Inspector's Report

ABP-302087-18

Development	Erection of 27 metre high communications structure, carrying antennae and communications dishes with associated ground mounted equipment cabinets
Location	ESB'S Telecoms existing communication compound at ESB's Little Bray 38kV Substation, Old Connaught Avenue, Little Bray, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0385
Applicant(s)	ESB Telecoms Ltd.
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	ESB Telecoms Ltd
Observer(s)	Stephen J. Gardiner
Date of Site Inspection	6th November 2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1 The proposed communications structure is to be located within ESB's existing Little Bray 38kV substation. The ESB property is adjoined to the north by the rear garden of 'Coolnaskerry', a detached residential dwelling. There are mature trees along the boundary with this property. A playing pitch (GAA) and open agricultural fields lie to the south and west of the ESB property. To the east of the property, a steep boundary runs down the slip road from the north bound carriageway of the N11 onto Old Connaught Avenue. Access to the site is via a lane that is located between the eastern boundary of 'Coolnaskerry' and the western boundary of the slip road off the N11. The compound within which it is proposed to locate the structure is bound by a palisade fence and accommodates a building and some existing pylons.

2.0 Proposed Development

2.1 The subject site has an area of 0.0397 hectares. The development comprises the erection of a 27 metre high free standing monopole type structure carrying antennae and communication dishes, with associated ground mounted cabinets within a 2.4m high palisade compound.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 To Refuse Permission for the following reason:

"Having regard to the planning history on site, the proposed 27 metre height of the structure and the proximity to existing residential property, it is considered that the proposed development would be visually obtrusive, would seriously injure the amenities or depreciate the value, of property in the vicinity and would be contrary to the proper planning and sustainable development of the area."

3.2 Planning Authority Reports

3.2.1 Planning Report (20.06.2018)

- Notes previous refusals pertaining to the site. It is not considered that there has been any material change of policy or in the receiving environment since the most recent refusal.

- The zoning objective for the site remains the same. While the provisions of Policy EI28 of the County Development Plan 2016-2022 support telecommunications infrastructure, it notes that this must be balanced with the need to safeguard sensitive areas and potential impacts on residential amenity.

3.2.2 **Other Technical Reports**

Transportation Planning (14.06.2018): No objection subject to conditions.

Drainage Planning (25.05.2018): No objection.

3.3 **Prescribed Bodies**

- No submissions.

3.4 **Third Party Observations**

- One third party observation by **Stephen Gardiner, Coolnaskerry, Old Connaught Avenue.** Issues raised are similar to those in the observation made on the appeal, summarised in section 5.4 below.

4.0 Planning History

4.1 There have been a number of previous applications on the site.

Planning Authority Reference D01A/0725/Appeal Reference PL06D.127722

4.2 Permission refused in October 2001 for the erection of a 30m high free standing communications mast. Reason for refusal was that the development would seriously injure the amenities of the area.

Planning Authority Reference D03A/0991/Appeal Reference PL06D.205727

4.3 Permission refused in March 2004 for a 27m high telecommunications tree structure on the basis that it would be visually obtrusive and would seriously injure the amenities of the area.

Planning Authority Reference D06A/0191

4.4 Permission refused in July 2006 for a 27m high free standing tree type communications structure as due its height, design and location it was considered that it would be visually obtrusive and injure the residential amenity of adjoining properties.

Planning Authority Reference D06A/1937/Appeal Reference PL06D.222281

4.5 Permission refused in October 2007 for a 27m high free standing tree type communications structure due to impact on the amenities of the area.

5.0 Policy Context

5.1 Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan. The site is zoned Objective A1: *To provide for new residential communities in accordance with approved local area plan*. Public services are permitted in principle under this zoning objective. No Local Area Plan for the Old Connaught area has been prepared to date. Relevant policies and objectives of the plan include:

Policy E128 Telecommunications Infrastructure

"It is Council policy to promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband connectivity and other technologies, within the County."

5.1.2 The plan notes that:

"The advantages of a high quality telecommunications network must, however be, balanced against the need to safeguard the rural and urban environment, particularly in sensitive areas where the impacts on residential amenity and visual amenity of areas needs to be adequately assessed."

