



An
Bord
Pleanála

Inspector's Report ABP 300664-18

Development	15.3 metre high street works pole incorporating a cranked arm street light and shrouded telecommunications antennas and transmission dish with equipment cabinet and associated site works.
Location	Sean Collins & Sons Bar, Rathkeale Road, Adare, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17/972
Applicant	Three Ireland Services
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	1 st Party v. Refusal
Appellant	Three Ireland Services
Observer(s)	None
Date of Site Inspection	28/03/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site is within the rear yard area of Sean Collins & Sons pub which fronts onto the Rathkeale Road (N21) to the south of Adare town centre. The premises is a three storey end of terrace building bounded by a laneway to the south. The terrace onto the main road comprises of a mix of two and three storey buildings in commercial and residential uses.

The rear yard area comprises a number of out buildings and is used for storage purposes. It is bounded by a high wall to the laneway from which access is available. The wall is a mix of block and stone construction. The said lane also provides rear access both to the terraced single and two storey cottages to the south which front onto Back Avenue and to properties to the east. A single storey stone building to the south of the laneway fronting onto the Rathkeale Road is in commercial use with access to its rear garden area available from the laneway.

2.0 Proposed Development

The proposal entails the construction of a 15.3 metre high slimline pole on which 3 no. 1.9 metre high panel antennas and 1 no. 0.3 metre radio transmission link dish are to be erected. The antennas and dish are to be enclosed in a GRP shroud. An exposed cranked arm street lamp is to be positioned 8 metres high facing towards the adjoining car park to the north, designed to disguise the installation as a street light pole.

An associated equipment cabinet is to be located at the base of the structure within a 4.2m x 6.0m compound. A 2 metre high timber fence is to enclose the site.

The development is to form part of Three's radio network in the Adare area.

The application is accompanied by a supporting statement including need for the development, compliance with national policy, technical justification for the site location and alternatives considered.

A letter of consent from the site owner also accompanies the application.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for one reason which can be summarised as follows:

Having regard to the prominent location within the ACA and having regard to the telecommunications guidelines which states that only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns and villages, the proposed development is considered to be visually obtrusive and would seriously injure and depreciate the value of properties in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Executive Planner's report (countersigned) states that the Planning Authority has a concern that the proposed development would detract from views of Adare village, in particular views of the ACA. It is considered that an alternative suitable location should be sought for the proposed development. A refusal of permission for one reason is recommended.

3.2.2. Other Technical Reports

Mid West National Road Design Office has no observations.

Executive Archaeologist notes that whilst the site is within Recorded Monument L1021 -031 (Historic Town of Adare) no archaeological issues arise due to the small scale of the development on a brownfield site.

Area Engineer recommends conditions should permission be granted.

Conservation Officer considers that the photomontages do not appear to take account of occupiers of protected structures particularly those located at first floor and higher levels. The development will impact upon the built heritage through the settings, amenities and character of the protected structures and the ACA being impinged upon negatively. A refusal of permission is recommended.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland has no observations.

3.4. **Third Party Observations**

None

4.0 **Planning History**

I am not aware of any recent planning applications on the site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. Limerick County Development Plan 2010-2016 (as extended)

Objective IN O49 – it is an objective to support the development of telecommunication facilities and support the timely commissioning of transmission infrastructure. Proposals for the erection of masts, antennae or ancillary equipment for telecommunication purposes will take the following into account:

- a) the proper planning and sustainable development of the area;
- b) social, environmental and cultural impacts of the infrastructure proposed;
- c) designed so that it will achieve least environmental impact consistent without incurring expensive cost;
- e) proximity to structures that are listed for preservation, national monuments etc. have been taken into account.

Objective IN O53 – it is an objective to support the co-ordinated and focussed development and extension of broadband infrastructure throughout the County.

Chapter 10 sets out the development management standards.

Particular constraint will be exercised in or around Protected Structures, recorded Monuments etc. Due to the limited nature of newer 3G infrastructure, slimline equipment will be considered on or around Protected Structures subject to sensitive

design, siting and materials being used. In assessing any application, the advice of the relevant statutory bodies will be sought and considered by the Planning Authority.

