



An
Bord
Pleanála

Inspector's Report ABP-307962-20

Development

The construction of an 18 metre high free standing communications structure with its associated antennae, communication dishes, ground equipment and all associated site development works. The development will form part of Eircom Ltd. existing telecommunications and broadband network.

Location

Eircom Exchange, Fethard-On-Sea, New Ross, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20200588

Applicant(s)

Eircom Limited

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Raymond Cox

James Molloy

Observer(s)

None.

Date of Site Inspection

22nd December, 2020

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located on the northernmost fringe of the built-up area of the small coastal village of Fethard-on-Sea, Co. Wexford, where it occupies a position to the east of the R734 Regional Road, approximately 1km west of the coastline and c. 400m northwest of Fethard Castle (on the approach to the main street). The immediate site surrounds are characterised by the transition from the village to the surrounding rural area with the site itself bounded by greenfield lands to the south and east whilst a line of mature coniferous tree planting separates it from a neighbouring two-storey, detached dwelling house on the adjacent lands to the north. The wider area to the south and east includes a number of conventional housing schemes and several caravan parks whilst the main street of the village further south is dominated by a mixed-use, traditional terraced streetscape.
- 1.2. The site itself has a stated site area of 0.0011 hectares and is occupied by a single-storey exchange building set within an existing 'Eircom' utility compound with access obtained via a pedestrian entrance from the regional road. The perimeter site boundary is broadly defined by a combination of low fencing and mature hedgerow whilst the line of coniferous tree planting to the north which serves to screen the site is located within the adjacent property.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of an 18m high, free-standing, monopole telecommunications structure with associated antennae, communication dishes, ground equipment and all associated site development works. It is intended to form part of the applicant's existing telecommunications and broadband network.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 22nd July, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 5 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Refers to external finishes.

Condition No. 3 – Requires the implementation of an agreed landscaping scheme.

Condition No. 4 – Prohibits surface water runoff from discharging onto the public road.

Condition No. 5 - Prohibits the erection of advertising signage on the monopole mast, equipment cabinets or security fencing.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context and the applicable policy considerations before stating that the proposal to locate the telecommunications structure within an existing 'Eir' exchange is consistent with the applicable land use planning policy. It is further stated that the Planning Authority is satisfied that there is no obvious superior site in policy or planning terms to the location proposed. With respect to the overall visual / landscape impact of the proposal, whilst it is acknowledged that the site is within the 'Bannow Bay' landscape of greater sensitivity, cognisance is had to the site location within the visual envelope of the built-up area of the village of Fethard-on-Sea. It is also stated that the proposed development is a familiar, if not attractive, feature of the modern landscape, and will be largely screened by existing trees and vegetation while there are no specific visually sensitive receptors such as protected structures or tourist attractions in the immediate vicinity. The report thus concludes by stating that the proposed development is generally acceptable in visual terms and will not seriously injure the residential amenity of surrounding properties before recommending a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

None received.

3.3. **Prescribed Bodies**

3.3.1. *Department of Communications, Climate Action & Environment, Geological Survey Ireland:* States that the proposed development is not envisaged as having any impact on the integrity of nearby County Geological Sites.

3.3.2. *Health Service Executive, Environmental Health Service:* This report makes a series of recommendations as regards the type and level of information / detail which could have been submitted with the application documentation. It also notes the site location at the entrance to the village and its proximity to nearby housing. It further recognises that an existing telecommunications structure (c. 2km away) was found to be unsuitable for co-location before acknowledging that the subject development will be available for future co-location and represents a community gain in terms of improved telecommunications services. Further recommendations are made as regards the mitigation of potential construction and operational impacts.

3.4. **Third Party Observations**

3.4.1. A total of 6 No. valid submissions were received from interested third parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- Detrimental visual / landscape impact in an area afforded the highest amenity value in the county.
- The prominent site location along an approach road to the village of Fethard-on-Sea
- The photomontages are misleading and appear to downplay the visual impact of the development.
- The need for clarity as regards the nature of the telecommunications services to be installed on site i.e. 2G, 3G, 4G or 5G.
- Concerns as regards the public health implications of the proposed development.

- The need to substantiate the viability or otherwise of alternative co-location options.
- The adequacy of the existing network coverage in the area.
- The implications of the proposed development as regards the future expansion of the village northwards.
- The proximity of the proposal to neighbouring housing.
- The proposed development is contrary to the 5-year plan developed by the Fethard Community Development Association in conjunction with Wexford County Council as regards the enhancement of the village infrastructure and amenities.
- The lack of consultation with the local community.
- Concerns as regards security / unauthorised access.

4.0 Planning History

4.1. *On Site:*

None.

