



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305581-19

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<b>Development</b>	Erection of 18m monopole to support telecommunications antennae.
<b>Location</b>	North End United FC, Hollygrove, Belvedere Road, Townparks, Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20191040
<b>Applicant(s)</b>	Shared Access Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Shared Access Limited
<b>Observer(s)</b>	Ethna Monks
<b>Date of Site Inspection</b>	31 <sup>st</sup> December 2019
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0036 ha is located within the North End United FC sports grounds, behind an ancillary building which forms the groundsman's / club storage. North End United FC is situated to the west of Wexford town centre within the Townparks Townland area of Wexford on the west side of Belvedere Road. The grounds comprises two football pitches and a number of MUGA / 5-aside pitches with a clubhouse, groundsman's / storage shed and car park located on the eastern boundary of the site.
- 1.2. The site borders onto residential properties to the west and north with the southern boundary mainly made up of lower density residential properties. To the east beyond Belvedere Road are various education facilities including Ard Aoibhinn Pre-School, St Peters College Secondary School and Wexford Campus of the Institute of Technology Carlow. The site is defined by mature hedges / trees and fences on all boundaries which vary in height. This includes the boundary between the appeal site and the permitted housing referenced in the reason for refusal. The main boundary on Belvedere Road is marked by a 2.5m railing and pillar fence.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail

## 2.0 Proposed Development

- 2.1. Permission is sought for the erection of a 18m free standing multi user monopole. The monopole will support up to 6 no antenna and 2 no dishes for up to 2 no. network operators. The antennas will be mounted on a headframe with the dishes attached to the monopole below. 5 no cabinets are proposed at ground level to house the required telecommunications equipment. The mast will have a galvanised finish and cabinets will be painted grey with the whole site enclosed by a 2.4m mesh fence painted green.
- 2.2. The application was accompanied by the following:
  - Letter of consent from the landowner to lodge a planning application
  - Planning Statement prepared by Pegasus Group addressing the following:

- 1) Demonstration of the need for telecommunications equipment in the proposed location
- 2) Details of the search for alternative locations and mast sharing
- 3) Whether the height and form of the telecommunications equipment would have a harmful impact on the visual amenities of the surrounding area
- 4) Whether the proposal would constitute the unacceptable loss of formal open space and
- 5) The material benefits for the scheme

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Wexford County Council issued a notification of decision to **refuse permission** for the following reason:

*Having regard to the proximity of the proposed development to existing and permitted residences in the area, with particular reference to the development permitted under planning register number 20181471 immediately to the north of the site, it is considered that the proposed development would conflict with the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, and would be contrary to the objectives of the planning authority, as set out in the Wexford County Development Plan 2013 – 2019, specifically Objective TC05 which states that it is an objective to adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities. The proposed development would therefore, seriously injure the residential amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.*

#### 3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.2. The **Case Planner** set out the following as summarised:

- There is sufficient justification for the provision of a telecommunications structure at this location.
- Acknowledged that there would be some limited visual impact but this is likely to be intermittent.
- Given the proximity of the tower / site to the permitted dwellings to the north and the higher ground levels on the application the proposed development would adversely impact on the amenities of neighbouring residential occupiers.

3.2.3. Accordingly the Case Planner recommended that permission be refused. The notification of decision to grant permission issued by DCC reflects this.

3.2.4. Other Technical Reports

- **Chief Fire Officer** – No comment

### 3.3. **Prescribed Bodies**

3.3.1. There are no reports recorded on the planning file.

### 3.4. **Third Party Observations**

3.4.1. There are 2 no observations recorded on the appeal file from (1) Margaret Cousins and (2) Ethna Monks. The issues raised relate to visual impact, there is already a large mast in the area, existing antennae on the wall of the fitness club, health and safety, impact on health and reference to Circular Letter PI07/22 where it states the Planning Authorities “should not ..... determine planning applications on health grounds”.

## 4.0 **Planning History**

4.1. There is no evidence of any previous planning appeal on this site. The following planning history has been made available with the appeal file as summarised:

- **Reg Ref W2012004** – Wexford Borough Council granted permission subject to 4 no conditions for 4 no 18 metre high flood lights and a generator located within a

2.4m high palisade fenced compound and all associated site works at North End United, Belvedere Road, Wexford.