Every effort should be made to distance developments from residential areas, schools, hospitals or other buildings used for residential or work purposes on a daily basis. In this regard, the Council will be guided by the DEHLG document 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities' and any revisions of that document that may be issued during the life of this development plan.

5.1.2. **Adare Local Area Plan 2015-2021**

The site is within the area zoned Village Centre

Section 7.8 – the planning authority's goal is to achieve a balance between facilitating the provision of mobile telecommunications services in the interests of social and economic progress and sustaining residential amenities, environmental quality and public health. When considering proposals for telecommunication masts, antennae and ancillary equipment the Council will have regard to the DEHLG document 'Telecommunications Antennae and Support Structures' and any subsequent advisory document issued.

The site is within the Architectural Conservation Area of Adare Village

Objective EH 2 - It is the objective of the Council to protect, conserve and where appropriate, enhance the ACA as identified in Map 4. Proposals for development within the ACA shall:

- (a) Reflect and respect the scale and form of existing structures within the ACA in proportioning, overall scale and use of material and finishes, particularly with reference to the street frontages and seek to contribute to or enhance the character and streetscape of the ACA,

There are a number of protected structures in the vicinity of the site.

Objective EH 3 – it is an objective to protect structures entered onto the Record of protected structures... and to encourage their appropriate re-use and restoration. The Council shall resist development that would adversely affect the setting of the protected structure.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The 1st Party appeal against the planning authority's notification of decision to refuse permission can be summarised as follows:

6.2. **Need for Proposal**

- The proposal will form part of Three's radio network in the Adare Area. Current coverage levels in the area, particularly in the village centre, are sub-optimal.
- The appeal site is a direct replacement for the rooftop installation at the Dunraven Arms Hotel which does not provide the necessary coverage due to structural and height limitations.
- National and local policy and strategy documents are consistent in acknowledging the necessity for continued investment in telecommunications infrastructure.

6.3. **Site Suitability**

- A comprehensive review of the area was undertaken to identify suitable options. Within the search area there is a general absence of tall buildings. The vast majority of buildings in the area are residential, mixed use or of a historic nature and are located within the Adare ACA. This results in very limited potential for telecommunication infrastructure at roof level.
- 6 no. alternative site options were considered but for technical reasons were deemed unsuitable due to lack of building height or failure to provide the coverage required.
- The only industrially type zoned area is located on the western outskirts of the village which is located too far away to provide the required coverage.

- Three existing base stations in the wider Adare area were assessed. Only one is within the immediate vicinity of the search area which is a rooftop installation at the Dunraven Arms Hotel. The appeal site is a direct replacement for this base station as it does not provide the necessary coverage due to structural and height limitations. One at Adare Manor has been decommissioned due to redevelopment works and the 3rd at Frosts Farm to the north of the village does not provide the required coverage.
- In the context of the recommendation of the relevant telecommunications guidelines that only as a last resort free standing masts should only be located within smaller towns or villages, it is contended that all other alternatives have been exhausted.

6.4. Impact on Amenities of Area

- Neither the Adare LAP nor the 2012 Circular on Telecommunications Guidelines place a separation distance requirement.
- The minimum separation distance to the nearest dwelling is 35 metres and can be considered far enough away that the existing residential amenities will not be negatively impacted upon.
- There is no evidence provided to suggest that telecommunications masts have any impact on property values.

6.5. Visual Impact

- The Limerick County Development Plan states that due to the limited nature of newer 3G infrastructure, slimline equipment will be considered on or around protected structures subject to sensitive design, siting and materials being used.
- The most visually unobtrusive structure compatible with radio planning perimeters has been designed.
- The design chosen is considered to be the most sensitive available to suit the receiving environment. The addition of the lamp is designed to disguise the installation as a street light pole.