4.2. *On Adjacent Sites:*

None.

4.3. *Other Relevant Files (approximately 2km north of the application site):*

PA Ref. No. 20160069. Was granted on 21st March, 2016 permitting Vodafone Ireland Ltd. permission for the retention (Ref. No. 20100440) of an existing 24m high telecommunications support structure with antennas, equipment container and associated equipment within a fenced compound and access track (the development forms part of the Vodafone Ireland Ltd. GSM and 3G broadband telecommunications network) at Dungulph, Fethard, Co. Wexford.

PA Ref. No. 20100440 / ABP Ref. No. PL26.237137. Was granted on appeal on 16th December, 2010 permitting Vodafone Ireland Limited permission for the retention (planning application register reference number 2005/0794) of an existing 24m high telecommunications support structure with antennas, equipment container and

associated equipment within a fenced compound and access track. The development forms part of the Vodafone Ireland Ltd. GSM and 3G Broadband telecommunications network, at Dungulph Townland, Fethard, Co. Wexford.

5.0 Policy and Context

5.1. National and Regional Policy

5.1.1. *Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996:*

These guidelines detail the various technical and other criteria to be considered in the assessment of applications for telecommunications apparatus. They provide details of the technical specifications of such apparatus in addition to advising on suitable locational options.

5.1.2. *Circular Letter: PL 07/12: 'Telecommunications Antennae and Support Structures Guidelines':*

This Circular was issued by the Department of Environment, Community and Local Government on 19th October, 2012 under Section 28 of the Planning and Development Acts, 2000-2012 to update certain sections of the 'Telecommunications Antennae and Support Structure Guidelines, 1996'. It advised planning authorities of the following changes:

- Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission. Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.
- Planning authorities should not specify minimum separation distances between telecommunications structures and houses and schools as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- Having reviewed experience since 1996 and the limited number of sites that have become obsolescent in that time, it is considered that the lodgement of a

bond or cash deposit is no longer appropriate. It is therefore advised that, in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

In addition to the foregoing, the Circular advises that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators. Furthermore, on the issue of health and safety, it is reiterated that planning authorities should not include monitoring arrangements as part of planning permission conditions nor should they determine planning applications on health grounds. In this respect it is stated that planning authorities are to be primarily concerned with the appropriate location and design of telecommunications structures as they do not have the relevant competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

Finally, with regard to development contributions, the Circular refers to the then Draft Guidelines on Development Contributions issued under section 28 of the Act which require that all future Development Contribution Schemes must include waivers for broadband infrastructure provision and that these waivers are intended to be applied consistently across all local authority areas.

5.2. Development Plan

5.2.1. *Wexford County Development Plan, 2013-2019:*

Chapter 9: Infrastructure:

Section 9.3: Telecommunications:

The development of high-quality telecommunications infrastructure is critical to advance the economic and social development of the county. The Government's document Building Ireland's Smart Economy promotes the development of first-class infrastructure that will increase the competitiveness of Irish business and improve quality of life.

The Council is committed to enhancing the telecommunications network and infrastructure throughout the county. However, this must be managed to ensure a balance between the provision of telecommunications infrastructure in the interests of social and economic progress, and sustaining residential amenity and environmental quality.

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.

Section 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 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.

Objective TC06: To minimise, and avoid where possible, the development of masts and antennae within the following areas:

- Prominent locations in Upland, River Valley and Coastal landscape character units and in 'Landscapes of Greater Sensitivity'

- Locations which impede or detract from existing public view points to/from Landscapes of Greater Sensitivity, rivers, estuaries or the sea
- Areas within or adjoining the curtilage of protected structures
- Areas on or within the setting of archaeological sites
- Within or adjacent to Natura 2000 sites

The Council may consider an exemption to this objective where:

- An overriding technical need for the equipment has been demonstrated and which cannot be met by the sharing of existing authorised equipment in the area, and
- The equipment is of a scale and is sited, designed and landscaped in a manner which minimises adverse visual impacts on the subject landscape unit.

Objective TC07: To ensure the location of telecommunications structures minimise and/or mitigate any adverse impacts on communities, the natural and built environment and public rights of way.

Section 9.3.2: *Broadband*

Chapter 14: *Heritage:*

Section 14.4: *Landscape:*

Section 14.4.2: *Landscape Character Assessment: (4) Coastal:*

The county's coastal landscape has a character that often overlaps with the Lowland landscape. The east coast is generally characterised by long, relatively straight coasts of sand and shingle backed up by low cliffs and sand dunes. The south coast has long beaches and dune systems.

