



An  
Bord  
Pleanála

## Inspector's Report ABP-307156-20

### Development

Permission for the erection of a 21 metre monopole to support telecommunications antennae for use by eir and other operators, which together with the installation of dishes, security fencing and ground based equipment cabinets will provide mobile electronic communication services.

### Location

Enniscorthy United, Niall O'Sullivan Park, Sean Brown Crescent, Enniscorthy, Co. Wexford.

### Planning Authority

Wexford County Council

### Planning Authority Reg. Ref.

20200032

### Applicant(s)

Shared Access Limited

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party

**Observers**

Kieran Dunne on behalf of

Udo Vonno

Aideen Vonno

Rose S. Dwyer

The Residents of Sean Browne Court,  
Crescent, Nolans Lawn and Moran  
Park

**Date of Site Inspection**

10<sup>th</sup> June 2020

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site is located to the south western side of Enniscorthy United's football ground – Niall O'Sullivan Park, to the south east of Sean Browne Court, approximately 1 km to the north west of central Enniscorthy, Co. Wexford. Access to the football ground is via a narrow laneway from Sean Browne Court. The site area is given as 0.0036 hectares.
- 1.2. The football ground consists of a pitch on a north east to south west axis with a training/ hardstanding area/ car park located to the south western end. A small club house is provided to the south east corner. Very limited lighting is provided around the pitch and I would suggest that this lighting would not meet requirements for the holding of a match during the hours of darkness. These limited lights are placed on relatively low timber poles, similar to electricity poles.
- 1.3. Two-storey terraced housing on Sean Browne Court is located to the north west of the site and semi-detached/ terraced houses in Moran Park are located to the south east. An industrial building with extensive hardstanding/ undeveloped lands is located to the south west and to the north east is an area of undeveloped land which is under grass. A concrete block wall forms the south west boundary and the other sides consist of a mix of palisade fencing and block walls.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - The erection of a 21 m high monopole structure to support antennae/ dishes for the use of eir and other operators.
  - Provision of ground-based equipment cabinets. The submitted drawings indicated that a total of three cabinets are to be provided within the compound. One is for eir and the other two are for unspecified/ future operators.
  - Security fencing in the form of 2 m high wire mesh fence with single access gate.

I note the receipt of unsolicited information received by the Planning Authority on 11<sup>th</sup> of February 2020 and which stated that Three Ireland were also interested in

operating from this site. There were no implications in terms of submitted drawings as all necessary equipment details were provided on the lodged documents.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to refuse permission for a single reason as follows:

'The proposed development to site a telecommunications mast within a community playing pitch is not considered to be in accordance with Section 9.3.1 and Objective TC05 of the County Development Plan 2013 – 2019 which seeks to adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities which should more appropriately be located in industrial estates or on individually zoned land. The proposed development would therefore be contrary to this policy and the proper planning and sustainable development of the area'.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

The Planning Report reflects the decision to refuse permission primarily due to the location of the development on lands zoned for community use. The Planning Authority Case Officer noted the submission received on file and also refers to Planning Circular Letter PL07 /12 which seeks '..to update certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996)'. The Case Officer notes that any issues regarding health matters 'are subject to other legislation'.

##### 3.2.2. **Other Technical Reports**

**Chief Fire Officer:** No objection subject to condition that works be designed and constructed in accordance with the Building Regulations 1997 – 20017.

##### 3.2.3. **Prescribed Bodies Reports**

None.

### 3.2.4. **Objections/ Observations**

Letters of objection from Udo & Aideen Vonno, from Rose Dwyer on behalf of the residents of Moran Park, with a petition attached and from Kieran Dunne & Others on behalf of the residents of Sean Brown Court, Sean Brown Crescent and Nolan's Lawn with an attached petition, were received, and the issues raised are similar to those in the appeal.

In summary the main issues related to:

1. The proposed mast is too close to existing houses in the area.
2. The mast/ tower will obstruct views and reduce the value of property in the area.
3. Potential hazard from the proposed mast/ tower.
4. Visual impact on the landscape.
5. Health and safety issue for children in the area and those using the facilities.

## 4.0 **Planning History**

**P.A. Ref. 20191161** refers to an October 2019 decision to refuse permission for the erection of a 21 metre monopole to support telecommunications antennae for use by eir and other operators, which together with the installation of dishes, security fencing and ground based equipment cabinets will provide mobile electronic communication services. A single reason for refusal was issued as follows:

'The proposed development to site a telecommunications mast within a community playing pitch is not considered to be in accordance with Section 9.3.1 and Objective TC05 of the County Development Plan 2013 – 2019 which seeks to adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities which should more appropriately be located in industrial estates or on individually zoned land. The proposed development would therefore be contrary to this policy and the proper planning and sustainable development of the area'.

## 5.0 Policy and Context

### 5.1. Wexford County Development Plan 2013 - 2019

5.1.1. Enniscorthy is listed as one of the four main towns in the County. The Core Strategy states: *'The development approach for Enniscorthy Town is more measured growth'*.

