



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307224-20

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| <b>Development</b>                  | Replacement of existing telecommunications support structure and addition of new telecommunications antennas, dishes and associated equipment together with ground equipment cabinets, new wall and fencing. |
| <b>Location</b>                     | Enniscorthy, Enniscorthy Rural, Co. Wexford.   |
| <b>Planning Authority</b>           | Wexford County Council   |
| <b>Planning Authority Reg. Ref.</b> | 2020/0174  |
| <b>Applicant(s)</b>                 | Vodafone Ireland Limited.  |
| <b>Type of Application</b>          | Permission.  |
| <b>Planning Authority Decision</b>  | Grant Permission with Conditions   |
| <b>Type of Appeal</b>               | Third Party V. Decision  |
| <b>Appellant(s)</b>                 | Kieran Dunne and others.   |
| <b>Observer(s)</b>                  | None.  |

**Date of Site Inspection**

29<sup>th</sup> September 2020.

**Inspector**

Susan McHugh

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the rear yard of an existing An Post sorting office, in the townland of Bellefield, Enniscorthy, Co. Wexford.
- 1.2. The surrounding area is characterised by a mix of community, open space/recreational and residential uses. The appeal site adjoins the Enniscorthy Hockey Club grounds to the south, Moyne Rangers Football Club grounds to the west and north, and back of house storage area and concrete apron/yard storage sheds/parking area to the east.
- 1.3. The residential estates of Seán Browne Court, Seán Browne Crescent and Nolan's Lawn are located to the north, with Moran Park and Bellefield to the east and south east. The Stepping Stones Child facility is located to the north and Bellefield Early Years Centre is located adjacent to the postal sorting office along Bellefield Road. Aldi and Lidl are located further to the west and southwest of the appeal site
- 1.4. The existing monopole is contained within a small fenced compound area in the northwest corner of the property. The appeal site is accessed via the entrance gates to the yard area located to the side of the sorting office. The monopole is 20 metres in height and includes associated telecommunications equipment and ground equipment cabin.
- 1.5. The appeal site has a stated area of 140.4sqm.

## 2.0 Proposed Development

- 2.1. Permission is sought for the replacement of an existing 20 metre high telecommunications support structure with a proposed new 25 metre high telecommunications support structure (overall height of 26.5 metres to the top of the lightning finial) carrying the telecommunications equipment transferred from the existing structure and the addition of new telecommunications antennas, dishes and associated equipment together with ground equipment together with ground equipment cabinets, new wall and fencing.
- 2.2. The existing operator equipment cabin would remain and would be accessed via the existing entrance to the property. The proposed development also includes the

provision of additional cabinets at ground level within an extended fenced compound area.

2.3. The application for the proposed development was accompanied by the following;

- Report from Agent Towercom Limited - outlining the nature and purpose of the application, a technical justification for the proposal, which includes Eir Mobile 4G and Three Ireland's 4 G coverage footprints in the area of the proposed site, National and County Policy and Guidelines, and the visual impact of the proposed development.
- Letter of Consent from owner Eir Property Services to lodge application
- Letter of Support from Eir Mobile

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The decision to **grant** permission is subject to 6 no. conditions including;

Condition No.2 Allow other licenced mobile telecommunications operators to co-locate antenna onto the structure.

Condition No. 3 Removal of existing monopole structure upon completion.

Condition No. 4 Decommissioning requirements.

Condition No. 5 Floodlighting and external illumination requirements.

Condition No. 6 Compound fencing maintenance.

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

##### 3.2.1. Planning Report (dated 31/03/2020)

Basis for planning authority decision. Include:

- *Visual Impact and Landscape* – Visual impact is not significantly increased, proposed development will be more visible from a larger surrounding area, this is in the context of the urban setting and commercially zoned land.

- *Access* – Existing access is through the An Post sorting office site, via an established right of way. Notes submission from An Post but having regard to the nature of the proposed development, outside the temporary construction period, development is unlikely to generate significant traffic movements to or from the site.
- *Policy* – Notes Planning Circular Letter PL07/12, and CDP policy, replacement of existing and permitted monopole structure, an established use will allow shared co-location for other operators, is acceptable in principle on industrial commercial zoned lands.