The coastal landscape is punctuated by prominent features such as promontories, water bodies, slob lands and the Hook Peninsula which add interesting dimensions to the qualities of the landscape. It includes major urban areas such as Courtown, Wexford, Rosslare Strand and Rosslare Harbour.

The coastal landscape is sensitive to development in some locations. It has experienced great pressure from tourism and residential development.

N.B. The proposed development site is located within the ‘*Coastal*’ landscape unit and the ‘*Bannow Bay Landscape of Greater Sensitivity*’ as identified on Map No: 13: ‘*Landscape Units and Features*’ of the Development Plan (‘*Landscape Character Assessment*’).

Landscapes of Greater Sensitivity:

The LCA now identifies Landscapes of Greater Sensitivity. These are located at various points throughout the county. They represent features in the landscape and seascape which have the most visual interest and prominence, and which are generally more sensitive to development. Many of these landscapes also have profound historical, socio-cultural and/or religious interest.

The Landscapes of Greater Sensitivity, as identified on Map No. 13, are:

- Sensitive Hills and Ridges
- Water Bodies: Lady’s Island, Tacumshin Lake, Ballyteigue Burrow, Bannow Bay and Wexford Harbour.
- Islands: Saltees Islands and Keeragh Islands
- Coastal promontories: Forlorn Point (Kilmore Quay), Carnsore Point, Rosslare Point, Kilmichael Point and Cahore Point
- The Hook Peninsula
- Screen Hills
- Wexford Slobs and Inish and Ballyteige Slobs.

The boundaries of the Landscapes of Greater Sensitivity are indicative only. The Council will assess the potential visual impact of development proposals, both within and in the vicinity of these boundaries, on the Landscape of Greater Sensitivity. Where there are concerns that there is potential for adverse visual impacts, it will require the submission of an appropriately detailed visual impact assessment to demonstrate that the development will not have adverse visual impact on the particular landscape. Pre-planning will play an important role in identifying the cases where a visual impact assessment will be required.

Section 14.4.3: *Landscape Management:*

- Objective L01:* To have regard to the Landscape Character Assessment and associated map contained in Volume 3, the Landscape and Landscape Assessment-Guidelines for Planning Authorities (2000) Draft and any updated versions of these guidelines published during the lifetime of the Plan, when assessing planning applications for development.
- Objective L03:* To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.
- Objective L04:* To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.
- Objective L05:* To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.
- Objective L06:* To ensure that, where an overriding need is demonstrated for a particular development in an Upland, River Valley or Coastal landscape unit or on or in the vicinity of a Landscape of Greater Sensitivity, careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape and will be required to comply with all normal planning and environmental criteria and the development management standards contained in Chapter 18.

Objective L09: To require developments to be sited, designed and landscaped in manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.

Objective L10: To adopt a presumption against the siting of telecommunications equipment:

- In prominent locations in Upland, River Valley and Coastal landscape character units and in Landscapes of Greater Sensitivity
- In locations which would impede or detract from existing public viewpoints to or from a Landscape of Greater Sensitivity, rivers, estuaries or the sea.

The Council may consider an exemption to this objective, subject to normal planning and environmental criteria and the development management standards contained in Chapter 18, where:

- An overriding technical need for the equipment has been demonstrated and which cannot be met by the sharing of existing authorised equipment in the area, and
- The equipment is of a scale and is sited, designed and landscaped in a manner which minimises adverse visual impacts on the subject landscape unit.

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.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Bannow Bay Special Protection Area (Site Code: 004033), approximately 600m southeast of the site.
- The Bannow Bay Proposed Natural Heritage Area (Site Code: 000697), approximately 600m southeast of the site.
- The Bannow Bay Special Area of Conservation (Site Code: 000697), approximately 600m southeast of the site.
- The Hook Head Special Area of Conservation (Site Code: 000764), approximately 1.4km southeast of the site.
- The Hook Head Proposed Natural Heritage Area (Site Code: 000764), approximately 2.3km south of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. *Raymond Cox:*

- The proposed development site is located along the approach road to the village of Fethard-on-Sea which also serves as the main arterial route leading on to Slade and Hook Head (a major regional tourist attraction). This section of roadway is characterised by a long straight stretch of road of scenic value which renders any future development of the scale proposed highly visible.
- Condition No. 2 (referring to the colour scheme) and Condition No. 3 (requiring the submission of a landscaping scheme) as imposed by the Planning Authority will do little to reduce the visual impact of the proposed development.
- Contrary to the assessment by the Planning Authority, the proposed development will have a significant adverse impact on the visual amenity of the area and thus is in contravention of both the Development Plan and the 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996'.
- There is a discrepancy between the decision to grant permission and the recommendations made by the Health Service Executive in its submission to the Planning Authority. The HSE did not recommend 'that permission be granted' as detailed in the planner's report and instead stated that the

information provided with the application could be improved upon as to be more specific to the application site (as opposed to the generic details submitted). It also made a series of recommendations which were not acted upon by the Planning Authority, including a potential request for further information in order to allow for a more reasoned and informed decision, whilst a suggested condition pertaining to noise emissions was not included in the grant of permission.

