



An
Bord
Pleanála

Inspector's Report ABP-303452-19

Development	Install 6 antenna, 4 transmission dishes on supporting poles
Location	The Martello, Heather House Hotel, Strand Road, Bray, Co Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	181171
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure Ltd.
Observer(s)	None
Date of Site Inspection	23 rd April 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on Strand Road, Bray, Co. Wicklow.
- 1.2. The site as outlined in blue in the application documentation comprises of the Martello Hotel which is located at the junction of Sidmonton Avenue and Strand Road. This hotel is a tall 3 storey building with a large front garden used as an outdoor seating area and restaurant. It is located at a prime location within the Bray seafront area almost opposite the Band Stand.
- 1.3. The site as outlined in red in the application documentation consists of the rooftop of a modern extension to the rear of the premises. This is set back considerably from Strand Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Pole mounted antennae, dishes and other associated equipment at roof level.
 - Equipment cabinets, cables and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for one No. reason as follows:

Having Regard to:

- a) The location of the proposed structure within the immediate surrounds of a residential area
- b) The location of the proposed structure within views and prospects listed for protection
- c) The failure of the applicants to submit a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol.54, No. 1(Jan) 1988) or the equivalent European Pretender 50166-2

It is considered that the proposed development would be contrary to the development standards for mast and telecommunications structures as set out in the Wicklow County Development Plan. The proposed development therefore has the potential to impact upon the residential amenities of the area and to detract from the visual amenities of this area. To permit this development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner expressed concern that having regard to the location of the proposed development within views/ prospects which have been listed for preservation, the proposed development would add to the 'visual clutter' within the urban landscape and unnecessarily detract from the visual amenities of the area.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- None.

4.0 Planning History

Section 5 Referral EX: 3018

Installation of antennae- not exempted development.

5.0 Policy and Context

5.1. National Policy

- Telecommunications Antenna and Support Structures–Guidelines for Planning Authorities, 1996 (DEHLG) – This document provides general guidance on planning issues so that environmental impact is minimised and that a consistent approach is adopted by the various planning authorities. Section 4.5 of the Guidelines refers to *Sharing Facilities and Clustering* and states that “all applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share”.
- Circular Letter PL07/12 – This circular updates the guidance document and specifically refers to temporary permissions, removal of separation distances from houses and schools, bonds and contributions, planning considerations to related to location and design and not health and safety matters, and the establishment of a register / database.

5.2. Development Plans

Wicklow County Development Plan 2016 - 2022

- Section 10 and Appendix 1 of the Development Plan sets out standards and appropriate locations for telecommunication structures.

Bray Municipal District Plan 2018 - 2024

- Site zoning: SF Bray Seafront.
- Zoning Objective: To provide for the development and improvement of appropriate seafront uses.
- Views and Prospects -
Schedule 10.14 (b)
- The view of Bray Head and the Little Sugar Loaf from the town generally

- The view from below Fiddlers Bridge leading to Bray Head back along the Esplanade towards Martello Terrace and the Sailing Club, particularly of the houses along Strand Road.
- The view from the from the south harbour along the Promenade and Strand Road.

5.3. **Natural Heritage Designations**

Bray Head NHA/ SAC is located c. 900m to the south-east of the site.

5.4. **EIA Screening**

- 5.4.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal as submitted by the applicant can be summarised as follows:

- The applicants followed the sequential approach outlined in the Wicklow County Council Development Plan and considered the rooftop location proposed because items 1 and 2 of the sequential approach were unavailable in the area.
- Additional visual impact photomontages have been submitted in the appeal response to address the concerns raised in relation to listed views / prospects for protection.
- Impact is considered to be negligible from the protected views.

- It is generally understood within the telecommunications guidelines and within the industry that antennae support structures refer to free standing monopoles, lattice structures or masts. Antennas that are positioned on rooftops, although also requiring supporting structures are generally considered to be acceptable within the surrounds of residential areas.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. The main issues in the appeal are those raised in the grounds of appeal. The issues raised can be dealt with under the following headings:

- Impact on Visual Amenity
- Impact on Residential Amenity
- Development Plan
- Appropriate Assessment

7.2. **Impact on Visual Amenity**

7.2.1. The main issue in this case relates to the impact on visual amenity. The subject site is zoned as SF Bray Seafront in the Bray Municipal Local Area Plan 2018-2024. The zoning objective for this area is 'to provide for the development and improvement of appropriate seafront uses'. Section 7.1 sets out a vision for this area as follows:

'The vision for this area is for it to remain an inviting, animated and attractive seafront area, with a vibrant commercial leisure sector supervised by permanent residences, that functions as the primary recreational and leisure centre of the town.'

