



An
Bord
Pleanála

Inspector's Report PL 26.248524

Development

Construction of communications infrastructure comprising a 36 metre lattice tower, associated equipment cabin and cabinets, fencing and access track.

Location

Carrigroe Hill, Ballymore, County Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

2017/0256

Applicant(s)

Signal Infrastructure Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

Signal Infrastructure Limited

Date of Site Inspection

1st August, 2017

Inspector

Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located in a remote rural location within a Coillte forest on Carrigroe Hill in the townland of Ballymore, County Wexford, approximately 4km north-east of Ferns and 3km east of the N11 National Primary Road. The site is accessed via an existing forestry track. Housing in the area is sporadic with the nearest houses located to the north, some 350m and more away from the site.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a 36 metre high lattice tower and associated equipment, cabin and cabinets, fencing and access track on a site area of 0.02 hectares. Details submitted with the application included an ICNIRP certificate, letters of support from service providers, a letter of consent for the making of the application by the landowner Coillte, a planning cover letter and visual impact report.

3.0 Planning Authority Decision

3.1. Decision

On 21st April 2017, Wexford County Council decided to grant permission for the development subject to five conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner referred to national guidelines and development plan provisions. The primary concern was seen to be the siting of the development in a designated Landscape of Greater Sensitivity. The Planner was satisfied there was justification for additional mast at this location and that on balance the visual impact was acceptable. No element of the proposal was seen to give rise to any impacts on Natura 2000 sites. A grant of permission was recommended subject to conditions.

3.2.2. Other Technical Reports

The Fire Officer noted that a Fire safety Certificate was required in respect of the development.

4.0 Planning History

P.A. Ref. 96/0912

An application for communications infrastructure was withdrawn.

P.A. Ref. 2006/4453

An application for communications infrastructure was refused permission by the planning authority.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019

Telecommunications

Objectives include:

Objective TC01 – To facilitate the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Landscape Character

The site is located within an area designated a 'Landscape of Greater Sensitivity'.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is made under the provisions of section 48(10(b)) of the Planning and Development Act and relates to the attachment of Condition nos. 2 and 3 with the

decision of the planning authority, namely development contributions relating to public road improvements and community facilities, with each requiring a contribution of €3,000. The specific grounds of appeal may be synthesised as follows:

- The Council's Development Contribution Scheme states that mast sharing and erection of equipment on buildings will be exempted from contributions. The proposed development constitutes mast sharing and should, therefore, be exempted from contributions.
- Reference is made to how the development fits in the context of the *Development Contribution Guidelines for Planning Authorities* published in January 2013 and in the context of the *Report of the Mobile Phone and Broadband Taskforce*.
- Condition 5 of the planning authority's decision further demonstrates the 'mast-sharing' purpose of the development.

6.2. Planning Authority Response

The planning authority submitted that the application relates to the proposed development of a telecommunications mast where none exists at present. The Council considers the exemption for mast sharing applies where it is proposed to place new telecommunications infrastructure on an existing mast and thereby share the infrastructure that exists. It is submitted that in this instance mast sharing does not apply. It is considered that any future application to share the mast, once constructed, may be exempt from levies.

7.0 Assessment

- 7.1. The appeal relates solely to the proper application by the planning authority of the terms of its development contribution scheme adopted under section 48 of the Planning and Development Act. It is considered appropriate that the Board determines the appeal in relation to the disputed conditions only (Condition nos. 2 and 3 of the planning authority's decision) which relate to the financial contributions

totalling €6,000 being sought by the planning authority. The provisions of section 48(10)(b) and (c) apply in this instance.

- 7.2. The current Wexford County Council Development Contribution Scheme, as it applies to telecommunications masts, requires a development contribution of €3,000 towards public roads and €3,000 towards recreation and community development, thus requiring a total contribution of €6,000. The Scheme states that reductions will apply to temporary permissions and that mast sharing and erection of equipment on buildings will be exempted from contributions.
- 7.3. The proposed development is for a new telecommunications mast and associated infrastructure. This mast is proposed to be shared by service providers. The planning application itself is not for 'mast sharing' but rather for a mast to allow for sharing of the structure by service providers. It relates to a new structure for which development contributions are required in accordance with Wexford County Council's Development Contribution Scheme. The reference to 'mast sharing' can clearly be understood to be the utilisation of a structure by more than one service provider, which undoubtedly would include the fixing of relevant telecommunications infrastructure to the mast structure, and the placing of equipment, provision of cabinets, etc. within the confines of a site, etc.
- 7.4. The development contribution required under Condition Nos. 2 and 3 of the planning authority's decision are provided for in the Council's Development Contribution Scheme and the sum requested is accurate. There is no exemption from a development contribution for the provision of a new telecommunications mast.

8.0 Recommendation

I recommend the attachment of Condition Nos. 2 and 3 of the planning authority's decision in accordance with the following:

9.0 Decision

The Board considered, based upon the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition numbers 2 and 3 and directs the said Council under subsection 10(b) of section 48 of the Planning and Development Act, 2000 to ATTACH the said conditions and reason therefor.

10.0 Reasons and Considerations

Having regard to the nature of the development, namely a new telecommunications mast, which is a development subject to the provisions of Wexford County Council Development Contribution Scheme 2013, it is considered that the terms of the development contribution scheme have been properly applied and development contribution conditions should be included in this instance.

Kevin Moore
Senior Planning Inspector

3rd August 2017