- Notwithstanding the provisions of Circular Letter: PL 07/12: *'Telecommunications Antennae and Support Structures Guidelines'* which state that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures as they do not have the relevant competence for health and safety matters in respect of telecommunications infrastructure, there are concerns that the recommendations of the HSE have not been implemented by the Planning Authority, including the suggested submission of the following:

'With regard to the adjacent residences, a concept diagram with distance measurements marked on a map and indicating electromagnetic frequency (EMF) effects on these dwellings, if any . . . accompanied by a table giving international standard versus present EMF and other estimated proposed EMF if the site were used for co-location of other communications services'.

The report of the HSE also notes that it is proposed to utilise the site for 'co-location' purposes and thus it is possible to suggest that the proposal has not been adequately assessed as regards the potential negative impacts of electromagnetic frequency on surrounding residences and that insufficient information was submitted to allow a reasoned and informed decision.

Furthermore, the potential impact of any EMF attributable to the installation of additional telecommunications infrastructure on site due to co-location should be determined.

On the basis of the foregoing, it is considered that the applicant has failed to clearly demonstrate that the proposed development will not have an adverse impact on public health.

- Having regard to the provisions of the '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996*', it should be noted that the R743 Regional Road is an important cycling route (and is included in the 'EuroVelo' European network of cycle routes) which also serves as an important tourist route providing access to attractions such as Hook Head Lighthouse and the wider Hook Peninsula. Contrary to the recommendation of the Guidelines with respect to the siting of telecommunications masts along major roads and tourist routes etc., it is submitted that the proposed development will serve as a focal point terminating the view on the approach to the village of Fethard-on-Sea and thus its visual impact will not be '*intermittent and incidental*' as required by the guidance.
- The Guidelines state that only as a last resort should free-standing masts be located '*in a residential area or beside schools*' or '*within or in the immediate surrounds of smaller towns and villages*'. They further state that '*if such 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*'. These provisions (as reiterated in the County Development Plan) do not serve to limit the scope of the site selection process to those sites 'already developed for utilities' with the important emphasis on '*if such location should become necessary*' and '*only as a last resort*'. In this respect, it has not been demonstrated that the subject site is a 'last resort' or 'necessary' and it would appear to have been selected for purposes of convenience due to its ownership by the applicant (the only evident locational factor considered in the application).
- No supporting documentation has been submitted to suggest that any alternative locations were considered as part of the application or that any design attempts were made to disguise the structure.

Although Section 5.0 of the planning report submitted in support of the application states that there is one other telecommunications structure within 2km of the subject site which is affixed to the chimney of an existing building, it also asserts that no further equipment can be installed at this location without undermining its structural integrity. While this may be the case, it

raises questions as regards the need to erect an 18m high monopole and whether the attachment of a less conspicuous antenna to a chimney in the village would suffice.

The applicant did not explore any alternatives other than the option of utilising a plot of land already in its ownership. Furthermore, while the applicant has stated that *'Due to the nature of the land it would not be possible to secure an alternative site that satisfies the requirements of the Wexford County Development Plan'*, no justification for this statement has been offered and no explanation provided in terms of policy context.

- The subject site is located within the *'Bannow Bay Coastal Landscape Character Unit'* which is also defined as a *'landscape of greater sensitivity'* in the County Development Plan where there is a lesser capacity to absorb development. In this regard, it is submitted that the proposed development is contrary to the relevant policy provisions of the Development Plan as the mast will be located in a prominent position in an area designated as a *'Coastal Landscape of Greater Sensitivity'* where there is a *'presumption against the siting of telecommunications equipment'*.
- The subject site is located on the approach to Fethard-on-Sea alongside a heavily trafficked tourism route of high amenity value and the proposed mast will have a significant detrimental impact on this view as evidenced from the accompanying photomontages. The proposal will dominate the landscape thereby detracting from the visual amenity of the area and should be refused permission.
- The trees surrounding the application site are not in the applicant's ownership and it will have no control over the extent to which these can / will remain in place. Furthermore, the site is not of sufficient size to support the type of planting that would offer any similar degree of coverage and in this regard the requirement to submit a landscaping scheme as a condition of the grant of permission is futile.
- The appellant's neighbouring lands represent the logical location for the expansion of the village northwards as a key development site with the potential to define the entrance / approach to the settlement while providing

much needed housing for the local community. These lands include the appellant's former family home and are bounded by existing housing and a mobile home park / tourist accommodation and thus are consistent with the definition of a 'brownfield' site. It is the appellant's intention to pursue a development proposal on these lands over the coming year, however, the proposed mast will have a significant detrimental impact on any such future development.