5.1.3 The plan notes that consideration will also be had to the impact on the amenities of the occupiers of nearby properties, or amenities of the area.

5.2 Telecommunication Guidelines/Circular Letter PL07/12

5.2.1 The aim of the *"Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996"* is to offer general guidance on planning issues so that the environmental impact is minimised and a consistent approach is adopted by the various planning authorities.

5.2.2 Section 4.3 of the Guidelines states with respect to Visual Impact:

"Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

5.2.3 The Guidelines states also note that:

"Only as last resort (if other alternatives are not available) should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure."

5.3 Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is Ballyman Glen SAC located c. 1.3 km to the south west of the site.

6.0 The Appeal

6.1 Grounds of Appeal

- Notes that the existing compound contains a 13m high disused pylon that is utilised to carry communication antennae and dishes. The coverage that is being provided from this location has become compromised by trees and foliage in the area. In order to maintain coverage from this site, permission for a taller structure is sought.
- State that there is an ongoing need for coverage in this area due to its proximity to the M11 and the fact that the area is changing with permission approved for over 600 housing units at Fassaroe. Note proposals for a Luas extension from Cherrywood to Bray and that there will be a need for further enhancement of the telecommunications network along this transport corridor.
- An overview of how the mobile communication network operates is set out. It notes in particular that the siting of communications infrastructure away from

population masses limits the services that mobile operators can provide and decreases the availability of both mobile voice and mobile data services.

- Highlights Policy E128 of the County Development Plan and the fact that public services are permitted in principle under the zoning objective pertaining to the site.
- Note that the proposed structure will be shared with all communications operators and will ensure infrastructure is readily available for the provision of high quality mobile and broadband services. The height of 27 metres is considered the optimal height that would be consistent with effective operation at this site and will ensure excellent coverage to the M11 and surrounding area.
- State that ESB Telecoms are currently involved in a cross departmental group seeking to reduce the existing barriers to telecoms investment. Note that additional sites proximate to TII infrastructure is a priority for the telecom industry generally. The lack of adequate coverage along the M11 from the M50 Interchange to Kilmacanogue is already a significant issue for mobile operators and is known as a “not spot”, areas where coverage can be sub optimal. The additional housing and transport infrastructure planned for this area will impact existing services negatively without additional investment in this locale. The structure will cater for the expanding communications needs of the area and will be able to accommodate 5G equipment as it is rolled out in Ireland. It is structurally capable of carrying communication equipment of several operators.
- Consider that the proposed communication structure is the lowest level that is compatible with the effective operation of the structure which will reduce its visual impact. The structure will be battleship grey to blend with the Irish skies. The structure will be visible from a limited number of locations. Existing trees will provide screening and it will be set back 100metres from the road effectively removing the proposed structure from the sight line of motorists and pedestrians on Old Connaught Avenue. Photomontages submitted indicating visual impact. The ground mounted communication equipment will not be visible beyond the compound.

- It is considered that the monopole design is suitable for this location and is keeping with and similar to the existing monopole GAA flood lights and motorway lighting in the area.
- Technical Justification Report submitted with the application regarding the proposed installation.

6.2 **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3 **Observations**

Stephen J. Gardiner, Coolnaskerry, Old Connaught Ave, Bray.

- The height of the proposed structure is entirely out of keeping with the existing ESB substation and would be visually prominent from several locations.
- Due to its visual dominance, the development would seriously injure the residential amenity of his dwelling.
- Note there are numerous previous refusals for masts of similar height at this location. In this context, the development should be refused.

7.0 Assessment

7.1 Introduction

7.1.1 The main issues in this appeal are those raised in the grounds of the appeal and observation and it is considered that no other substantive issues arise. Appropriate Assessment and EIA screening also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Impact.
- Appropriate Assessment.
- EIA Screening.