4.1.1. The following permitted development is referenced in the reason for refusal. The site is located immediately to the north of the appeal site.

- **Reg Ref 20181471** – WCC granted permission subject to 16 no conditions for the demolition of old out building / sheds of 147sqm and the proposed construction of 7 no fully serviced dwelling houses (consist of 2 no terrace blocks of 3 dwelling and 4 dwelling) with connection to all main services, erection of new boundary walls and all associated site works at Airhill, Belvedere Road, Townparks, Wexford.

## 5.0 Policy Context

### 5.1. National Guidelines

5.1.1. **Telecommunications Antenna & 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. Key issues are as follows:

- **Design & Siting** – The design of the antennae support structures and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design.
- **Visual Impact** – The visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters.
- **Sharing Facilities & Clustering** – Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the desing stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.

5.1.2. **Circular Letter PL07/12 Telecommunications Antenna & Support Structures Guidelines** – Issued in 2012 updating certain sections of the foregoing 1996 Guidelines. Key issues clarified and updated include:

- Planning Authorities should not attach conditions limiting any permissions to a temporary period
- Use of bonds or cash deposits in order to control the removal of installations should cease and should be controlled by way of condition; and
- Planning Authorities should primarily be concerned with the appropriate location and design and do not have competence for health matters which are subject to other legislation.

## 5.2. Development Plan

5.2.1. The operative plan for the County is the **Wexford County Development Plan 2013 – 2019**.

5.2.2. **Section 9.3 Telecommunications** states that *the development of high-quality telecommunications infrastructure is critical to advance the economic and social development of the county and that the Council is committed to enhancing the telecommunications network and infrastructure throughout the county.*

5.2.3. **Section 9.3.1 Masts and Antennae** states that *the location of masts is a contentious issue and one which will be carefully considered by the Planning Authority.* In general:

- *In the vicinity of larger towns masts should be located in industrial estates or on industrially zoned land. The development of masts in commercial or retail areas will be considered.*
- *Free-standing masts will not be located in a residential area, beside schools or community facilities. Only as a last resort, where all other alternatives are either unavailable or unsuitable, will such a location be considered by the Planning Authority.*

5.2.4. Section 9.3 sets out the following relevant objectives:

- **Objective TC05** - To adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities.



5.2.5. Chapter 18 Development Management Standards; **Section 18.26 Telecommunications Structures** states that planning applications relating to the erection of antennae and support structures shall be accompanied by:

- A reasoned justification as to the need for the particular development at the proposed location in the context of the operator's overall plans for the County having regard to coverage.
- Details of what other sites or locations in the County were considered, and reasons why these sites or locations are not feasible.
- Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.
- Detailed proposals to mitigate the visual impact of the proposed development, including the construction of access roads, additional poles and structures.

5.2.6. The operative plan for the town is the **Wexford Town & Environs Plan 2009 – 2015**. The appeal site is zoned "Open Space and Amenity" where the objective is *to protect and provide for recreation, open space and amenity provision*. **Section 11.17 Telecommunications** states that in order to facilitate the evaluation of development proposal for the erection of antennae and support structures, the applicant will be required:

- To submit a reasoned justification as to the need for the particular development at the proposed location in the context of the operator's overall plans to develop a network
- To indicate what other sites or locations which were considered
- To submit evidence of consultation with other operators with regard to the sharing of sites and support structures
- To submit proposals to mitigate the visual impact of the proposed development including the additional poles and structures
- To furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2

### 5.3. **Natural Heritage Designations**

5.3.1. The site is not located within a designated Natura 2000 site.

### 5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The first party appeal has been prepared and submitted by the Pegasus Group on behalf of the applicant; Shared Access Limited, against the decision to refuse permission and may be summarised as follows:

- The visual properties of the area are already characterised by an existing 40m lattice telecommunications structure situated to the north of the appeal site and in accordance with good practise around clustering, the appellant has chosen to site the mast as close to this structure as possible. It will only be seen in secondary views from immediate neighbouring residencies, ensures the monopole is located in an appropriate context in this medium density residential area.
- The siting of the proposed monopole subject to this appeal is further away from permitted neighbouring housing than an existing 40m lattice mast. Furthermore, the proposal is set at a perpendicular angle from the permitted houses meaning there will be no direct views form any habitable rooms within the properties themselves and the mast will only be visible form external parts of these properties.
- The reason for refusal is not justified. The appeal proposal will not result in any significant detriment to residential amenity, and that the demonstrable benefits of the scheme would in any case outweigh any perceived harm.

