



An
Bord
Pleanála

Inspector's Report PL26.249140

Development	Construction of a 30m high lattice telecommunication tower and all associated equipment and site works.
Location	Knockrathkyle, Edermine, Enniscorthy, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	2017/0783
Applicant(s)	Signal Infrastructure Ireland
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First-v-Refusal
Appellant(s)	Signal Infrastructure Ireland
Observers	Pat and Mary Ellard
Date of Site Inspection	24 th November 2017
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 0.006 hectares is located approximately 5km to the south east of Enniscorthy and 3km to the east of the N11. The appeal site is part of an existing field (agricultural grazing lands). The site is located adjacent the public road and an existing vehicular access to the field. Levels on site are relatively flat with a gentle incline moving east on site. Boundary treatment on site includes a hedgerow along the northern/roadside boundary of the site and existing fencing/gated access along the western boundary with no existing boundaries to the south and east due to the site being part of larger field. The construction for the extension of the M11 are currently ongoing a short distance to the west of the site.

1.0 Proposed Development

- 1.1. Permission is sought for the construction of a 30m high lattice telecommunication tower and all associated equipment and site works.

2.0 Planning Authority Decision

2.1. Decision

Permission refused based on three reasons...

- 1. The Planning Authority is not satisfied that the applicant has satisfactorily demonstrated that it is not possible to co-locate with the existing telecommunications structures 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 within the 'Telecommunications Antennae and Support Structures, Guidelines of r 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.

2. *The proposed site, by virtue of its topography, the lack of vegetation and the absence of directly adjoining development, would fail to absorb the proposed development. The proposed development would therefore unduly detract from the visual amenities of the rural landscape and would be contrary to policy L04 of the Wexford County Development Plan 2013-2019 and to the proper planning and development of the area.*

3. *The proposed site access would be in close proximity to a bend in the road and the applicant has failed to demonstrate that the necessary sightlines can be achieved to the east of the access, contrary to Section 18.29.2 and 18.29.3 of the Wexford County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.*

2.2. Local Authority and External reports

- 2.2.1. Planning Report (02/08/17): It was noted that the applicant has not demonstrated sufficient technical justification for the proposal based on the number of existing telecommunications structures in close proximity to the site and the area targeted for coverage. The proposal was considered to be unacceptable in regards to visual impact and access. Refusal was recommended based on the reasons set out below.

3.0 Planning History

- 4.1 No planning history on the appeal site.

4.0 Policy Context

4.1. 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.

5.0 Submissions

6.1 44 submission were made by residents and property owners in the area as well as the owner of another support structure.

- Issues raised included visual impacts/landscape character, health issues, lack of co-location with existing structures, impacts on wildlife and ecology and residential amenity.

6.0 The Appeal

7.1 Grounds of appeal

7.1.1 A first party appeal has been lodged 4Site on behalf of the Cignal Infrastructure Ireland. The grounds of appeal are as follows...

- In appellant clarifies their role in regards to the provision of telecommunications structures noting that they are a provider of structures (has a significant level of support structures nationwide and numerous clients) and not mobile operator. The appellant notes that their role is to provide support structures that will facilitate co-location of antennae of operators and as such and that such is in keeping with objectives of the County

Development Plan in regards to co-location. The appellant notes that a detailed technical justification was submitted. It also noted that the existing structures in the area are not viable for the applicants'/appellants' clients (two noted), with it noted in both cases land levels were an impediment to the required coverage. The appellant has submitted the coverage maps for their two clients showing existing coverage levels and predicted coverage levels for the Knockrathkyle area and along the new motorway.

- It is noted in relation to visual impact, the proposal is located in a lowlands area in the context of landscape character. A visual impact report was submitted including a number of viewpoints and it is considered that the proposal would not have a disproportionate visual impact at this location.
- It is noted that sightline at the proposed access of 65m and 75m measures 2.4m from the road edge are available. It is noted the construction period will be short and a construction management plan can be agreed by way of condition. It is noted that frequency of use in terms of traffic generation during the operational phase will be 2-3 maintenance visits a year. It is noted that the sightlines available are satisfactory for the proposed development.

7.2 Responses

7.2.1 Response by Wexford County Council.

- It is noted that the planning report associated with this application sufficiently addresses all the issues raised and the Planning Authority have no further

7.0 Observation

8.1 An observation has been submitted by Pat & Mary Ellard, Knockrathkyle, Glenbrien, Enniscorthy.

- The observers include their submission to the Planning Authority that outline concerns regarding the lack of consultation with local residents, the negative visual impact and loss of light relative to the observers' property, which is adjacent the site, the negative impact on local wildlife including a badger set in the area and local bats and the negative health impacts of the proposal.

