boland
- (4) Andrew & Ann Boland
- (5) Bernadette & Edward Whelan

Date of Site Inspection

09th December 2016

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.003 hectares, is located to the east of New Ross and just north of the N25 on the lower western slopes of Carrickbyrne Hill, Co. Wexford. Carrickbyrne Hill is an elevated landscaped characterised by forestry planting. The appeal site is located within a complex of farm buildings that are accessed from a laneway that forms a junction with a public road that runs to the west. The public road has a junction with the N25 a short distance south west of the site. The appeal site is located on edge of the forested area with such located immediately east of the appeal site. There are a number existing sheds/agricultural buildings on site to the west, north and south and there is an existing dwelling to the south (associated with the farm buildings).

2.0 Proposed Development

2.1. Permission is sought for the construction of a 21.05m high telecommunications support structure, carrying antenna and transmission dishes with associated equipment units and security fencing.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The site of the proposed development is located on an elevated and highly visible landscape feature of Carrickbyrne Hill, the hill constitutes a prominent focal point in the area which is listed for protection in the Wexford County Development Plan 2013-2019 as a 'Landscape of Greater Sensitivity'. The proposed development would seriously injure the visual amenities of the area and would contravene Objective TC06 of the Wexford County Development Plan 2013-2019 relating to preservation of Landscapes of Greater Sensitivity and would, therefore be contrary to the proper planning and sustainable development of the area.

3.2. Local Authority and External reports

3.2.1. Planning report (24/08/16): The site is designated as a 'Landscape of Greater Sensitivity' and the proposal would be contrary Objective TC06 of the County Development Plan. Refusal was recommended based on the reason outlined above.

3.3 Planning History

3.3.1 PL26:128180: Permission refused for a 30m high support structure at Raheevarran, Carrickbyrne Hill, Co. Wexford, 620m to the east of the appeal site. Refused based on one reason...

- 1. The site of the proposed development is located on the elevated and highly visible landscape feature of Carrickbyrne Hill. The hill constitutes a prominent focal point in the area which is listed for protection in the Wexford County Development Plan, 2001 as a Vulnerable and Sensitive Landscape adjacent to the N25 National Primary Route which is listed as a Scenic Route. These objectives are considered to be reasonable. The proposed development would seriously injure the visual amenities of the area and would contravene materially the policies of the planning authority relating to the preservation of areas of high amenity as expressed in the development plan and would, therefore, be contrary to the proper planning and development of the area.*

3.3.2 PL.26.101542: Permission refused to construct a 32m high transmission at Carrickbyrne Hill.

4.0 Policy Context

4.1. Development Plan

4.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019. Carrickbyrne Hill and the appeal site are located in an area designated as a Landscape of Greater Sensitivity under Section 14.4.2 of the County Development Plan (Landscape Character Assessment).

4.1.2 Policy in regards to telecommunications structures are under Section 9.3 of the Development Plan with Objectives TC01, TC02, TC03 and TC04 relevant (attached).

4.1.3 Objective TC06

To minimise and avoid where possible, the development of mast 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 Landscape 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 200 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.

4.2 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.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1 A first party appeal has been lodged by Three Ireland (Hutchinson) Ltd. The grounds of appeal are as follows...

- The appellant notes that while the site is elevated it is on the lower western slopes of Carrickbyrne Hill within a farmyard development, which is well screened by existing mature trees. It is noted that the proposal would not have a significant visual impact in the surrounding area and the appellant has submitted photomontages from the surrounding area to demonstrate such.
- In regards to Objective TC06 it is noted that that Council can apply an exemption to this policy in cases where there is an overriding technical need for the equipment, which cannot be met by sharing existing infrastructure and where the equipment is of scale and is sited in a way that minimises visual impact. It is considered that the Council failed to assess the proposal in this regard.
- It is noted that there is technical justification for the proposal to provide additional coverage and capacity to a specific section of the N25 where there are existing deficiencies.
- The proposed development has been designed in a manner to minimise visual impact by the provision of a structure to the minimum feasible height, slim in nature and making use of existing screening in the area.
- In regards to the previous telecommunications structures refused at this location, such were not located in the immediate vicinity and both were for larger structures at a higher level. It is noted that such are not comparable cases.

5.2. Responses

5.2.1 No responses.

5.3 Third party submission were made by

5.3.1

Johanna Cullen & Geraldine Cullen, Courthoyle Old , Adamstown, Enniscorthy, Co. Wexford.

Conleth Daly, Raheenvarren, Newbawn Co. Wexford.

Tony Kerrigan & Katherine Kerrigan, Courthoyle, Adamstown, Co. Wexford.

Edward Whelan & Bernadette Whelan, Courthoyle Old , Adamstown, Enniscorthy, Co. Wexford.

Andrew & Ann Boland, Tanglewood, Courthoyle, Adamstown, Co. Wexford.

Elaine & John Boland, Courthoyle, Adamstown, Co. Wexford.

Oliver Grace, Courthoyle, Adamstown, Co. Wexford.

The issue raised include.

- Adverse visual impact on general area and area of scenic and historical value.
- Impact on an area where there are existing residential development and community facilities (schools) in the vicinity.
- Planning history of refusal for telecommunications structures in the area.
- Potential health hazard.

6.0 Observations

6.1 Observations have been submitted by

Johanna Cullen & Geraldine Cullen, Courthoyle Old , Adamstown, Enniscorthy, Co. Wexford.

Joan Cullen Courthoyle, Adamstown, Co. Wexford.

