



An  
Bord  
Pleanála

## Inspector's Report ABP-305582.

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| <b>Development</b>                  | Multi user free standing telecommunications structure.                |
| <b>Location</b>                     | Naomh Eanna GAA Club, Gorey, County Wexford                           |
| <b>Planning Authority</b>           | Shared Access Ltd.  |
| <b>Planning Authority Reg. Ref.</b> | 20191042.   |
| <b>Applicant</b>                    | Shared Access Limited.  |
| <b>Type of Application</b>          | Permission.   |
| <b>Planning Authority Decision</b>  | Refusal   |
| <b>Type of Appeal</b>               | First Party   |
| <b>Appellant</b>                    | Shared Access Ltd.  |
| <b>Observer(s)</b>                  | John O'Loughlin<br>Neville & Theresa Steedman<br>Orla Allen & Others. |
| <b>Date of Site Inspection</b>      | 2 <sup>nd</sup> December 2019   |
| <b>Inspector</b>                    | Philip Davis.   |

## Contents

|  |    |
|--|----|
| 1.0 Introduction .....                   | 3  |
| 2.0 Site Location and Description .....  | 3  |
| 3.0 Proposed Development .....           | 4  |
| 4.0 Planning Authority Decision .....    | 4  |
| 4.1. Decision .....                      | 4  |
| 4.2. Planning Authority Reports .....    | 4  |
| 4.3. Prescribed Bodies .....             | 5  |
| 4.4. Third Party Observations .....      | 5  |
| 5.0 Planning History.....                | 5  |
| 6.0 Policy Context.....                  | 5  |
| 6.1. Development Plan.....               | 5  |
| 6.2. Natural Heritage Designations ..... | 5  |
| 7.0 The Appeal .....                     | 6  |
| 7.1. Grounds of Appeal .....             | 6  |
| 7.2. Planning Authority Response .....   | 6  |
| 7.3. Observations .....                  | 6  |
| 8.0 Assessment .....                     | 7  |
| 9.0 Recommendation.....                  | 11 |
| 10.0 Reasons and Considerations .....    | 11 |
| 11.0 Conditions .....                    | 11 |

## 1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse planning permission for a telecommunications mast in a GAA complex in Gorey. The reason for refusal relates to policy on the location of such masts in residential areas and school/community facilities. Three observations have been submitted in support of the planning authority's decision.

## 2.0 Site Location and Description

### 2.1. Gorey, County Wexford

Gorey is a traditional market town in north County Wexford with a population of approximately 10,000. It has been recently bypassed by the M11 to the east. The appeal site is located on the north-west side of the town, where the Clonattin Road runs from Gorey Main Street serving a number of residential areas and small commercial units, becoming more scattered and lower density before running under the M11, 2km from the town centre. Just over 1km from Main Street are a pair of sports grounds, one is Gorey Rugby Club, the other *Naomh Eanna* GAA pitches. Beyond the sports ground are linear rural housing and open countryside.

### 2.2. Naomh Eanna GAA Club

The Naomh Eanna GAA Club premises occupies a roughly rectangular site with an area (not given in the application documents) I estimate to be 6 hectares on the north-west side of the Clonattin Road, as it enters Gorey Town. The Club grounds consist of a large clubhouse (including a bar) with extensive parking next to the road, a smaller building with changing rooms, a playing pitch with stands, a training pitch, and ancillary training grounds. The appeal site is a small area on the south-west side of this club grounds, with a site area given as 0.0022 hectares. The site is 200 metres from the road, and about 3 metres from the site boundary where the GAA grounds abut an agricultural field with a small industrial estate south of this field. It is served by an existing track that runs past the clubhouse and stand. It is approximately 50 metres from the stand and about 60 metres from some commercial buildings adjoining the Club to the west.

### **3.0 Proposed Development**

The proposed development consists of a 24 metre multi-user free standing structure to support telecommunications antennae for use by EIR and other operators, in addition with the installation of dishes and ground based equipment cabinets for 2G, 3G and 4G mobile electronic communications equipment.

A detailed 'Planning Statement' was submitted with the application in addition to plans and drawings.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

The planning authority decided to refuse permission, for the reason that it is not considered to be in accordance with Section 9.3.1 and Objective TC05 of the CDP 2013-2018 which seeks to set out a presumption against the erection of antennae in proximity to residential areas, schools, and community facilities.

