



An
Bord
Pleanála

Inspector's Report

ABP-309117-21

Development

Erect a 15 metres high monopole telecommunications support structure together with antennas, dishes and associated equipment and remove the existing 10 metres high timber pole with antenna

Location

eir Exchange, Main Street, Portlaw, Co. Waterford

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

20/746

Applicant(s)

Vodafone Ireland Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal of Permission

Appellant(s)

Vodafone Ireland Ltd.

Observer(s)

1. Brid Trihy & Francis Drohan and Others ('Concerned Portlaw Residents')
2. An Taisce

3. Portlaw Community Hall c/o
Therese Keyes, Chairperson

Date of Site Inspection

13.04.2021

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located in the built-up area of Portlaw in north east Co. Waterford.
- 1.2. The site is located on Main Street. There is a relatively high stone wall and a gated pedestrian access along the front/footpath boundary. There is an existing single storey Eir Exchange building within the overall property boundary though it is excluded from the application's red line site boundary. There is an existing 10 metres high wooden pole structure on site with an additional 3 metres high antenna. There are a mix of land uses in the immediate vicinity. There are houses immediately to the north and to the east of the site (on William Street) and on the opposite side of the road with a community centre adjacent to the south and a garda station adjacent to that. The existing mast structure on site is visible from various vantage points.
- 1.3. The site has an area of 0.024616 hectares.

2.0 Proposed Development

- 2.1. Permission is sought to erect a 15 metres high monopole telecommunications structure with antennas, dishes and associated equipment and to remove the existing 10 metres high timber pole with antenna.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

1. Having regard to the location of the site in an established residential area and within the centre of Portlaw, a designated Heritage Town, it is considered that the proposed mast which is located on a site that does not appear to have the benefit of planning permission for telecommunications structures would adversely impact the residential and visual amenities of the area, would represent an incongruous feature in Portlaw's historic townscape and would be

contrary to National Guidelines as set out in ‘Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities’, and the Portlaw Local Area Plan 2014-2020 and the Waterford County Development Plan 2011-2017, as extended and amended, regarding the siting of telecommunications infrastructure within residential areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planning Report is the basis of the planning authority’s decision. The Planning Officer recommended, on the basis of the assessment of national and local policy guidance, the technical justification, the planning history and the visual impact, that permission be refused.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

11 no. observations were received by the planning authority from local residents and business owners, Portlaw Community Hall and three councillors. The issues raised are largely covered by the observations received on foot of the grounds of appeal.

4.0 Planning History

- 4.1. The most relevant previous planning application on site is:

P.A. Reg. Ref. 20/465 – Permission was refused in 2020 to erect a 15 metres high monopole telecommunications support structure with antennas, dishes and associated telecommunications equipment and to remove the existing timber pole

telecommunications support structure for a similar reason to that cited by Waterford City & County Council in the current application.

5.0 Policy Context

5.1. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996

- 5.1.1. These guidelines, and the subsequent Circular Letter PL 07/12, are relevant to applications for telecommunications structures.

5.2. Waterford County Development Plan 2011-2017

- 5.2.1. Following the amalgamation of Waterford County Council and Waterford City Council in 2014, the lifetimes of the existing development plans within the amalgamated council area were extended. The 2011-2017 County Development Plan remains in effect until a new City and County Development Plan is prepared following the making of the Regional Spatial & Economic Strategy.

- 5.2.2. Section 7.21 (Telecommunications) and Section 7.22 (Broadband) are relevant to the planning application (Chapter 7 – Infrastructure). Relevant policies and objectives set out in these sections include:

Policy INF 24 – The Council will facilitate proposals for the provision of telecommunication masts, antennae, underground infrastructure and ancillary equipment subject to normal planning considerations having regard to the DoEHLG publication ‘Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities’ (1996).

Objective INF 11 – It is the objective of the Council to encourage the clustering and co-location of telecommunication masts, antennae or ancillary equipment and more favourable consideration will be given to their location near existing similar type structures.

Policy INF 25 – Waterford County Council will facilitate the expansion of broadband throughout all parts of the County.

Objective INF 13 – It is the objective of the Council to facilitate developers and utility providers in meeting the requirements for utility services such as telecommunications, gas and electricity. Pre-planning application discussions with providers of telecommunication and ESB structures are encouraged.

- 5.2.3. Telecommunications is also referenced in Section 8.9 (Non-Residential Development – Telecommunications) of Variation No. 1 of the County Development Plan. Variation No. 1 deleted and replaced almost all of Chapter 10 (Development Standards) except Section 10.57 (Zoning Objectives).