6.1.2. *James Molloy:*

- Given the proximity of the proposed development to neighbouring housing, the Board is referred to the precedent set by a planning application in Taghmon, Co. Wexford, which was refused permission on the basis that the structure then proposed was sited too close to nearby dwellings.
- The overshadowing impact of the proposed development on the residential amenity of surrounding properties has not been assessed.
- The tree line to the north of the site is not within the applicant's ownership and, therefore, no reliance can be placed on the visual screening offered by same.
- The proposed development is within 200m of Fethard Castle (a protected structure), which is a significant local tourist attraction, and will detract from the views available from its tower (upon the restoration and reopening of the castle to visitors).
- There are concerns as regards the health and safety implications of the proposed development.
- Contrary to the planner's report, the Health Service Executive did not recommend a grant of permission. It only commented on the environmental health impacts of the proposed development. Furthermore, it is clear that the Planning Authority did not follow through on several of the recommendations made by the HSE, including the imposition of a noise control condition and the submission of additional information in the interests of public consultation and transparency (with particular reference to the consideration of alternative sites, co-location, and the assessment of electromagnetic frequencies).

- The generic nature of the information supplied with the application shows the level of standardisation employed in the subject proposal and lacks transparency as regards the consideration of alternative sites.
- It has not been demonstrated that the applicant's investigation of alternative sites / co-location options is sufficient to satisfy the requirements of Section 9.3.1 and Objective TC05 of the County Development Plan (i.e. to adopt a presumption against the erection of antennae in proximity to residential areas).
- The HSE has acknowledged that the proposed monopole will directly affect adjacent housing, including the 'Beechfields' estate. Section 9.3.1 of the Development Plan states that free-standing masts will not be located in a residential area and that such locations will only be considered by the Planning Authority as a last resort where all other alternatives are either unavailable or unsuitable. From a review of the HSE's submission it would appear that co-location was the only alternative option considered and that no consideration was given to a potential greenfield site.
- The planner's report accepts that the proposed development involves the construction of a new standalone structure and, therefore, the subject site should have been assessed as a greenfield location and established as an area of 'last resort' in accordance with Section 9.3.1 of the Development Plan.
- The proposed development will result in the devaluation of property in the area for no other reason than the applicant's desire to save money and does not comply with Section 9.3.1 or Objective TC05 of the Development Plan.
- Given its prominent location along a key approach road / entrance to the popular tourist village of Fethard-on-Sea, the proposed development will be visually obtrusive.
- It has been stated that the proposed mast is designed to provide 3G/4G coverage in the area and, therefore, it is queried whether this amounts to a confirmation that the structure will not accommodate 5G or next generation services. This is of concern in light of previous instances of vandalism / criminal damage elsewhere against 5G installations and the associated risks given the site's proximity to surrounding housing.

6.2. Applicant Response

- The '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996*' state that the visual impact of a communications structure is one of the most important considerations in assessing any such proposal and that this will '*vary with the general context of the proposed development*'. The series of photomontages submitted with the application demonstrate the visual impact of the proposal on the receiving landscape. While the proposed structure will be intermittently visible from certain areas, it will not be detrimental to the overall amenity of the area. This is consistent with the assessment of the case planner which stated the following:

'The site is located within the landscape designation for Bannow Bay. However, in the context of this landscape, it is considered to be sited within the visual envelope of the built-up area of the village of Fethard-on-Sea, and visual impacts in terms of sensitive landscape designation are not present'

- The visual impact of the proposed development is consistent with the Guidelines which state:

'Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect'

and;

'Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental'

- The design height is required to provide a signal over the surrounding area, and as the site has the potential to serve as a shared facility, an 18m high structure was selected. This provision was made to accommodate co-location with other network operators as per the Development Plan and will aid in avoiding a proliferation of telecommunications structures in the interest of visual amenity.