- The observers also note that a new entrance to the proposed site has been open prior to any grant of permission, the location of the entrance to a dangerous bend in the road and the fact the mast will be of no benefit to the local residents.
- The observers note that there were 40 submissions from local residents objecting to the proposal.
- The observers have also included a submission that outlies the number of bat roosts found in the area of the proposed development (based on bat survey relating to the motorway development in the area). It is noted that the proposal telecommunications structure has the potential to be detrimental to the bat population in the area through emissions and electromagnetic radiation.

8.0 **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 30m Construction of a 30m high lattice telecommunication tower and all associated equipment and site works. 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 the surrounding area. The applicant/appellant are providing a support structure for use by multiple telecommunications operators and note that the structure is to cater for both Three and Meteor with provision of coverage maps indicating existing coverage and predicted coverage if the structure is permitted. The applicant/appellant also notes that the support structure would be available to other operators and is complaint with policy in regards to co-location. It is notable that permission was refused on the basis that the Planning Authority was “not satisfied that the applicant has satisfactorily demonstrated that it is not possible to co-locate with the existing telecommunications structures in close proximity to the proposed site” and that the proposal is contrary Policy TC04 outlined in the Wexford County Development Plan 2013-2019 as well as National Guidelines. The report including technical justification for the proposal has outlined all telecommunications support structures including 5 existing support structures with all regarded as being unsuitable due to the inability to cover the target area by virtue of distance, elevation and topography.

9.2.3 The Planning Authority have noted that the nearest structure is 1km from the site and noted that it was ruled out on the basis that it is at a lower elevation than the new road. The Planning Authority have questioned why such could not be increased in height. The other nearest structure is noted as being 3.5km from the site and 49m in height with it questioned how such would not be suitable to provide coverage. The appeal submission notes that the applicants does not have a legal interest in the structure 1km from the site and are unable to alter it or replace it and the structure 3.5km from the site would not provide adequate coverage to the target area.

As noted above the applicant/appellant has included the coverage maps and an examination of existing telecommunications structures in the area providing a rationale for the proposal over sharing or col-locating with such existing structures. In addition the support structure proposed provides for co-location and is to support more than one operator. In terms of technical justification, I am satisfied with the information submitted and would consider there is a technical justification for the proposal.

9.3 Design, visual/residential amenity:

9.3.1 The site is located in a rural area north to the south east of Enniscorthy and east of the N11. The site is located adjacent the northern boundary of an existing field adjacent the public road. The site itself is relatively level, but is elevated relative to lands to the west, with levels falling moving westwards away from the site. At present to the west and at lower level are construction works for the extension of the M11. 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.

9.3.2 The applicant submitted a map indicating a number of viewpoints in the surrounding area and photomontages to illustrate the visual impact. I would consider that the proposed development having regard to 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, would have an acceptable visual impact in the wider area. It is notable that the site is elevated relative to lands to the west, I would however considered such to be a localised visual impact and would not be severe as to constitute a harmful visual impact in the area. I am satisfied that the overall visual impact of the proposal is satisfactory at this location.

9.4 Traffic:

9.4.1 Permission was refused on the basis of inadequate sightlines at the vehicular entrance onto the public road. The appeal site is served by an existing vehicular entrance to the existing field the site is taken from (two gated openings at this location). The appellant in response has submitted drawings indicating sightlines of 75m available in each direction (more available to the west). The nature of the proposal is such that it does not entail a significant intensification of traffic if any over and above the existing use at this site and the existing entrance. The most intense traffic period for the proposed development would be likely to be the construction phase and such is temporary period with traffic generation afterwards for maintenance purposes. I would consider that the proposal would be unlikely to give rise to a significant level of traffic movements on and off the public road and that the sightlines available at the proposed entrance would be satisfactory to cater for such. I am satisfied that the proposal would be acceptable in the context of traffic safety and convenience.

9.5 Other Issues:

9.5.1 Potential health impacts are raised in both the original third party submission and the observation 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.

9.5.2 The observation and original third party submission raise concerns regarding the ecological impact. In particular, the impact of the telecommunications structures on bats is indicated as a concern and speculation that there is a badger set on site. I would first note that the site is not located within any protected habitats and is part of existing agricultural field. The proposed development has a small footprint and any habitat loss is small as well as the fact that the adjoining lands, which are similar in nature are more than capable of catering for any displacement of flora or fauna.

9.5.3 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.

9.0 Recommendation

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

10.0 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.

11.0 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

04th December 2017