### 3.2.2. Other Technical Reports

**Environment Section:** Report dated 12/03/2020 no objection subject to requirement in relation to noise.

**Road Design:** Report dated 12/03/2020 no objection.

**CFO:** Report dated 12/03/2020 no comments.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

Two submissions were lodged with the planning authority from the following parties;

- Kieran Dunne and Others: on behalf of Residents of Sean Browne Court, Crescent and Nolan's Lawn, Enniscorthy.
- Avison Young: on behalf of An Post, GPO, O'Connell Street, Dublin 1.

#### Kieran Dunne and Others

The submission was accompanied by a petition and has been forwarded to the Board and is on file for its information. The issues raised are comparable to those raised in the third party observations to the appeal summarised in section 6 below.

## Avison Young

Issues raised can be summarised as follows;

- Request inclusion of a Construction Management Plan (including Traffic Plan).
- Request additional detail in relation to the type and number of antennas, dishes and associated equipment to be installed to the new structure along with the need.

## 4.0 Planning History

**P.A.Reg.Ref. 2012/0403:** Retention permission **granted** August 2012 (Ref. No. 20071270) for an existing development consisting of an existing 20 metre high telecommunications support structure with antennas, equipment container and associated equipment within a fenced compound and access track. The development forms part of Vodafone Ireland LTD's existing GSM and 3G broadband telecommunications network for Vodafone Ireland Ltd. (file attached)

**Condition No. 2** limited the permission to a period of 5 years.

**Condition No. 3** allow other licensed mobile telecommunications operators to co-locate their antenna onto the proposed structure.

**P.A.Reg.Ref. 2007/1270:** Retention permission **granted** June 2007 for existing 20 metre high telecommunications support structure, antennas, equipment container and associated equipment within the fenced compound. The development forms part of Vodafone Ireland LTD's existing GSM and 3G broadband telecommunications network (Ref. No. 20001196 refers).(file attached)

**P.A.Reg.Ref. 2000/1196:** Permission **granted** May 2000 for erection of a 20 metre unipole carrying antennae and associated equipment shelter. (file attached)

## 5.0 Policy Context

### 5.1. National Guidelines

#### 5.1.1. *National Planning Framework – Project Ireland 2040*

**Objective 24** – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

**Objective 48** – ‘In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.’

- 5.1.2. The DoEHLG *Guidelines for Planning Authorities Telecommunications Antennae and Support Structures (1996)* aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.
- 5.1.3. Circular Letter PL07/12 revisits aspects of the above Guidelines. Having regard to the longevity of mobile telephony, the Guidelines state that attaching conditions limiting the life of a permission for telecommunication masts and antennae to a temporary period should cease (section 2.2).

## 5.2. **Development Plan**

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

### **Chapter 9 Infrastructure**

#### **Section 9.3 Telecommunications**

##### **Section 9.3.1 Masts and Antennae**

- 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.’

### **Chapter 18 Development Management Standards**

#### **Section 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.

#### **5.2.2. Enniscorthy Town and Environs Development Plan 2008-2014 (as extended until 2019)**

#### **Section 3.11 Telecommunications and General Infrastructure**

It is the policy of the Joint Councils to:-

- TE 1** To support infrastructural renewal and development of electricity networks in the County and town, subject to amenity requirements.
- TE 2** To locate services, including electricity, telephone and TV cabling underground, where possible, and that existing overhead cables and associated equipment should progressively be located underground with future capacity considered and appropriate ducting in place.
- TE 3** To provide orderly development of telecommunications infrastructure through the town in accordance with the requirements of the 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities' July 1996.
- TE 4** To maximise the use of existing masts and sites, with the exception of Vinegar Hill.
- TE 6** To support the development of wide access to broadband telecommunications.

#### **Section 11.9** Telecommunications

In order to facilitate the evaluation of development proposals 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 in County Wexford.
- To indicate what other sites or locations in the county 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 construction of access roads, 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.