- Due to the applicant's licensing requirements and the continued rollout of its 2G, 3G & 4G networks, a site was required within the village of Fethard-on-Sea. In the absence of the new exchange facility proposed, the area will suffer from poor mobile coverage with a large number of dropped / blocked calls and data sessions on the Eircom network.
- It is evident from the accompanying coverage plots that the addition of the subject proposal will provide new indoor voice and high speed data services to the village of Fethard-on-Sea. Should permission be refused, the applicant will lose essential coverage.
- Due to the nature of the lands, it is not possible to secure an alternative site that satisfies the requirements of the Development Plan.
- Given the popularity of Fethard-on-Sea as a tourist destination and the possibility of future housing construction in the village, the proposed development will be vital in providing essential telecommunications coverage and is strategically important in the provision of services to the area, local community, business and education.
- Although the applicant is presently located on an existing Vodafone tower located 2.64km from the centre of Fethard-on-Sea, this installation does not provide adequate service for high-speed mobile broadband in and around the village. There is only one telecommunications structure within 2km of the subject site and this installation comprises telecommunications equipment affixed to the chimney of an existing building. No further equipment can be installed at this location without undermining the structural integrity of the existing chimney. Furthermore, due to the size and low height of that building, the coverage provided to the existing operator is very limited and would not provide the applicant with the necessary coverage.
- The application site comprises an existing telecommunications structure operated by the applicant and is therefore used for commercial purposes. Accordingly, the siting of the proposed development within this existing exchange does not involve the introduction of a new feature to the landscape and instead consolidates the existing use of the property for utility purposes.

The proposal therefore confirms with the policy provisions of the Development Plan and national guidelines.

- There are no other telecommunications or commercial structures in the area which would satisfy the applicant's obligations as regards the provision of mobile services.
- The proposal forms an important component of the strategic telecommunications infrastructure within Co. Wexford and Ireland.
- There is no evidence to substantiate the claim that the proposed development will have a negative impact on local property values. It is very apparent worldwide that property values increase where access to basic strategic infrastructure such as public transport and telecommunications is available. In support of the foregoing, and by way of precedent, the Board is referred to its previous determination of ABP Ref. No. PL08.234771 wherein the reporting inspector stated that *'As regards devaluation of property, such masts are a common occurrence nowadays and their impact on property prices are questionable'*.
- The Board has previously noted that the sighting of telecommunication is now perceived as normal and that their impact has become much reduced in recent times through the general population's acceptance of such installations and realisation of their importance.
- Telecommunications is now regarded as the fourth utility service, however, indoor mobile reception remains insufficient in certain buildings in urban areas. It is recognised that one of the most important criteria in attracting business to an area is the level of communication services available. The demand for such services has increased over the years with advances in technology as users expect connectivity in their area.
- An efficient and cost-effective broadband network is essential if the country is to prosper and thrive in the area of the 'knowledge-based' and 'value-added' economy. With more people working from home since the outbreak of the COVID-19 pandemic, the proposed development will allow for much needed improved broadband provision to the village and the surrounding area.

- Health & safety issues are not a planning concern so long as the necessary documentation has been provided by the applicant in line with the requirements of the Development Plan.
- Section 2.6 of Circular Letter: PL 07/12: *'Telecommunications Antennae and Support Structures Guidelines'* states the following:

'The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. This Circular Letter reiterates that advice to local planning authorities. 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 infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.
- The subject proposal will be constructed in accordance with current health & safety legislation and guidance. The transmitter output power, antennae types, fall arrest and mounting configuration will be consistent with modern technologies. The cumulative power output of the proposed installation falls well within the IRPA Guidelines by a considerable safety factor and in this regard the Board is referred to the accompanying declaration that the proposed equipment and installation is designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- Sound pressure levels from the development will not exceed background levels from any dwellings in the vicinity and no standby generator will be installed on site.

6.3. Planning Authority Response

No further comments.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Visual impact
- Public health considerations
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. The '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities*' (DOE, 1996) state that it is national policy to develop a comprehensive mobile telecommunications service within Ireland in order to promote industrial and commercial development, to improve personal and household security, and to enhance social exchange and mobility. This strategic policy is reiterated in the National Planning Framework: Project Ireland 2040 (with National Policy Objective 48 aiming to develop stable, innovative and secure digital communications and services infrastructure on an all-island basis) whilst the National Broadband Plan also aims to deliver a high-speed broadband network throughout Ireland. Chapter 9 of the Wexford County Development Plan, 2013-2019 also recognises the importance of a modern, efficient and reliable telecommunications system for the future development of the county and seeks to support a balanced spread of telecommunications infrastructure in the area. In this respect, it is the policy of the

Council to facilitate the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county, subject to normal planning considerations, whilst having regard to the '*Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities*' (1996).