- The exact positioning was chosen because it is set back from the Main Road behind a row of terraced buildings and is less exposed. The buildings will help provide a level of screening.
- Photomontages accompanied the application which demonstrate that whilst it will be visible it will not be detrimental to the visual amenity of the area or the character of the ACA.
- The proposal will be visible from certain viewpoints notably along the Rathkeale Road. From most viewpoints it will be screened by buildings or trees. Other locations will have a partial view from a distance with only the upper sections of the shrouded pole visible.
- The site when viewed within the overall context of the area will not have any major visual impact.

6.6. Planning Authority Response

None received.

6.7. Observations

None received

6.8. Section 131 Responses

Due to the location of the site within the Adare ACA certain prescribed bodies were invited to make a submission/observation on the appeal. No responses were received.

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings.

- Need for Development and Consideration of Alternatives
- Impact on Architectural Conservation Area and Protected Structures
- Amenities of Adjoining Property

- Appropriate Assessment

7.1. Need for Development and Consideration of Alternatives

The need for the proposal in the context of national and regional policy is set out in the application and the grounds of appeal. The proposal is so as to replace an existing rooftop installation at the Dunraven Arms Hotel to the north of the town which is no longer suitable structurally or height wise to provide for the necessary coverage required or for the future deployment of 4G and 5G technologies. It will form part of Three's radio network in the Adare Area to provide improved 2G, 3G and 4G coverage which are stated to be sub-optimal in the village centre. The structure, at 15.3 metres, is to be kept as low as possible whilst meeting the necessary technical requirements.

Taking into consideration the emphasis placed in national and regional policy documents on the provision of adequate telecommunications including broadband and the fact that the policies of the current Limerick County Development plan reflect this priority (Objectives IN O49 and IN O53) I consider that the principle of the proposal is acceptable.

In terms of alternatives Section 6.0 of the report accompanying the application details the assessment of 6 sites, 5 of which are rooftop options within the village. In all instances the buildings are not tall enough to provide the required height. The 6th site at Adare GAA Club, Curraghbeg had poor predictive coverage levels due to the separation distance. A further free-standing option was considered at Guiney's garage at Curraghbeg (also the location of a rooftop alternative) which was also discounted due to non-attainment of necessary indoor coverage.

In terms of co-location the nearest base station is that being replaced by the proposed development as detailed above. A 2nd at Adare Manor has been decommissioned whilst a 3rd at Frost's Farm to the north of the village is located too far from the desired coverage area and would not provide the required coverage.

I consider that the applicant, in providing this detail, has met its requirements in terms of consideration of alternatives. Therefore, it is my opinion that sufficient detail as to the technical justification for the proposed site and absence of viable alternatives has been provided.

7.2. Impact on Architectural Conservation Area and Protected Structures

The site, to the rear of a commercial premises, is within the Architectural Conservation Area of Adare village. It is an objective (EH 2) of the Adare LAP to protect, conserve and, where appropriate, enhance same. In addition there are also a number of protected structures to the south along Back Avenue and on the Rathkeale Road. It is a LAP objective to resist development that would adversely affect the setting of the protected structures (EH3). Concurrently the plan seeks to achieve a balance between facilitating the provision of mobile telecommunications services in the interests of social and economic progress whilst sustaining residential amenities, environmental quality and public health.

The County Development Plan states that particular constraint needs to be exercised in or around Protected Structures however consideration will be given to slimline telecommunication equipment on or around Protected Structures subject to sensitive design, siting and materials being used.

The proposal entails the construction of a 15.3 metre high slimline pole on which 3 no. 1.9 metre high panel antennas and 1 no. 0.3 metre radio transmission link dish are to be erected. The antennas and dish are to be enclosed in a GRP shroud. This is stated to be most visually obtrusive structure compatible with radio planning parameters. An exposed cranked arm street lamp is to be positioned at 8 metres high facing towards the adjoining car park to the north intended to disguise the installation as a street light pole. An associated equipment cabinet is to be located at the base of the structure with a 2 metre high timber fence enclosing the site.

A copy of the photomontages which accompanied the application is provided with the appeal submission. I submit that they largely reflect the potential impact when viewed in the vicinity and are a useful tool to assist in this assessment.

The location of the site to the rear and within the enclosed yard of the commercial premises will assist in screening the mast and certainly the associate equipment container and fencing will not be visible.