5.3. Portlaw Local Area Plan (LAP) 2014-2020

- 5.3.1. Section 1.4 states the Plan relates to the development of the defined area over the period 2014-2020, and shall be taken as six years from the date the Plan was made, or until it is subsequently reviewed or another Plan is made.
- 5.3.2. The site is in an area zoned 'Existing Residential' which has a zoning objective 'To protect the amenity of existing residential development and to provide for new residential development at medium density'.
- 5.3.3. Section 5.6 of the LAP (Telecommunications and Broadband) states 'The development of a good quality communications and broadband network is imperative for attracting major business and industrial development to a Town. It will also facilitate individuals who may be afforded the opportunity to work from home.' In considering telecommunications proposals, details will be required of the potential for co-location on existing mast infrastructure and visual impact. The LAP states telecommunications development in urban areas should be avoided where alternative locations are available. Some relevant policies and objectives in the LAP are similar to those in the County Development Plan 2011-2017.

5.4. Natural Heritage Designations

- 5.4.1. The closest heritage area is the Natura 2000 site Lower River Suir SAC (Site Code 002137) approx. 60-100 metres to the south east and south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- The proposed installation will ensure continued network coverage for Vodafone, with potential for enhancement and improvement of telecommunications and broadband services in the region.
- The existing site is of critical importance to the Vodafone network. However, the existing structure is not capable of supporting new telecommunications equipment. The wooden pole is deficient in height and structural capacity. With the proposed structure there is an opportunity for future operators to co-locate. The rationale of the application is to improve the coverage and capacity of mobile telecommunications and broadband in the town and surrounding areas.

Visual Impact

- Three photomontages have been submitted with the grounds of appeal. It is submitted these demonstrate that the proposed development would not be visually obtrusive in the wider environment. There has been a telecommunications structure on the exchange property for many years. As such it is accepted infrastructure and part of the skyline. Minimal height increase is proposed. There is a precedent for infrastructure and utilities in the locality. As it is intended to serve the town it must be located in reasonable vicinity to the town centre. While 3.5 metres taller than the existing, the surrounding environment will also assist in screening.
- The support structure is at the lower end of infrastructure generally in terms of height. It has been designed with regard to national and local planning policy as well as codes of best practice e.g. minimal height necessary, replacement of existing infrastructure, use of a monopole and the exchange building and vertical structures in the area (streetlights and electricity poles) means the site is in the most discrete location in the town centre context. It has been reduced in size from that applied for under 20/465.

- The existing utilities site has capacity for absorbing the development considering the presence of existing infrastructure, the existing building which will help screen the structure and the surrounding natural and built environment.
- There would be some visual impact. However, the views of the structure are likely to be intermittent given its location to the rear of the property and the number of existing structures in the surrounding built environment. It will generally be seen protruding over the rooftop and through screening, vegetation, and visual clutter. It is submitted it would not have a significant or prominent visual impact. The magnitude of the impact would be acceptable. The pole and antennas could be painted in a dark colour as mitigation and landscaping may also be considered appropriate by the Board.

Site Suitability

- The site is an existing utilities property. The utility building, existing Vodafone infrastructure and history of telecommunications use is relevant. Circular Letter PL 07/12 states planning authorities should not include separation distances from telecommunications structures. The Guidelines provide no restriction in terms of distances to houses. It is not uncommon for structures or antennae to be in close proximity to residential areas, particularly in urban areas. The presence of houses and community uses increases the justification for the proposed infrastructure.
- It has potential to allow for additional operator's equipment. The proposal for replacement accords with the Guidelines and the Council's policies. The proposal meets the balance between facilitating delivery of improved infrastructure and protection of the built and natural environment.
- The Guidelines state that if locations within or in the immediate surrounds of small towns are necessary, sites already developed for utilities should be considered and installations should be designed and adapted for the specific location. Additional equipment cannot be accommodated on the existing structure, so a replacement structure is proposed.

Waterford County Development Plan Policies

- Section 7.21 of the 2011-2017 Plan relates to telecommunications infrastructure and some of its content is reproduced, including Policy INF 11.
- Vodafone already utilises the nearest other existing infrastructure site, to the south on the outskirts of Portlaw where it co-locates. There are no substantial existing sites in the town capable of accommodating multiple users. The site is the only telecommunications site in the town. The proposal to replace the existing structure will ultimately avoid a proliferation of masts and antennae.
- In consideration of the town's heritage designation, the installation is positioned to the rear of the property with a monopole of minimal required height and size. The site, as an established utilities exchange, does not meet the typical characteristic of the heritage designation within which it is designated, and the applicant does not consider it would adversely affect the heritage value of the town.

6.2. Planning Authority Response

None.