#### **4.2. Planning Authority Reports**

##### **4.2.1. Planning Reports**

- Notes no reports or comments from external and internal referrals.
- Notes that in Planning Circular Letter PL07 (Oct 2012) planning authorities should primarily be concerned with the appropriate location and design and do not have the competence for health matters.
- Notes that it is on land zoned for open space and amenity. Relevant policies in Section 10.3.3 'Telecommunications'. Plus, sections 9.3.1; 12.6; 14.4.2; 18.26 and 18.29.3 of the current County Development Plan and LAP.
- Screening Report attached – no AA required. It is not close to any sensitive locations or sites.
- It is considered that it has not been demonstrated that a more suitable site on appropriately zoned lands has been identified and ruled out in accordance with Objective TC05.

#### 4.2.2. Other Technical Reports

None on file.

#### 4.3. Prescribed Bodies

None on file.

#### 4.4. Third Party Observations

Four submissions by local residents – all four objected to the proposed development.

### 5.0 Planning History

In 2012 planning permission was granted for a new structure including 2 no. ball alley playing areas with changing rooms and facilities (**20120110**).

In 2010 permission was granted for a meeting room (**20100052**).

In 2009 permission was granted for a floodlighting system for the main playing pitch (**20091523**).

### 6.0 Policy Context

#### 6.1. Development Plan

The appeal site is an area zoned 'Open Space and Amenity' in the Gorey Town and Environs Local Area Plan 2017-2023. Policy is set out in 10.3.3 of the LAP, with Section 9.3.1 and Objective TC05 of the Wexford County Development Plan 2013-2019 setting out county wide policy.

#### 6.2. Natural Heritage Designations

There are no Natura 2000 sites close to the appeal site, or in the vicinity, and the watershed does not drain to any such designated sites. The closest designated site is the River Slaney SAC, about 7 km to the west (the site is not within the Slaney catchment).

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- The applicant outlines in some detail the justification for the proposed development. It is stated that the tower is required because the location of the existing main telecommunications tower for the area is being redeveloped (there is further information in the original submission). It is submitted that the site is an unused part of the GAA pitches and is well separated from any residential uses.
- It is argued that the site is not a 'community playing pitch' as stated in the reason for refusal, but is in an unused part of the GAA landholding (a letter of consent from the club is attached).
- It is noted that the club will benefit financially from the scheme.
- It is argued that the only suitable industrial site is unsuitable as the only available parts of the site are too close to residential properties or would impact upon the operations of the industrial user.
- It is argued in summary that the proposed use is consistent with national guidelines for the location of such structures and that it would have minimal impact on local amenities.

### 7.2. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

### 7.3. Observations

#### John O'Loughlin of Clonattin

- It is submitted that the proposed development is contrary to the Wexford County Development Plan and the Gorey LAP.
- It is submitted that it will not improve local amenities and is not in the interest of the local areas.
- The Board is requested to confirm the decision of the planning authority.

Neville & Therese Steedman of Doire Fea, Clonattin.

- They submit that the proposed development is inappropriate in an area so close to sports and community facilities.
- They express concern at the health impacts of such a facility.
- They argue that it will interfere with views from the Doire Fea estate opposite the site.

Orla, Mary & David Allen of Conattin

- Objects to the proposed development.
- They express concern at the health impacts of the proposed development.
- They argue that the visual impact would devalue their property and impact on the development of the area.

## 8.0 **Assessment**

8.1. Having inspected the site and reviewed the file documents I consider that the appeal can be addressed under the following general headings:

- Principle of Development
- Alternative sites
- Health impacts
- Visual impacts and amenity
- EIAR and AA
- Other issues

8.2. Principle of Development

National and regional policy, as set out in the **National Planning Framework – Project Ireland 2040**, and the **South East Region RPG**, in addition to the **Telecommunications Antennae and Support Guidelines 1996** and **Circular Letter PL 07/12 Telecommunications Antennae and Support Structure Guidelines** are generally favourable to the development and enhancement of the

national telecommunications network, subject to general principles of good planning practice and the appropriate legislative context.

Section 9.3.1 in the CDP 2013-2019 states:

#### 9.3.1 Masts and Antennae

The location of masts is a contentious issue and one which will be carefully considered by the Planning Authority. In general:

- Free-standing masts will not be located within or in the immediate surrounds of smaller towns or villages. 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.