The top section of the mast will be visible from the immediate vicinity, from the rear of the properties along Rathkeale Road and from the rear of the cottages that front onto Back Avenue to the south. The cottages along Back Avenue are protected structures (RPS nos. 1673-1686). The mast would not be visible when viewed from

Back Avenue, itself, save in the gaps between the terraces of dwellings due to the angle of view and intervening buildings.

The mast would also be visible over the top of the public house when viewed from the houses on the opposite side of the Rathkeale Road to the south of Clifford Smith Village Hall which are protected structures (RPS Nos. 885-889). It would also be visible for a short distance when travelling in a northerly direction along Rathkeale Road towards the Main Street. The views in this direction are facilitated by the low single storey building known as the Forge which is also a protected structure (RPS no. 896) and the laneway. With the mast to be set back from the road and the fact that the view would be fleeting I do not consider that the mast would be visually obtrusive.

Views when travelling in a southerly direction along Rathkeale Road would be largely screened and will be visible just above the existing roofscape. Within such an urban setting with TV aerials and street lighting it would not be visually obtrusive. Views from the Main Street to the north are not available due to the topography with the road sloping down from south to north and the intervening buildings and vegetation.

I consider that a balance needs to be struck between the protection of the amenities of the ACA and protected structures in the vicinity as enshrined in the LAP whilst supporting the provision of telecommunications infrastructure advocated in both the said LAP and County Development Plan. As noted in Map No.4 in the Local Area Plan the ACA covers the entire village with a high density of protected structures throughout. As such the identification of a site which meets the necessary technical parameters whilst maintaining a separation from protected structures is problematic. Indeed, I note that existing and previous installations were actually erected on or in close proximity to protected structures (Dunraven Arms and Adare Manor).

Certainly the proposal will have a visual impact and I am not entirely convinced that the mast can be considered to be comparable to a lamp standard as suggested, but the design in terms of its slim line design and siting has had regard to the County Development Plan in this regard. I submit that the extent of the visual intrusion of such a structure within the ACA characterised by a mix of development and modern interventions including TV aerials, is not considered to be to a level as to compromise its visual integrity. I therefore do not consider that the visual impact

that would arise would detract to a material degree from the character of the ACA or from the protected structures in the vicinity as to warrant a refusal of permission especially in view of the fact that the proposal would advance the realisation on the national strategy on mobile communications infrastructure.

7.3. **Amenities of Adjoining Property**

Residential properties surround the site with the nearest being in the region of 35 metres distant. The 1996 Guidelines to which regard is had do not detail a minimum separation distance to be maintained to residential property. The County Development Plan reflects this approach and also does not stipulate a minimum setback. As noted above the mast will be visible from adjoining property but I do not consider that the visual impact that would arise would detract from their residential amenities as to warrant a refusal of permission especially in view of the fact that the proposal would advance the realisation on the national strategy on mobile communications infrastructure.

7.4. **Appropriate Assessment**

Having regard to the nature and extent of the development within the village of Adare 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.

Note: The current Limerick City and County Development Contribution Scheme 2017-2021 requires a contribution of €5000 for telecommunication masts (Class 9 in Table 'Other Developments'). This scheme post-dates Circular Letter: PL 07/12.

8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) the strategic importance of the national broadband service,
- (b) the guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (d) the policies and objectives set out in the Limerick County Development Plan 2010 (as extended) and the Adare Local Area Plan 2015
- (e) the siting and design of the proposed development and the existing pattern of development in the vicinity.

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a necessary service, would not seriously injure the character, setting and visual amenities of the Adare Architectural Conservation Area or the protected structures in the vicinity, would not seriously injure the amenities of property in the vicinity and would 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. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunication operators to co-locate their antennae onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures and in the interests of visual amenity.

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 commencement of development.

Reason: In the interest of the visual amenities of the area

4. When the telecommunications structure and ancillary structures are no longer required, they shall be removed and the site shall be reinstated at the developer's expense.

Reason: In the interest of visual amenity.

5. 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.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2018