Elaine & John Boland, Courthoyle, Adamstown, Co. Wexford.

Andrew & Ann Boland, Tanglewood, Courthoyle, Adamstown, Co. Wexford.

Bernadette & Edward Whelan, Courthoyle Old, Adamstown, Enniscorthy, Co. Wexford.

These observations can be summarised as follows...

- Adverse visual impact on general area and area of scenic and historical value.
- Impact on an area where there are existing residential development and community facilities (schools) in the vicinity.
- Planning history of refusal for telecommunications structures in the area.
- Potential health hazard.

7.0 **Assessment**

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

Principle of the proposed development/Development Plan policy/technical justification

Landscape character/visual impact.

Other issues

7.2 **Principle of the proposed development/Development Plan policy/technical justification:**

7.2.1 Permission is sought for the construction of a 21.05m high telecommunications support structure, carrying antenna and transmission dishes with associated equipment units and security fencing. Policy in regards to telecommunications structures is contained under Section 9.3 of the County Development Plan. The proposal is to improve coverage and capacity at a location noted by the applicant/appellant as being deficient as such. The proposal to improve such is

consistent with the objectives set out under Section 9.3 of the Development Plan and the recommendations of under national policy as set out under the publication, Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996).

7.2.2 The applicant/appellant has set out the technical justification for the proposal including a report with the appeal submission. The applicant/appellant notes that the proposal is to improve coverage and capacity to an area coinciding with an area along the N25 between Carrigadaggan and Ballinabolla. It is noted that there is no existing telecommunications infrastructure that can be shared or upgraded to facilitate the objective of improved coverage and capacity at this location. It is noted that there is a site at Carrickbyrne Hill however such is on the wrong side of the hill to provide the coverage to the target area. The applicant/appellant has included the coverage maps. In terms of technical justification, I am satisfied with the information submitted and would note that there has been a history of telecommunications structures refused on the western slopes of Carrickbryne Hill, which would lead me to believe that there is a difficulty in terms of servicing the area due to the lack of telecommunications structures.

7.2.3 Notwithstanding the technical justification and the general objectives under the County Development Plan and national guidelines encouraging improved telecommunications infrastructure, the appropriateness of the location in the context of landscape character and visual impact is the main issue in regards to this case and shall be examined in the following section of this report. I would consider that the principle of the proposed development is acceptable subject to it having an acceptable impact in the landscape at this location.

7.3 Landscape character/visual impact:

7.3.1 As noted under the refusal reason and the section regarding Development Plan policy, the site is located in an area designated as a 'Landscape of Greater Sensitivity'. The site is located on the western side of Carrickbyrne Hill, which is an elevated landscape and wooded area that is highly visible in the surrounding area.

Carrickbyrne Hill is an amenity area with a significant number of walking routes through the area. In addition, Carrickbyrne Hill is visible from the Browne Clayton Monument located to the south. Permission was refused as it was considered that the proposal would contravene Objective TC06 relating to such areas. Although Objective TC06 is “to minimise and avoid where possible, the development of mast and antennae” the policy does include exemptions in the case of “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 when “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”.

7.3.2 Assessed on its merits there are number of factors that favour a positive outlook on the proposed development. The appeal site although located at an elevated location relative to the wider area, is located at a relatively low elevation on the western slope of the hill. In addition the telecommunications structure is 21.05m in height, which relative to existing structures, including the adjoining dwelling and complex of farm buildings, and existing screening provided by the heavily wooded location, is modest in scale to the extent that the visual impact of the proposed structure is greatly reduced. I would consider the impact of such that the overall visual impact of the proposed development in the wider area and landscape character is negligible and would not severely diminish or compromise the status of the area as a ‘Landscape of Greater Sensitivity’. I would note that the applicant/appellant has submitted photomontages taken in the surrounding area including from locations such as N25 to the south, south east and south west as well as from the public road running west of Carrickbyrne Hill (site is accessed from such). I am satisfied with the accuracy of such and consider they demonstrate that the proposal would have an acceptable visual impact at this location.

7.3.3 Based on the merits of the proposal I am satisfied that the proposal would be acceptable in the context of Objective TC06 and that both exemptions mentioned above apply in this case. I would note in refusing permission the reason refusal states that the proposal would contravene Objective TC06 of the County

Development Plan. I would note that the provisions of Section 37(2)(b) of the Planning and Development Act 2000, (as amended) do not apply in this case as the proposal was not refused on the basis that it 'materially' contravenes the County Development Plan.

7.4 Other Issues:

7.4.1 Potential health impacts are raised in both the original third party submission and observations on the appeal. Health issues are not a planning consideration in relation to telecommunications structures with such structures required to meet standards in regards to non-ionising radiation.

7.4.2 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1

Having regard to:

(a) the national strategy regarding the provision of mobile communications services,

(b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,

(c) the policy of the planning authority, as set out in the Wexford County Development Plan 2013-2019, to support the provision of telecommunications infrastructure,

(d) the nature and scale of the proposed telecommunications support structure to be proposed, the low level location of such on Carrickbyrne Hill, existing structures on site and existing forestry planting in the vicinity...

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities and landscape character of the area, or the residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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.

(a) This permission shall apply for a period of five years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) The site shall be reinstated on removal of the telecommunications structures and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period and the circumstances then prevailing.

3. Prior to the commencement of development on the site, 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.

Reason: In the interest of visual amenity and orderly development.

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

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000 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

Planning Inspector

13th December 2016