



An
Bord
Pleanála

Inspector's Report PL26.247800

Development	Construction of 24m high telecommunications monopole structure carrying antennas and transmission dishes, associated equipment, security fencing and access track.
Location	Poulmarl, Taghmon, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20161109
Applicant(s)	Three Ireland (Hutchinson) Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First-v-Refusal
Appellant(s)	Three Ireland (Hutchinson) Limited
Date of Site Inspection	24 th March 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.001 hectares is located approximately 1km to the north of the village of Taghmon, Co. Wicklow. The appeal site is part of an existing field currently in use as grazing land. The appeal site is located at the north eastern corner of the site. The site is accessed through a vehicular entrance located approximately 350m to the west of the site. This provides access from a local road that runs from Taghmon to the south of the site. The nearest dwellings are located to the west of the site along the public road and each side of the vehicular entrance. The site has established boundaries consisting hedgerow along its northern and eastern site boundaries. The lands immediately adjoining the site are all similar in nature (agricultural lands).

2.0 Proposed Development

2.1. Permission is sought for the construction of a 24m high telecommunications monopole support structure carrying antennas and transmission dishes with associated equipment units, security fencing and access track.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

- 1. The proposed development, by reason of its close proximity to the dwelling permitted per planning reference number 20071951, would unduly impact upon the future residential amenities of the occupiers of this neighbouring permitted development, would be contrary to Objective TC07 of the Wexford County Development Plan 2013-2019 and therefore would be contrary to the proper planning and sustainable development of the area.*

3.2. Local Authority and External reports

- 3.2.1. Biodiversity and Forward Planning (22/11/16): It is noted that the power output of the proposed structure is likely to be too low to have a significant impact on bats. It is noted there is no record of a known bat roost in the vicinity of the site and it is noted that the proposal would result in no loss of a breeding or resting place for bats, it is noted there is a badger sett in the vicinity and such should be taken into consideration in relation to fencing and gates.
- 3.2.2. Planning Report (25/11/16): It is noted there is a technical justification for the proposal. The proposal was considered to be acceptable in regards to visual impact and access. It was noted that there is current permission for a dwelling 35m from the appeal site under ref no. 20071951 and there is sufficient time for such to be built (expires 22/08/17). It was considered based on the proximity of the permitted dwelling that the proposal would be contrary Objective TC07. Refusal was recommended based on the reasons set out below.

4.0 Planning History

- 4.1 No planning history on the appeal site.
- 4.2 20071951: Permission granted for a dwelling and associated site works on a site immediately to the north of the appeal site. The proposed dwelling uses the same vehicular access and laneway that provides access to the site (to the west between existing dwellings).

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019.
- 5.1.2 Policy in regards to telecommunications structures are under Section 9.3 of the Development Plan with Objectives TC01, TC02, TC03 and TC04 relevant (attached).

5.1.3 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.

5.1.4 Objective TC07

To ensure the location of telecommunications structures minimise and/or mitigate any adverse impacts on communities, the natural and built environment and public rights of way.

5.1.5 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.

6.0 Submissions

6.1 Submission on the application were made by...

Patrick Fanning, Peter & Eileen Curtin, Terence Hilton, Martin & Ann Butcher, Paddy Murphy & Teresa Murphy, Martin Butcher, Paddy & Teresa Murphy, Martin & Helen Shannon, Francis & Martin Maddock, Michael & Carmel McDonald, Brain Codd, Aidan & Ann Doran, the Board of Management of St Fintans NS, R.J. Cudmore, Martin & Alice Dunne, Georgina Hornick Kelly, Nicky & Imelda Sinnott, Fintan Carroll & Others, Frank Stafford, Ann Jones, Tom Furlong, Joe & Jean Hornick, Paddy & Josephine Carroll, Sean & Josephine Sinnott, Eric & Margaret Fenlon, Patricia & Brain Burgess, Eileen Doyle, Cathal & Bertha Murphy, Pat Monahan, Dymphna & James Monaghan, John Whitney & Others, Katrina O'Connor, David & Anne Marie Foley, Michael O'Connor, John Creane & Aidan Creane, Collette O'Connor, Shane & Sharon Carroll, Taghmon NS Parents Council, Collette Curtin, Mick Wallace TD, Poulmarl Residents Committee.

- Issues raised included visual impacts/landscape character, health issues, impacts on wildlife and ecology and residential amenity.

7.0 The Appeal

7.1 Grounds of appeal

7.1.1 A first party appeal has been lodged Three Ireland (Hutchinson) Limited. The grounds of appeal are as follows...

- In response to the reason for refusal it is noted that the lands on which the site subject to permission ref no. 20071951 is located has changed in ownership and is now under the control of the owner of the lands on which the

appeal site is located. It is noted that this dwelling will no longer be constructed and the conditions attached to permission ref no. 20071951 can now no longer be complied with as result in the change of ownership. It is considered that this reason is no longer valid and permission should be granted.