5.2.3. The appeal site is zoned '*IC*' *Industrial and Commercial and Related Uses*.

### 5.3. Natural Heritage Designations

The appeal site is not located within any European site. The closest such site is the Slaney River Valley SAC (Site Code 000781) which is located c.700m to the east of the appeal site at its closest point.

### 5.4. EIA Screening

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, it is considered that 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The Third Party appeal was lodged by Kieran Dunne on behalf of the residents of Sean Browne Court, Crescent and Nolan's Lawn. It includes Google maps satellite images of the area and associated uses. The main grounds of appeal can be summarised as follows;

- Proximity of proposed mast/tower to houses
- Obstruction of views and devaluation of houses
- Hazardous impact to residents in close proximity to the mast/tower
- Visual impact of existing mast/tower
- Health and safety issue to children
- Persons using the County Wexford Community Workshop (C.W.C.W) community centre and residential living, C.W.C.W pre-school, Moyne Football Club, Astro Active Centre, and both shoppers and workers of Lidl and Aldi are exposed to the risk given proximity to subject site
- More suitable rural areas outside the built up Enniscorthy area e.g. industrial area of the N11 Road.

## 6.2. Planning Authority Response

None received.

## 6.3. Observations

None received.

## 6.4. Applicant Response

A response to the third party appeal was lodged by Towercom Limited on behalf of the applicant Vodafone Ireland Limited, which can be summarised as follows;

- *Proximity to residential dwellings and community uses* – Site is the only industrial and commercial zoning in the wider predominantly residentially zoned area. Existing and proposed infrastructure is located within the neighbourhood it is intended to serve. Telecommunications Guidelines provide no restriction in terms of distances between telecommunication structures and dwellings, main requirement relates to compliance standards regarding non-ionising radiation. Presence of dwellings and community uses in the area increases the justification for the proposed infrastructure as there is an increased demand for services in the area. The proposed infrastructure would enable a more widespread connection nationwide and improved opportunities for businesses and working from home initiatives. Proposal would not seriously injure the amenities of the area.
- *Impact on property value* – Refer to a number of An Bord Pleanála Inspectors reports and Board decisions including ABP Ref.No.PL26.247800 which addresses the concerns with regard to proximity to housing, ABP Ref. No.PL02.243341, PL02.236307 and PL02.216361 with regard to potential impact on property value, and also PL02.236307 with respect to advantages of the proposed development.
- *Health concerns* –Commission for Communications Regulations (ComReg) is the licensing authority for the use of radio frequency in Ireland and are responsible for ensuring that communication operators comply with the licensed conditions relating to non-ionising radiation. Existing and proposed

installation and any future equipment is and will be fully compliant with the relevant Health and Safety legislation and will be operated in accordance with Com Reg Guidelines. Also note that the 'Telecommunication Antennas and Support Structures – Guidelines for Planning Authorities (1996)' modified by Circular Letter PL07/12 advised against specifying minimum separation distances between masts and houses, and advice to PA's that health issues are not a planning consideration in relation to telecommunication structures.

- *Visual impact* – Existing telecommunications structure (designed as a single operator installation) has been in place for nearly 20 years, originally granted permission in 2000. Proposed replacement infrastructure is a typical modern design is slender in nature, and small in scale. It has been designed with regard to relevant national and local planning policy as well as codes of best practice for communications networks. Submit that the minimal height is necessary to ensure sufficient radio coverage and that the siting is at the most discrete location within the local neighbourhood context. Site has a high capacity for absorbing the proposed development. Accept that there would be some limited visual impact from the proposed structure within the surrounding area, however, views of the structure are likely to be intermittent due to the set back from the public road and residential areas. Submit that the proposed structure would not have a significant or prominent visual impact and would not seriously injure the visual or environmental amenities of the area. Proposed development will avoid a proliferation of communications masts and antennae in the area and facilitate the potential for future structure sharing and co-location.
- *Other suitable locations in rural/industrial areas of Enniscorthy* – Location of the existing and proposed replacement infrastructure is the area intended for telecommunications coverage, is the most suitable location with the only industrial/commercial zoning in the wider predominantly residentially zoned area. Existing site has significant potential for upgrading to allow for the co-location of additional operator's equipment, is in accordance with the national Telecommunications Guidelines 1996 and CDP policies including Section 9.3.1.