6.3. Observations

Three separate observations were received from (1) Brid Trihy & Francis Drohan and Others, 'Concerned Portlaw Residents', 1 Main Street, Portlaw, (2) An Taisce, and (3) Portlaw Community Hall c/o Therese Keyes, Chairperson of the Hall committee. The issues raised in the three observations are relatively similar, so they have been collectively summarised as follows:

Residential and Visual Amenity Issues

- It is a residential area. There are houses immediately adjoining the site to the north, a house directly opposite and an entire street to the rear. The Community Centre to the south is in constant use.
- The height and expanse of the proposed structure is disproportionate to the streetscape. The Concerned Portlaw Residents do not agree that the slimmer monopole design shall integrate to the character of the village centre. It is

considered visually intrusive and will adversely impact the residential and visual amenity of the area. The provisions of Objective BH1 of the Portlaw LAP 2014-2020 must be applied.

- Portlaw is a designated heritage town of great character and appeal. The development is incompatible with the unique heritage townscape. The skyline will be affected.
- The monopole will have an industrial-type appearance.
- Further intensification of telecommunications installations at the site would be inappropriate.
- Concern in relation to the major difference in height and girth between the existing pole and replacement structure.
- It is quite a restricted site so the proposed development would seem to be out of proportion.

National and Local Policy

- The 1996 Guidelines state that visual impact is one of the more important considerations to be taken into account. They recommend that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.
- Section 5.6 of the LAP 2014-2020 states, in considering telecommunications development proposals, developers will be required to submit details of visual impact on the natural and built environment, particularly in areas of sensitive landscape or cultural/historic importance. There are four listed NIAH records on Main Street and the village and environs has 70 no. listed records in total.
- Section 10.39 of the Waterford County Development Plan 2011-2017 states telecommunications infrastructure will not be favourably considered in residentially zoned areas or areas designated as visually vulnerable and infrastructure shall generally be favoured in agricultural/green belt lands or other land uses which the planning authority may deem suitable.

Miscellaneous

- The site is the easiest and cheapest solution for the applicant. Portlaw is in a valley surrounded by woodland and surely there is merit in locating elsewhere and on higher ground? Further scoping of alternative sites should be undertaken.
- A Portlaw resident states they are a Vodafone customer and have had excellent 4G coverage while working from home.
- Portlaw Community Hall is aware that there are many concerns as to the health hazards posed by mobile communications masts. It would hope the development would not pose a health threat to the Hall users.
- Concerns about safety during construction.
- One observation includes photographs.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Previous Application P.A. Reg. Ref. 20/465
- Compliance with the National and Local Policy Framework
- Public Health
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The site is in an area zoned 'Existing Residential'. There is a large area of 'Town Centre' zoned land on the opposite side of Main Street and the 'Existing Residential'/'Town Centre' zoning boundary is also approx. 25 metres to the north of the site. The zoning objective is 'To protect the amenity of existing residential development and to provide for new residential development at medium density'. No land use relevant to the development e.g. telecommunications or utilities, is referenced in Table 8.2 (Land Use Matrix) of the LAP. The 'Notes' on the table state that uses not covered may be allowed in accordance with the written provisions of the County Development Plan. Neither telecommunications nor utilities are referenced in Table 10.11 (Land Use Matrix) in the County Development Plan 2011-2017. (This is contained in Section 10.57 (Zoning Objectives) of the Plan, the only part of Chapter 10 (Development Standards) which was not affected by Variation No. 1).
- 7.1.2. A non-conforming use is a use in a zone that is in conflict with the use zoning objectives. Section 8.1.2 (Non-Conforming Use) of the LAP states 'Existing minority (pre-existing, non-conforming) uses within any Land-Use Zone, shall be supported except where such use is incompatible with the major user in the area. In such event the minority user will be encouraged to relocate'. The section also states, 'it may be necessary to allow minor building extension and alterations within a non-conforming use area to allow for continuity of use, provided that the continued use does not prejudice the proper planning and sustainable development of the area and the preservation and improvement of amenities thereof'.
- 7.1.3. Having regard to the foregoing, I do not consider that the proposed use is permitted in principle, given the absence of such use from the Land Use Matrix tables. However, given that it is an existing use, it may be considered acceptable, subject to the detailed considerations below.

7.2. Previous Application P.A. Reg. Ref. 20/465

- 7.2.1. A similar application to the current application was refused by Waterford City & County Council in 2020. The development descriptions of both are effectively the same. The specific monopole structure proposed under 20/465 had the same height dimensions as currently proposed i.e. 15 metres high with an additional 1.5 metres high lightning

final. However, the respective elevation drawings illustrate a mast structure that was significantly more substantial in scale than that currently proposed. In particular, there appears to be substantially more operator's equipment on the original structure. The grounds of appeal state the size of the previous structure has been reduced from 1500mm at the base to 1000mm and from approx. 1000mm at the top to approx. 600mm at the top of the current, slimmer pole.