- There is a technical justification for the proposed structure with existing deficiencies in coverage in the target area. The improvement of telecommunications infrastructure is in accordance with national policy. And the objectives of the County Development Plan.
- The appeal site was considered the only suitable location due to technical factors and due to not being a sensitive/protected area. It is noted that co-location to an existing base station was not a viable option and is noted that the Planning report associated with this application accepts the justification for the proposal.
- It is noted the only concern raised by the Planning Authority was proximity to the permitted dwelling under ref no. 20071951 and that such a factor has been eliminated. It is noted that the proposal would be acceptable in the context of Development Plan policy and national policy.

7.2 Responses

7.2.1 Response by Wexford County Council.

- The Planning Authority note the details submitted by the appellants in relation to ownership and note that permission ref no. 20071951 does not expire until 22/08/17.
- It is noted that if the Board are minded to granted the issues raised by the Biodiversity Officer in relation to the badger sett and bats should be considered.

7.2.2 Response by Wexford County Council.

- It is noted that the Planning Authority have no additional comments to make.

8.0 Observation

8.1 An observation has been submitted by the Poulmarl Residents Association.

- The observers question the appellants view that the dwelling subject to ref no. 20071951 will be not be constructed based on discussions with the land owner.
- The appellants do not consider that the information submitted by the applicant gives a true depiction of geographic/demographic nature of the area or an accurate representation of the dwellings in the vicinity.
- The observers do not consider that the applicant has justified that other sites are not available or co-location is not an option.
- The observers emphasise that there is a significant amount of dwellings in close proximity to the proposed development.
- It is noted that the proposal would be visually obtrusive and would be detrimental to the visual amenities of the area. It is noted there is extensive planning history of refusals of permission (dwellings) in the vicinity due to visual impact with a precedent for set for concerns regarding visual amenity in the area.
- The observers do not consider that the health implications of the proposed structure should be omitted from any assessment of the proposal and note a number of sources and publications to justify this view.

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

Design, visual/residential amenity

Other issues

Appropriate Assessment

9.2 **Principle of the proposed development:**

9.2.1 Permission is sought for the construction of a 24m high telecommunications support structure, carrying antennas 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 County Development Plan and the recommendations under national policy as set out under the publication, Telecommunication Antennae and Support Structures-Guidelines for Planning Authorities (1996).

9.2.2 The applicant/appellant has set out the technical justification for the proposal. The applicant/appellant notes that the proposal is to improve coverage and capacity to an area coinciding with Taghmon village, the surrounding townlands including along the R738. 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 and there are topography issues that would also dictate that the proposal is the most suitable option. The applicant/appellant has included the

coverage maps. In terms of technical justification, I am satisfied with the information submitted and would consider there is a technical justification for the proposal.

9.2.3 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.

9.3 Design, visual/residential amenity:

9.3.1 The site is located in a rural area north of Taghmon Village. The site is located at north eastern corner of an existing field approximately 350m from the vehicular entrance and public road. Although the site is elevated relative to Taghmon Village and the R783, which runs to the south/south east of the site, the site is not on a prominent peak, but on a plateau. In terms of landscape character, the site is located in an area defined as under the County Development Plan as 'Lowlands' and is not within an area of outstanding natural beauty. Having inspected the site and the surrounding area, I would note that the slender nature of the structure taken into account with the fact that views of such are likely to be partial and intermittent due to topography, existing vegetation and existing structures, the proposal would not have a significant, prominent or negative visual impact at this location or in the wider area.

9.4 Other Issues:

9.4.1 The main reason for refusal relates the fact there is a current permission for a dwelling on the site immediately to the north under ref no. 20071951 (expires 22/08/17). The proposal was considered to be contrary Objective TC07 which aims "to ensure the location of telecommunications structures minimise and/or mitigate any adverse impacts on communities, the natural and built environment and public rights of way". The fact there is a permission for a dwelling on an adjoining site is not

a reason for refusal. The national guidelines provide no restriction in terms of distances between such structures and dwellings and the main requirement is compliance with standards in regards to non-ionising radiation. I would note that it's not uncommon for such structures or antennae to be in close proximity to residential development (particularly in urban areas) and that there is no requirement for a set separation distance. I would also consider that there is no reason why the location of the structure in a rural context should mean a different approach in terms of siting such structures in relation residential development. The applicants note that the permission for the dwelling is on lands under the same ownership as the appeal site and that the dwelling will not be built. I would note that such is immaterial and that the proposed development would have no adverse impact on the amenities of a dwelling (subject to compliance with requirements on non-ionising radiation) in event that it is constructed.

9.4.2 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 as noted in the previous section.

9.4.3 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.

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 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,

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.

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.

(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

11th April 2017