7.2 **Visual Impact**

7.2.1 The proposed development comprises the construction of a 27 metre monopole telecommunications structure. It is set out by that applicant that the existing ESB compound contains a disused pylon that carries communication antennae and dishes. However, due to the limited height of the existing pylon structure at 13 metres, coverage that is being provided at this location is compromised due to trees and foliage in the area. It is argued that a much higher structure of 27 metres is required in order to maintain and future proof coverage from this site. It is noted that the structure will be capable of carrying communication equipment of several operators. It is also set out that the structure will serve future housing and development in the area, that the height is the optimal required to facilitate necessary coverage and that the monopole design will limit visual intrusion.

7.2.2 Planning permission for a mast at this ESB sub-station in Little Bray has been refused on four previous occasions – Reg. Ref. D01A/0725 (Appeal No. 06D.127222), Reg. Ref. D03A/0991 (Appeal No. 06D. 205725), Reg. Ref.D06A/1091 (not appealed) and Reg. Ref. D06A/1937 (Appeal No. PL06D.222281. The stated reason for refusal in the most recent Board decision (Appeal No. 06D.222281) related essentially to problems of visually obtrusiveness associated with the proposed mast giving rise to serious injury to the amenities of the area and property in the vicinity.

7.2.3 The subject site is located in an area zoned Objective A1: "*To provide for new residential communities in accordance with approved local area plan"*. There are a number of residential properties located directly to the north of the proposed site, the nearest of which is located 70 metres away. Photomontage B clearly show the visual dominance of this structure in relation to an existing residential dwelling.

7.2.4 It is argued that the proposed structure is similar to existing lighting serving the GAA pitch and motorway, however, these are far more slender structures and located a significant distance further away from existing dwellings than the proposed telecommunications structure.

7.2.5 The principle justification for the structure is to enhance coverage for an existing operator and to facilitate further telecommunications equipment in the future. The Technical Justification Report submitted with the application sets out an analysis of alternative sites analysed. It is stated that **numerous** locations within Bray were

reviewed but only one location was deemed technically feasible by Three Ireland Engineers (my emphasis). I note however, from the mapping provided in Figure 1of the report, that only 1 site in Bray at Bray Royal appears to be detailed. No further detail or assessment of other sites purported to be examined is provided. A further site at the Solus Water Tower was also examined but it is stated that it was deemed incapable of providing the necessary 2G/3G and 4G coverage for the M11 and north west Bray. An existing O2 site was discounted as it is not capable of hosting radio equipment to avoid obstructions and as such was not considered a viable long term solution for the area.

7.2.6 The consideration of alternative locations for the proposed structure in my view is not robust. I am not satisfied, on the basis of the information submitted by the applicant, that there is no alternative preferable site in Bray that could accommodate such a structure. The 1996 Guidelines (Para 4.3) suggest that only as a last resort should free-standing masts be located within or in the immediate surrounds of residential areas. I do not consider that the Applicant has satisfactorily demonstrated that the current application site should reasonably be regarded as a site of last resort in the context described in the 1996 Guidelines particularly in circumstances where the Board have previously deemed the ESB compound at Little Bray to be unsuitable to accommodate a mast of a similar height and scale.

7.2.7 I would also concur with the view of the Planning Authority that there have been no material changes in circumstances since the previous refusals pertaining to the site either in terms of planning policy or the immediate context of the site. I note that the County Development Plan supports the provision of appropriate telecommunications infrastructure and that the structure will be located within an existing utility site and comprises a monopole structure as per the guidance set out in the Telecommunication Guidelines. However, regard must also be had to impact on residential amenities. In this instance, I consider that the development will have a significant adverse visual impact which consequently would have a negative impact on the residential amenities of existing residential properties located to the north along Old Connaught Avenue. I consider that there has been no material change in circumstances since the previous Board decision under Appeal No. 06D.222281 to warrant that the decision be reversed or substantially altered.

7.2 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, a telecommunications structure within an established urban area, and the distance 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.

7.4 EIA Screening

7.4.1 Having regard to nature of the development comprising a telecommunications structure and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1 It is recommended that permission be refused for the reason set out below.

9.0 Reasons and Considerations

9.1 It is considered that the proposed telecommunication mast by reason of its height, design and location in close proximity to existing residential property would be visually obtrusive and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

6th November 2018