7.2.2. A number of objectives are set out for the SF zone including the following:

'It is the overriding objective of the Council to promote the seafront area as the primary tourist, leisure and recreational centre of the town and the quality of residential amenity must be viewed in light of this objective and the long standing use of this area for leisure activities.'

It is clear from the above that the protection and enhancement of the Bray seafront is of key importance in this case.

7.2.3. There are a number of protected views in the vicinity of the site set out in Schedule 10/14(b) of the Bray Municipal Local Area Plan as follows:

- The view of Bray Head and the Little Sugar Loaf from the town generally.
- The view from below Fiddlers Bridge leading to Bray Head back along the Esplanade towards Martello Terrace and the Sailing Club, particularly of the houses along Strand Road.
- The view from the south harbour along the Promenade and Strand Road.

7.2.4. A visual impact photomontage was submitted with the planning application. In response to the reasons for refusal, an additional 9 No. photomontages were included in the appeal documentation.

7.2.5. The Martello hotel is a three storey building well set back from the seafront and the location of the proposed antenna is to an existing rear modern extension at roof level set back c. 53m from Strand Road. The building itself is tall and was deemed to have sufficient elevation to cover the surrounding area with a small telecommunication installation to the rear. As part of impact mitigation, the appeal advises that it was determined that an independent antennae support structure would be unsuitable for the area due to the protected views and the height of the existing building.

7.2.6. I have reviewed the photomontages submitted with the application and appeal. I have further considered potential impacts from the Seafront in the immediate vicinity of the site and from protected views. I refer the Board in particular to Viewpoints 10-

25 which cover both the immediate vicinity of the site from the Seafront and from protected views in the vicinity.

- 7.2.7. Whilst there are glimpses of the proposed equipment from some viewpoints, due to the height of the existing hotel, the limited scale of the equipment proposed, the setback from the seafront, the setback of the proposed equipment on a rear modern extension of the hotel, and the backdrop against a busy urban environment, I consider that the impact will be negligible. I also note that the site is located in close proximity to a busy trainline which is elevated and viewable from the seafront and I consider that the proposed equipment is unlikely to noticeably detract from existing views that make up this vista. In my view, having regard to the scale and design of the proposed development and the positioning of the equipment on the building, I do not consider that the proposed development will unduly impact on views from either the seafront in the immediate vicinity of the site or from protected views in the area.
- 7.2.8. Should the Board be minded to grant permission, I am of the view that a condition limiting exempt development provisions should be included in any grant of permission. This in my view is warranted having regard to the importance of the seafront as the primary tourist, recreation and leisure area of the town of Bray, where the intensification of antennae above what is hereby permitted could have the potential to negatively impact on the visual amenity of the area.

7.3. Residential Amenities

- 7.3.1. I note that the planning application did not submit a statement of compliance with the International Radiation Protection Guidelines and this was included in the reasons for refusal. A statement of compliance with the International Radiation Protection Guidelines has been submitted with the appeal documentation to address this reason for refusal.
- 7.3.2. I note circular letter PL07/12 states planning considerations in the assessment of telecommunications infrastructure should be related to location and design and not health and safety matters. In my view, the location of the telecommunications infrastructure on top of an existing hotel does not give rise to issues in terms of residential amenity.

7.4. Development Plan

- 7.4.1. The Development Plan advises that the applicant is required to follow a sequential approach in accordance with the order of priority set out in the Development Plan in determining suitable sites for new antennae. In this case, the applicant has demonstrated that a site centrally located towards the seafront would solve a coverage objective of providing unobstructed coverage penetration for voice, 3G, 4G and future 5G connectivity for wireless broadband to the seafront area. It is stated that there is a high demand for wireless communication services within the popular local and tourism area of Bray seafront. There were no sites suitable for co-location and there were no sites in industrial estates or on industrial zoned lands - these are the first two appropriate locations identified in the sequential approach. The next location identified is a rooftop location in commercial/ retail zones such as the current site. As such, I am satisfied that the applicant has demonstrated that the sequential approach has been followed in accordance with the Development Plan.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

8.0 Recommendation

- 8.1. It is recommended that permission be granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Bray Municipal District Local Area Plan 2018-2024, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would, therefore, 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

Emer Doyle

2nd May 2019