7.2.2. Notwithstanding the foregoing policy provisions which are broadly supportive of the development of telecommunications infrastructure both within the county and nationwide, Section 9.3.1: '*Masts and Antennae*' and Objective TC05 of the Wexford County Development Plan, 2013-2019 both seek to constrain the siting of any such development by stating that free-standing masts should not be located within or in the immediate surrounds of smaller towns or villages or in residential areas, beside schools or community facilities, whilst also adopting a presumption against the erection of antennae proximate to residential areas, schools and community facilities. Whilst I would acknowledge that the siting of telecommunications apparatus can be contentious and that the appellants have sought to place a considerable reliance on the aforementioned provisions, having reviewed the submitted proposal, in my opinion, the blanket application of such locational constraints would conflict with the wider strategic policy objectives of the Plan, which aim to develop a modern, efficient telecommunications network in the county, as they serve to severely restrict locational choice for telecommunications structures. The exact reasoning for the inclusion of such restrictive measures is unclear and in many respects is unrealistic and contrary to both Development Plan and national policy / guidance. Indeed, the siting of telecommunications developments within built-up areas proximate to housing is now commonplace (as is evidenced by the existing installation within the village centre) and in many instances constitutes exempted development.

7.2.3. The Board has consistently overturned reasons for refusal which relate to the imposition of arbitrary separation distances from housing etc. and in this instance I can see no special circumstances which would warrant the adoption of a different approach to the subject appeal. The provision of a modern telecommunications network is a key objective of both local and national planning policy which necessitates the development of a structured network of base stations and masts throughout the county and in this respect the applicant has set out a reasoned case for the subject proposal in the documentation provided with the planning application and the grounds of appeal.

- 7.2.4. The need for the proposed development arises from the applicant's licensing requirements and the continued rollout of its 2G, 3G & 4G network. More specifically, it has been stated that in order to provide new and improved indoor voice and high-speed data services to its customers in the surrounding area, there is a need to develop a new mobile base station within the village of Fethard-on-Sea as evidenced by the accompanying coverage plots (whilst it has been suggested by some third parties that the existing network coverage in the area is already adequate and that no problems arise as regards current service provision, it should be noted that the quality of service will vary on the network operator and that it is not the function of the Board to inhibit competition between competing interests. Furthermore, although the outdoor mobile coverage mapping available from www.comreg.ie would suggest that the applicant's current service provision within the village is generally 'good', it should be emphasised that this mapping pertains solely to outdoor coverage whereas the applicant has expressly referenced a need to provide for improved indoor coverage).
- 7.2.5. With respect to the investigation of potential co-location options, at the outset the applicant has submitted that whilst there is one existing telecommunications structure within 2km of the proposed site, this installation comprises equipment attached to the chimney of an existing three-storey building (Baginbun Lodge) within the village and is unsuited to site-sharing as no further antennae etc. can be installed without undermining the structural integrity of the chimney. In reference to the existing 'Vodafone Ireland Ltd.' tower at Dungulph, Fethard, Co. Wexford, approximately 2.6km north of the village centre, although the applicant has indicated that it already has a presence at this site, the installation does not seemingly provide adequate service for high-speed broadband in and around the village. Accordingly, in the absence of any other existing telecommunications structures in the vicinity which would satisfy the applicant's coverage requirements, there would appear to be no other viable co-location option open to the applicant.
- 7.2.6. In terms of the selection of the subject site for the installation of the proposed development, whilst I would acknowledge that the applicant's investigation of possible alternative 'greenfield' sites is somewhat lacking, given the visual sensitivity of the wider coastal landscape, I am inclined to suggest that in order to avoid an unnecessary and potentially more intrusive proliferation of telecommunications

masts within the wider peninsula area, it is only reasonable to consider the siting of such apparatus within the village itself where the immediate visual impact will be mitigated / absorbed to some extent by existing development / features. In this regard, I would broadly concur with the assessment of the case planner that although the proposed monopole will undoubtedly be visible in a local context given its siting on an approach to the village, its location within the visual envelope of the existing built-up area is preferable and should be balanced against the potentially more intrusive impact attributable to the siting of any such development at an alternative 'greenfield' location in the surrounding rural area. Further credence is lent to the selection of the subject site given the limited availability of other buildings / structures of a suitable height within the village itself (noting that there are only 2 No. three-storey buildings along the main street, one of which already accommodates a telecommunications installation), the partial screening of the proposed development offered by the existing coniferous tree planting alongside the northern site boundary (notwithstanding that this is outside of the applicant's control), and as the *'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities'* allow for the consideration to be given to telecommunications support structures on sites already developed for utility purposes, such as the subject exchange compound.

7.2.7. Accordingly, having regard to national policy and county development plan statements which emphasise the importance of improved telecommunications, the rationale for the selection of the subject site, and the potential for the co-location / sharing of the proposed installation with other service providers / operators, in my opinion, the subject proposal is acceptable in principle at this location.