## 6.5. Oral Hearing Request

The Third Party submitted a request that an Oral Hearing be held. By order dated 01/07/2020, the Board decided that the appeal could be adequately addressed by written submissions.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings;

- Planning Policy
- Visual Impact and Residential Amenity
- Health and Safety
- Appropriate Assessment

## 7.2. Planning Policy

- 7.2.1. The appellant's have raised concern in relation to the location of the proposed development in proximity to adjoining residential development, community facilities, sports facilities and retail outlets, and submit that there are more suitable sites outside the built up area of Enniscorthy.
- 7.2.2. Policy in relation to telecommunications structures is contained under Section 9.3 of the County Development Plan. Section 9.3.1 which refers to Masts and Antennae sets out general policy with regard to locating such structures which should be in industrial estates or on industrially zoned land, with the presumption against locations within a residential area, beside schools or community facilities.
- 7.2.3. The appeal site is located in the northwest corner of the overall grounds of an existing postal sorting office operated by An Post, the area of which is zoned for 'Industrial and Commercial Related Uses (IC)' under the current Enniscorthy Town and Environs Development Plan 2008-2014 (as extended). It immediately adjoins the grounds of two sports clubs both of which are zoned for Community and

Education (CE). Existing residential areas to the north and east are zoned for residential development.

- 7.2.4. The proposed development is for the replacement of an existing telecommunications mast and associated telecommunications equipment, previously granted planning permission by the PA in 2000, 2007 and 2012 under PA Reg.Ref.'s 2000/1196, 2007/1270 and 2012/0403 respectively. The existing permitted development, therefore, constitutes an established authorised development and use on the site.
- 7.2.5. Having regard to the Enniscorthy Town and Environs Development Plan 2008-2014 (as extended), I accept the applicants assertion that the overall site benefits from the only industrial/commercial zoning in the wider predominantly residentially zoned area.
- 7.2.6. The applicant (Vodafone Ireland Limited) contends that the proposal to improve mobile and broadband coverage and capacity at this location, is within the neighbourhood it is intended to serve which currently operates as a single operator. The applicant refers to the existing support structure which would be of inadequate height and structural capacity to support a full configuration of equipment from any additional new operators such as Eir Mobile.
- 7.2.7. The proposal to improve coverage and capacity is consistent with the objectives set out under Section 9.3 of the CDP and the recommendations under national policy as set out under the Telecommunication Antennae and Support Structures Guidelines for Planning Authorities (1996).
- 7.2.8. The applicant has set out the technical justification for the proposal. The applicant notes that the proposal is to improve coverage and capacity of mobile telecommunications and broadband services in this area of Enniscorthy, while ensuring continued network coverage for Vodafone Ireland Limited.
- 7.2.9. The applicant has submitted coverage maps and details showing the nearest existing telecommunication sites in the surrounding area. The applicant submits that the subject site and proposed structure has significant potential for upgrading to a multiuser provider. In terms of technical justification, I am satisfied on the basis of information submitted that there is a technical justification for the proposed development.

- 7.2.10. Notwithstanding the technical justification and the general objectives under the CDP and national guidelines encouraging improved telecommunications infrastructure, the appropriateness of the location in the context of land use zoning, the visual impact is the main issue in regard to this case and will be examined in the following section of this report.
- 7.2.11. I am satisfied, therefore, that the principle of the proposed development at this location is acceptable in principle.