5.1.2. Section 9.3 of Chapter 9 – 'Infrastructure' of the development plan, refers to 'Telecommunications' and the following objectives are relevant:

#### 'Objective TC01

To facilitate the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18'.

#### 'Objective TC02

To have regard to Telecommunications Antennae and Support Structures- Guidelines for Planning Authorities (Department of the Environment and Local Government, 1996) or updated guidelines published during the lifetime of the Plan'.

#### 'Objective TC03

To co-operate with telecommunications service providers in the development of this infrastructure, having regard to the proper planning and sustainable development of the area, normal planning and environmental criteria and the development management standards contained in Chapter 18'.

Also relevant:

#### 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’.

#### ‘Objective TC04

To require a demonstration of need for the proposed mast, having regard to the requirements for the co-location of masts and facilities where practicable and technically feasible. It will be the requirement of the applicants to satisfy the Planning Authority that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered’.

#### ‘Objective TC05

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

- 5.1.3. Chapter 18 of the development plan refers to ‘Development Management Standards’ and the following section is relevant:

#### 18.26 Telecommunications Structures

‘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. **Enniscorthy Town & Environs Plan 2008 - 2014**

5.2.1. The subject site is within Masterplan Zone 4 and is designated as Zoning Objective F - ‘Open Space and Amenity (OS)’.

5.2.2. The following policy statement is noted:

TE3 ‘To provide orderly development of telecommunications infrastructure throughout the town in accordance with the requirements of the “Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities” July 1996’.

## 5.3. **National Guidance**

- Telecommunications Antennae and Support Structures (DoELG, 1996)
- Circular PL07/12
- I note that the ‘Results from the Mobile Consumer Experience Survey 2019’ undertaken by the Commission for Communications Regulation, found that 98% of people had a mobile phone.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant – Shared Access Limited have engaged the services of Pegasus Group to appeal the decision of the Planning Authority, to refuse permission for the proposed development.

The following comments are made in support of the appeal:

- The proposal is necessary for the operator to maintain/ improve network coverage for a range of technologies in Enniscorthy. The height at 21 m meets the minimum necessary height requirements. A total of nine antennae and three dishes can be supported. This can accommodate the requirements of up to three operators. Seven cabinets can be provided at ground level and all structures to be located within a 2 m high mesh fence enclosure.
- The site has been carefully considered in relation to impact on residential property in the area and having regard to the requirements of the Wexford County Development Plan.
- The subject site is located at the edge of a football pitch that serves no recreational purpose at present and for which there are no proposals for development.
- The nearest residential property is 45 m away. South of the site are industrial lands.
- All existing structures in the area have been identified and were discounted as too far away from the cell area. Full details are provided in Section 4.8 of the 'Grounds of Appeal and Statement of Case' document.
- The result of the site investigation is that this is the only appropriate site found and as such it can be considered to be a 'last resort' site in accordance with Section 9.3.1 of the Wexford County Development Plan.
- The site is located adjacent to a residential area but other land uses are found in the immediate area including open space (the subject site) and industrial uses.
- The subject site is an underused car parking/ storage area and the presence of electricity pylons will allow for the easily assimilation of the proposed development into its surroundings.

- The case is set out that a development being visible is not necessarily the same as being harmful.
- The County Development and Local Area Plans support the development of a high-quality telecommunications network.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

Observations have been received from Kieran Dunne on behalf of Udo and Aideen Vonno, Rose S. Dwyer and the Residents of Sean Browne Court, Sean Browne Crescent, Nolans Lawn and Moran Park.

The following points were raised:

- The proposed mast is too close to existing houses in the area.
- The mast/ tower will obstruct views and reduce the value of residential property in the area.
- Potential hazard from the proposed mast/ tower – tower accommodate 2G, 3G and 4G.
- Visual impact on the landscape.
- Health and safety issue for children in the area and those using the facilities.
- History of refusals issued by Wexford County Council and the applicant is not recognising the concerns of residents in the area.

## 7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Design and Impact on the Character of the Area
- Compliance with Local and National Guidance

- Appropriate Assessment Screening

## **7.2. Nature of the Development**

- 7.2.1. The proposed development consists of a monopole type mast with a height of 21 m above ground level. This structure can support a mix of dishes and antennae used for telecommunications. Cabinets in support of the telecommunications will be located at ground level and the entire structure will be enclosed by a mesh fence of 2 metres in height. The submitted Site Plan – Drawing No. 201 indicates that the enclosed area will be circa 36 sq m.
- 7.2.2. The site is located on lands to the south west of a football pitch – Enniscorthy United's 'Niall O'Sullivan Park'. On the day of the site visit it was evident that the subject site forms a carparking area and consists of hardstanding. A high block wall forms the boundary to the south west of the site. It was also evident from the site visit that houses to the south east and north west that surround the football ground are at a higher level than the subject site. The nearest houses to the site are nos. 99 and 100 on Sean Browne Court and are circa 45 to 50 m from the site – measured from first floor level, their rear boundary to the proposed enclosure is circa 35 m. Houses to the south east are circa 60 m away. The rear boundaries of these houses consist of a mix of walls, fences etc. There is a narrow accessway to the rear of these houses and a palisade fence provides a secure boundary around the football grounds.
- 7.2.3. I have noted the details outlined in the appeal statement, the policies/ objectives of the Wexford County Development Plan and Enniscorthy Local Area Plan in addition to relevant National Guidance.