- The proposal constitutes the installation of 1 no 18m slimline monopole and 5 no equipment cabinets that will house telecommunications equipment. This will host an antenna to provide new 2G, 3G and 4G coverage to Eir and has room for a second operator.
- As set down within national guidelines and the Wexford County Development Plan objectives that relate to the communications network, improvements to the telecoms networks will realise sustainable economic benefits and it integral to growing the nations economy and to social well-being. The delivery of the appeal proposal will contribute to realising this identified benefit and should weigh in favour of the scheme.
- The development has been designed with regard to relevant national and local planning policy as well as codes of best practise for communications networks. This includes the minimal height necessary to ensure sufficient radio coverage, the use of a slimline solution with the use of existing structures and trees and mature boundaries adjacent to the site meaning the siting is a discrete location within the residential urban context in which it is located.
- This Statement of Case and the documents submitted with the application demonstrate that the proposal would not give rise to harm to the visual amenity of the area. However, it is also maintained that should there be any perceived harm visual harm, that this would be outweighed by the demonstrable benefits and the absence of alternative locations to address the lack of coverage.
- Advanced high quality communications infrastructure is essential for sustainable economic growth and social well-being, the appeal scheme will provide this in a location that is deficient in coverage and the appellant accordingly considers that appeal scheme to be entirely acceptable in planning policy.

6.2. The appeal was accompanied by the following:

- Notification of decision to refuse permission 20191040
- Planning Report 20191040
- Photomontage of the appeal scheme 20181471
- Appeal Inspectors Report PL26.247800
- Letter of support from Eir Mobile (formerly Meteor Mobile Communications) stating inter alia that *refusals of this nature impede the timely delivery of enhanced mobile*

*and broadband services, which has a knock-on effect on the local economy and community and the wider national economy.*

- Refined coverage plots

### 6.3. Planning Authority Response

#### 6.3.1. WCC set out the following:

*The dwellings permitted under 20181471 are now under construction. None of the viewpoints demonstrated by the appellant reflect this perspective. The Inspectors / Boards attention is drawn to this concern.*

### 6.4. Observations

#### 6.4.1. There is one observation recorded on the appeal file from Ethan Monks. The issues raised may be summarised as follows:

- The existing mast appears to be supporting the maximum number of antennae's (18) and already provides 2G, 3G and 4G.s
- An extraordinary release of regulatory levers has created a "free for all" climate for the telecommunications industry and has left leeway for any foundation upon which objections can be made by the public
- Despite all of the clear information regarding potential adverse health effects and the thousands of available research reports from world renowned independent scientists, Circular Letter PL07/12 states that Planning Authorities "should not ..... determine planning applications on health grounds". "These are regulated by "other codes"".
- This refusal / wilful blindness in acknowledging health issues is exacerbated by the fact that no Government Department has been designated or has accepted responsibility for EMF / RF / Wi-Fi and public health, or has any idea what these "other codes" are. No register complaints procedure or redress scheme have been set up on behalf of the public.
- Circular Letter PL07/12 Telecommunications Antenna & Support Structures Guidelines is in breach of the Constitution of Ireland

## 6.5. Further Responses

6.5.1. There is no further response recorded on the appeal file.

## 7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenities
- Visual Impact
- Health & Safety
- Appropriate Assessment
- Other Issues

## 7.2. Principle

7.2.1. Permission is sought for the erection of a 18m monopole to support telecommunications antennae for use by Eir and other operators, which together with the installation of dishes and ground bases equipment cabinets will provide 2G, 3G and 4G mobile electronic communications services from the installation at land at North End United FC, Hollygrove, Belvedere Road, Wexford.

7.2.2. As documented and as observed on day of site inspection there is one large existing telecommunications structures to the north east of the site, which, it is stated does not carry any commercial telecommunications equipment (in use by the Gardai and emergency services). Eir's existing equipment is on the roof of North End United FC Clubhouse. However, in order to provide the required radio coverage within Wexford it is stated that the optimum solution is to replace the current site.