### **7.3. Visual Impact and Residential Amenity**

- 7.3.1. The appellants have raised concern in relation to the proximity of the proposed development to adjoining residential properties located within Seán Browne Court, Seán Browne Crescent and Nolans Lawn located to the northeast and north.
- 7.3.2. It is proposed to remove the existing telecommunications mast and replace it with a new mast. The proposed mast which is at a height of 25m (overall height of 26.5m to top of lightning finial) is significantly higher than the existing mast which is 20m in height.
- 7.3.3. The appeal site is located to the rear of the existing postal sorting office facility approx.145m from the vehicular entrance and public road Bellefield Road/Moran Park to the southeast. The existing mast is obviously visible in the streetscape both in terms of immediate views from adjoining sports grounds to the southwest and northwest and some longer distance perspectives, from the adjoining residential areas to the north and northeast.
- 7.3.4. I can confirm from my site inspection that the immediate area to the southwest is relatively cluttered with high boundary fencing and floodlighting columns around the perimeter of the adjoining Astroturf hockey pitch within the Enniscorthy Hockey Club.
- 7.3.5. I viewed the subject site from the adjoining residential areas, which are elevated above the appeal site. The closest residential properties are located to the north within Seán Browns Crescent and are orientated NW/SE. The gable end of the closest houses No's 1 and 11 which address the appeal site are located approx.55m from the proposed development. The rear elevation of the Stepping Stones Child



facility located within Seán Browne Crescent is approx.75m from the proposed development.

- 7.3.6. The Bellefield Early Years Centre (located adjacent to the postal sorting office along Bellefield Road) is approx.120m from the development, while the County Wexford Community Workshop (located at the junction between the R702 and Bellefield Road) is located approx.170m to the southeast. In my opinion given the separation distances to these facilities the visual impact has been overstated by the appellants.
- 7.3.7. In my opinion, where the structure will be visible it will generally be seen protruding over rooftops, and through natural screening, existing buildings and general visual clutter. I concur with the applicant in that the subject site has the capacity to absorb a development of this nature.
- 7.3.8. Given the separation distance to adjoining residential properties and community facilities, and that the proposed structure is a replacement mast, I do not consider that the proposed development will significantly detract from the visual and residential amenity of the area.
- 7.3.9. I also viewed the subject site from the adjoining sports facilities and retail outlets located to the south and west of the appeal site and note that the appeal site is located at a lower level. Give the nature of these uses I do not consider that the proposed development would detract from these facilities.
- 7.3.10. I have had regard to the previous Board decisions referred to by the applicant in the response to the third party appeal. I am satisfied that those referenced are relevant in that they relate to similar developments and that a consistent approach has been taken by the Board in determining the impact of proposed developments on residential amenity and property values balanced with the advantages of such developments.
- 7.3.11. I am satisfied, therefore, that the proposed development would not have a significant, prominent or negative visual impact at this location or in the wider area.

#### **7.4. Health and Safety**

- 7.4.1. Potential health impacts are raised in both the original third party submission and in the third party appeal.

- 7.4.2. Section 4.6 of the ‘Telecommunications Antennae and Support Structures Guidelines’ DoEHLG, 1996, provides guidance on the matter and states that as part of the licensing framework operators are required to comply with the relevant international standards in relation to emissions of non-ionising radiation from telecommunications antennae.
- 7.4.3. Circular Letter PL07/12 advised that health issues are not a planning consideration in relation to telecommunication structures.
- 7.4.4. The applicant has clearly outlined that The Commission for Communications Regulations (Com Reg) regulates the communications industry. It is a statutory body responsible for the regulation of the electronic communications sector.
- 7.4.5. In relation to the issue of health and safety concerns the Board has consistently taken the view that, based on the information available that there is no conclusive evidence of adverse health effects from mobile phone masts.

## 7.5. **Appropriate Assessment**

Having regard to the nature of the proposed development and its distance from 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.

## 8.0 **Recommendation**

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

## 9.0 **Reasons and Considerations**

Having regard to the

- (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 PL07/12 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, to support the provision of telecommunications infrastructure, and

(d) the zoning, as set out in the Enniscorthy Town and Environs Development Plan 2008-2014 as extended, and

(e) 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 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. 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. 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.

**Reason:** In the interest of visual amenity and orderly development.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

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Susan McHugh  
Senior Planning Inspector

30<sup>th</sup> October 2020