- 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.

The sharing of masts with other telecommunications operators will be encouraged as means of maximising investment and reducing the visual impacts associated with this type of development. Where it is not possible to share a support structure, applicants will be encouraged to share a site or to site adjacently so that masts and antenna may be clustered.

However, the proliferation of masts in a particular area could be injurious to visual amenities, and therefore having regard to the potential adverse visual impacts of a proliferation of masts, applicants will be required to demonstrate a need to locate a new mast in a particular location where proliferation may present as an issue.

**Objective TC05** states that there is a presumption against the erection of antennae in proximity to residential areas, schools and community facilities.

The proposed development is located within an area zoned 'Open Space and Amenity' in the **Gorey LAP** – there is no specific guidance as to whether such masts are acceptable or not in principle.

The appeal site is to the rear of GAA sports fields, next to a small industrial estate on the outskirts of Gorey. There are suburban estates on the opposite side of the road, some 250 metres away from the site. Within the overall context of Gorey, I



would not consider the site to be a bad one for locating such a mast – it is a reasonable distance from any residential areas and does not compromise the use of the land for open space/recreation, and it is largely screened from public view by the large clubhouse and associated structures.

In these circumstances, I would consider that in policy terms the site is generally one that should be considered 'open to consideration' subject to the applicant demonstrating that there are not more appropriate sites with regard to section 9.3.1 of the CDP.

### 8.3. Alternative sites

Within the context of CDP policy and the LAP, locating the mast within the adjoining industrial estate, or others nearby, would rank higher in policy preference. However, in overall planning terms I'm not convinced it would be a superior option, as many of those sites that appear to be available are more visible from public areas and closer to residential areas. I am satisfied from the information provided that there is no obvious superior site in policy or planning terms than that proposed.

### 8.4. Health impacts

The observers have raised concerns about possible health impacts from the proximity of the mast to residential areas. Current advice set out in national guidelines is that there is no known hazard from such installations, and I would note that the separation distance from residential areas or other sensitive receptors is relatively generous for a typical urban installation.

### 8.5. Visual impacts and amenity

The appeal site is to the rear of a series of buildings, including stands, associated with the GAA Club. The site is currently unused, and has an existing vehicular access, used for pitch maintenance and access. Its development would not interfere with the use of the club facilities and would not preclude other sporting/amenity uses of the site.

The mast is a standard 24 metre structure with shared antennae for use for 4G and related telecommunications users. As such, it is a familiar, if not overly attractive

element of the modern landscape. The site is only directly visible from within the GAA lands and the surrounding agricultural fields. Public views are from the main road and the residential areas opposite. A combination of the adjoining industrial structures, the main GAA club building, and tall trees, would largely screen the structure, although the upper sections would undoubtedly be visible from a number of public areas and possibly from the gardens/windows of some of the dwellings, albeit from a distance and not a direct view. There are no specifically sensitive visual receptors in the vicinity such as protected structures or tourist attractions. I would therefore conclude that the proposed development would be generally acceptable in visual terms and would not seriously injure local residential amenities.

## 8.6. EIAR and AA

### 8.6.1. EIA

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

### 8.6.2. *Appropriate Assessment*

There are no Natura 2000 sites within Gorey town or within the local river catchment (the Banoge/Owenvorrigh River). The closest designated site is the Slaney River SAC (site code 000781) to the west (about 4km), but the appeal site is not within this river catchment. There are no other designated sites within 10 km or along the coast where the rivers discharge.

I consider it reasonable therefore to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000781, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.7. Other issues

I note that the site is not identified in available resources as subject to flooding and there are no protected structures or recorded ancient monuments in the vicinity. I do not consider that there are any other substantive planning issues raised in this appeal.

## 9.0 Recommendation

I recommend that the proposed development be granted planning permission for the following reasons and considerations, subject to the conditions set out below.

## 10.0 Reasons and Considerations

Having regard to the National Planning Framework, the Wexford County Development Plan 2013-2019 and the Gorey Local Area Plan 2017-2023, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12, 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 not seriously injure the amenities of the area or of property in the vicinity. The proposed development 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. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered 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.

3. The site shall be reinstated on removal of the telecommunications structure 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.

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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures 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.

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

8. 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 to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

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Philip Davis  
Planning Inspector

21<sup>st</sup> May 2020