7.3. **Visual Impact:**

7.3.1. The design of telecommunications support structures typically necessitates increased height in order to ensure a more expansive network coverage and, therefore, I would acknowledge the appellants' concerns with regard to the visual impact of the proposed development given the site location within the 'Coastal' landscape character unit and the *'Bannow Bay Landscape of Greater Sensitivity'* identified on Map No: 13: *'Landscape Units and Features'* of the County Development Plan ('Landscape Character Assessment'), and its prominent siting alongside the R734 Regional Road on the approach to the small coastal village of

Fethard-on-Sea within the popular tourist destination that comprises the Hook Peninsula. However, as previously stated, I am cognisant that the application site is located within the visual envelope of the village and that whilst the proposed structure will have a visual impact on its immediate surrounds, this must be balanced against the potentially more intrusive impact attributable to the siting of a similar such development within the more scenic and visually sensitive rural hinterland. In addition, I am inclined to suggest that the site location is such that the proposed mast will be screened in part by existing features, such as landscaping and the intervening topography, so as not to be unduly prominent or visible over a wider expanse of the surrounding coastal landscape. Therefore, I would agree with the overall assessment of the Planning Authority that the proposal would not have an unacceptable visual impact on the amenity of the wider area.

7.4. Public Health Considerations:

- 7.4.1. In respect of the health and safety concerns associated with telecommunications infrastructure, with particular reference to the emission of electro-magnetic and non-ionising radiation, such matters are regulated by the terms and conditions of the licensing arrangements issued to the operators of such facilities by the telecommunications regulator (ComReg). It is a requirement of any such licensing that operators ensure that the level of non-ionising radiation emitted from any such facility does not exceed the limits set by the International Commission on Non-Ionising Radiation Protection (ICNIRP). Accordingly, as the applicant has indicated in the grounds of appeal that the proposed development will operate within these limits, and in view of the regulatory controls operated by ComReg, I consider this matter to have been satisfactorily addressed.
- 7.4.2. Furthermore, the '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996*' advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor should they determine planning applications on health grounds and this advice is reiterated in Section 2.6: '*Health and Safety Aspects*' of Circular Letter PL07/12 which asserts that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures given that they do not have the competence for health and safety matters in respect of telecommunications

infrastructure. Such matters are regulated by other codes and should not be additionally regulated by the planning process.

7.5. Other Issues:

7.5.1. Impact on the Development Potential of Neighbouring Lands:

It has been suggested that the proposed telecommunications structure could potentially undermine the future expansion of the village northwards and, more specifically, the development potential of the appellant's neighbouring lands.

7.5.2. In my opinion, it would be entirely inappropriate to speculate on the future development of surrounding lands or to place any weighting on same in the assessment of the subject application, particularly in the absence of any village development plan. In any event, it is not uncommon for telecommunications structures to be sited in close proximity to residential development (particularly in urban areas) and national guidance does not provide for any restriction in terms of the distance between such structures and dwelling houses.

7.5.3. Impact on Residential Amenity:

Notwithstanding the proximity of neighbouring housing, for the reasons already outlined elsewhere in this report, I am unconvinced that the subject proposal will have any detrimental impact on the residential amenity of those properties. In this regard, I would reiterate that there is no requirement under national guidance for telecommunications infrastructure to be set back from housing and that matters pertaining to health and safety considerations are regulated by other statutory codes.

7.5.4. By way of further comment, I would suggest that any overshadowing impact attributable to the proposed construction will be minimal and that concerns with respect to the potential for criminal damage to the facility are beyond the remit of the Board and would not warrant a refusal of permission.

7.6. Appropriate Assessment:

7.6.1. Having regard to the minor nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect,

either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below.

9.0 Reasons and Considerations

9.1. Having regard to:

- a) the national strategy regarding the improvement of mobile communications services,
- b) 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, as updated by Circular Letter PL07/12 issued by the Minister for the Environment, Community and Local Government on the 19th day of October, 2012 under Section 28 of the Planning and Development Act 2000, as amended,
- 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,
- d) the established use of the site,
- e) the potential for sharing of the structure and site with other operators,
- f) the site location proximate to the village of Fethard-on-Sea, and
- g) the general topography and landscape features in the vicinity of the site,

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, would not be prejudicial to public health 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 support structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity and orderly development

3. Any additional panels or structures, proposed to be attached to the mast exceeding 1.3 metres in any dimension, shall be the subject of a separate planning application.

Reason: To regulate and control the layout of the development in the interest of orderly development.

4. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antenna onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

5. The site shall be reinstated on the 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 as soon as practicable.

Reason: In the interest of orderly development.

6. No advertising signage shall be erected on the monopole mast, equipment cabinets or security fence.

Reason: In the interest of visual amenity.

Robert Speer
Planning Inspector

30th December, 2020