## **7.3. Design and Impact on the Character of the Area**

- 7.3.1. The proposed structure is of a standard design found throughout the Country and the similarly the cabinets/ associated enclosure is of a standard design. I do not foresee that the proposed development will have a negative impact when viewed from public roads in the area as the distance from the public road will ensure that it has an insignificant visual impact.
- 7.3.2. I note the concerns raised in the observations regarding visual impact. I do not foresee that this will be significant. I have outlined that the houses to the north west are nearest to the site and I do not foresee that the visual impact will be significant.

The view from these houses ground floor windows and rear garden is unlikely to be impacted by this structure. There will be a visual impact when viewed from first floor level, though I consider that the separation distance to be sufficient to address any concerns. I was not aware and did not notice any significant views on the day of the site visit. Noticeable were existing powerline poles and low level floodlighting around the pitch. I agree with the applicant/ appellant that the issue of visual impact does not necessarily equate to a harmful visual impact. No views of importance will be lost to residents of the area and no overshadowing will occur. Whilst having regard to the zoning of the site and adjoining lands, the development is located on lands within an established urban area.

#### **7.4. Compliance with Local and National Guidance**

- 7.4.1. The Observations have included concerns regarding public health – I have had regard to Circular PL07/12 and I will leave any further considerations to other legislation.
- 7.4.2. The Wexford County Development Plan 2013 – 2019 through Objective TC05, seeks ‘To adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities’ and I note the text provides as a preamble to the objective which states ‘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 wording of the Wexford County Development Plan 2013 – 2019, does not prevent a development such as this on lands zoned for community uses. The applicant has outlined in their cover report, why it is necessary to provide a telecommunications structure in this location and they have further reiterated this in the Appeal Statement.
- 7.4.3. An existing telecommunications installation located at the ‘Rapparees Starlight GAA’ grounds, approximately 440 m to the south of the subject site, is to be removed and this will reduce the eir coverage in the area. A number of alternative locations have been dismissed for technical, planning or other reasons. I note that consultation was held with the owner of the industrial lands to the south of the site and they showed no interest in the provision of a telecommunication installation on these lands.

- 7.4.4. I have therefore considered the justification of this development as provided by the applicant/ appellant and I agree that their options are limited. I refer again to Objective TC05 and I would suggest that the definition of 'community facilities' would cover a very wide and diverse range of uses. Whilst the definition of schools and residential uses are clear and relatively narrow focused; community facilities could be anything from a crèche to meeting hall to allotments and Wexford County Council have included sporting grounds within this. It is therefore possible that the objective does not totally rule out the provision of such a development on all community facility lands for the reason that a blanket ban would not be always appropriate.
- 7.4.5. I do accept that the objective may seek to protect existing community facilities; there may be cases where a facility could cease to function through the over dominant provision of telecommunication structures on a site/ a change of use. Such a situation does not arise in this case. The installation does not affect the use of the football pitch, the changing rooms/ clubhouse area are not affected and the development is on lands that are not essential for the primary use of the lands as a football pitch/ grounds. If there was a need for the development of this section of the site, that would be a matter for the landowner and the installation owner to agree. I note the letter of support from Enniscorthy United for this development. Whilst I assume that under normal circumstances the grounds are open to all, this is not a public park or pitch as it is operated by a football club with a gate preventing public access to the site. This is a community facility, though one that may not be available to the community outside of defined times.
- 7.4.6. The Planning Authority in their reason for refusal note that the development would be more appropriate within industrial or industrially zoned lands. I would suggest that the Planning Authority would have no objection to the development if located 10 m to the south west of the site and that their only issue of concern refers to the zoning of the site.
- 7.4.7. In consideration of all of these issues, I consider that the development of this site for a telecommunications installation as proposed, is acceptable. Whilst the zoning makes a presumption against such a development, it and the associated text of the Wexford County Development Plan do not categorically reject such development on these lands were a justifiable reason can be provided. I am satisfied that the

applicant has done this and that the alternative sites can be dismissed for the reasons the applicant has outlined.

## 7.5. **Appropriate Assessment Screening**

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wexford County Development Plan 2013 – 2019 and the Enniscorthy Town and Environs Development Plan 2008 – 2014 and relevant National Guidance, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The applicant/ appellant has provided sufficient information to demonstrate that the site is appropriate for a telecommunication installation and that there is a need for this structure in this location. 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 on the 16 <sup>th</sup> of January 2023, 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
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	<p>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>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.</p> <p><b>Reason:</b> 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.</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>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>

6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
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Paul O'Brien  
Planning Inspector

9<sup>th</sup> September 2020