7.2.3. The application was accompanied by a Plannign Report that set out inter alia the technical justification for the proposal. The installation will replace and improve the existing telecommunications in the area and provide a faciality for other network

operators to use this structure. Existing and predicted coverage maps have also been included with the report (appeal refers).

- 7.2.4. Overall, having examined the location of existing telecommunications structures and the coverage maps submitted with the application, it is considered that there is sufficient technical justification for the provision of a telecommunications structure at this location to provide 2G voice, 3G and 4G data service provision. Accordingly, I would consider that the principle of the proposed development is acceptable.

### **7.3. Residential Amenities**

- 7.3.1. The main reason for refusal relates the fact there is a permitted residential scheme for 7 units to the north of the site; Reg Ref 20181471 refers. The proposal was considered to be contrary Objective TC05 which aims “to adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities”.
- 7.3.2. The proposed structure is approximately 13 metres from the site boundary to the north. There is permission on this adjoining site for 7 dwellings (20181471) and it is stated that the nearest dwelling will be 1m from this boundary. The issue was highlighted within a Planning Statement submitted by the applicant but that concluded that there would be no undue impact because the dwellings do not face the proposed site.
- 7.3.3. The fact there is a permission for a small residential scheme on an adjoining site is not a reason for refusal. The national guidelines provide no restriction in terms of distances between such structures and dwellings and the main requirement is compliance with standards in regards to non-ionising radiation.
- 7.3.4. I would note that it’s not uncommon for such structures or antennae to be in close proximity to residential development (particularly in urban areas) and that there is no requirement for a set separation distance. Overall, I am satisfied that the proposed development would have no adverse impact on the amenities of a dwelling (subject to compliance with requirements on non-ionising radiation) in event that it is constructed.
- 7.3.5. As documented Objective TC05 states that there is a “presumption against” the erection of antennae in proximity to residential areas, schools and community facilities, it does not, however explicitly prohibit the erection of antenna proximate to residential development. I do not therefore consider that to permit this development would be contrary to Objective TC05.

#### **7.4. Visual Impact**

- 7.4.1. The proposal is for an 18m high monopole type structure and associated equipment. This is a typical design for this type of structure and is slender in nature with a diameter of circa 0/6m. No design issues arise.
- 7.4.2. Having regard to the information submitted it is evident that there would be some limited visual impact from the proposed structure within the immediate surrounding area, however I agree with the Local authority that that views of the structure are likely to be intermittent due to the set back from the public road and given that there are currently a number of existing structures on the site including poles for ball nets, goal posts etc. I am satisfied that the proposal would not have a significant, prominent or negative visual impact at this location and that the height and slender nature of the proposed structure would ensure that there would be limited visual impact on the wider area.

#### **7.5. Health & Safety**

- 7.5.1. Circular Letter PI07/12 (Telecommunications Antenna & Support Structures Guidelines) sets out that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructures. These are regulated by other codes and such matters should not be additionally regulated by the planning process. Accordingly 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 previously.

#### **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and its 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.

## 7.7. Other Issues

- 7.7.1. **Development Contribution** – Wexford County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended); the Wexford County Councils Development Contribution Scheme 2013 refers. With regard to Telecommunication Masts it is stated that “*as required by the “Development Contributions Guidelines for Planning Authorities” reductions will apply to temporary permissions*”. It is further stated that “*mast sharing and erection of equipment on buildings will be exempted from contributions*”. As set out above permission is sought for the erection of a 18m **free standing multi user monopole** (emphasis added). Accordingly, no reductions apply in this case. The scheme is not therefore exempted from the requirement to pay a development contribution.

## 8.0 Recommendation

- 8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below.

## 9.0 Reasons and Considerations

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 19<sup>th</sup> day of October, 2012,
- c) the policy of the planning authority, as set out in the Wexford County Development Plan 2013-2019 and the Wexford Town & Environs Plan 2009 – 2015, to support the provision of telecommunications infrastructure, and
- d) the nature and scale of the proposed telecommunications support structure,



it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or 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.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to commencement of development, 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.</p> <p><b>Reason:</b> In the interest of visual amenity and orderly development</p>
3.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>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</p>

	<p>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.</p> <p><b>Reason:</b> 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.</p>
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**Mary Crowley**

**Senior Planning Inspector**

**2<sup>nd</sup> March 2020**