- 7.2.2. The respective reasons for refusal issued by the planning authority are similar. However, the current reason for refusal states that the mast 'is located on a site that does not appear to have the benefit of planning permission for telecommunications structures'. It also includes the Waterford County Development Plan 2011-2017 in the reason for refusal regarding the siting of telecommunications infrastructure within residential area along with the Guidelines and LAP, whereas the previous refusal only referred to the Guidelines and LAP in this regard.
- 7.2.3. From a comparison of the drawings submitted with both applications, I consider that the replacement structure proposed under the current application comprises a significant reduction in scale from that refused under 20/465.

7.3. Compliance with the National and Local Policy Framework

- 7.3.1. The reason for refusal considers that the proposed development would adversely affect the residential and visual amenities of the area. I consider that the proposed development should be assessed in the context of the relevant policy framework.

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996

- 7.3.2. The Guidelines state, in Section 1.2 (National Policy Issues), that buildings of historical and architectural interest have to be protected. Visual impact is referenced in Section 4.3 and it is considered 'among the more important considerations which have to be taken into account in arriving at a decision on a particular application'. The Guidelines state that 'Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered ...' Free-standing masts in residential areas are also only to be considered as a last resort and, again, the Guidelines consider that sites already developed for utilities should be considered.

This comment relates to larger towns and city suburbs. Notwithstanding, I consider the basic principle is applicable to residential areas generally. Sharing facilities and clustering is encouraged and supported.

Waterford County Development Plan 2011-2017

7.3.3. Section 7.21 (Telecommunications) acknowledges that the provision of a modern, efficient and reliable telecommunications network is vital for the Waterford economy and the Council recognises the importance of the continued development of the existing network 'and will support and encourage a balanced spread of telecommunications infrastructure throughout the County'. In considering proposals, developers will be required to submit details of, inter alia, the visual impact on the built environment, particularly in areas of cultural/historic importance. The Plan considers 'The development of telecommunications masts and antennae in urban areas should be avoided where alternative locations are available'. Policy INF 24 states the Council will facilitate proposals subject to normal planning considerations having regard to the Guidelines and Objective INF 11 encourages clustering and co-location. Objective INF 13 states, among other things, it is the objective of the Council to facilitate utility providers in meeting the requirements for utility services such as telecommunications. Section 7.22 (Broadband) states the Council will support development proposals for the provision of broadband infrastructure.

7.3.4. One of the observations received on foot of the grounds of appeal refers to Section 10.39 (Telecommunications) of the Plan. However, Variation No. 1 (Development Management Standards) of the Plan replaced Chapter 10 of the Plan and Section 10.39 is no longer relevant. Telecommunications is briefly referenced in Section 8.9 of the Variation. It states the Council will have regard to the Guidelines in evaluating applications, and co-location is favoured.

Portlaoigh Local Area Plan (LAP) 2014-2020

7.3.5. Section 5.6 (Telecommunications and Broadband) states the development of a good quality communications and broadband network is imperative to a town. Development proposals will be required to detail the potential for co-location and submit detail of, inter alia, the visual impact on the built environment, particularly in areas of cultural/historic importance. As with the County Development Plan 2011-2017, 'The development of telecommunications masts and antennae in urban areas should be

avoided where alternative locations are available'. Policies and objectives are set out including having regard to the 1996 Guidelines (Policy INF 20), encouraging clustering and co-location (Objective INF 9), and Objective INF 11, among other things, states it is the objective of the Council to facilitate utility providers in meeting the requirements for utility services such as telecommunications.

- 7.3.6. Section 6.5 (Built Heritage) states that the built heritage, within the model town area, 'is a physical manifestation of past social, economic and cultural events. In its heyday, in terms of scale and sophistication, Portlaw would have matched other world renowned model towns such as Saltaire and New Lanark. It is considered to have been an inspiration for Bessbrook, the only other planned industrial town in Ireland and it was also thought to have been a model for Bourneville, which is considered the pinnacle of this form of social and urban planning. The layout of the model village inspired by the Baroque tradition of urban planning makes it exceptional both in the context of Irish urban development as well as that of model village design'. The LAP states that the village still retains many features of the planned 19th Century industrial settlement. The LAP refers to 'the distinctive original single and two-storey workers houses with curved roofs known as Portlaw roofs'. The two-storey semi-detached houses north of the site on Main Street appear to have these 'Portlaw roofs' as do the houses to the east of the site along William Street.
- 7.3.7. Policy BH 3 of the LAP states it is a policy of the Council 'to protect the built heritage and to encourage sensitive development or reuse of buildings to promote economic growth and regeneration'. Objective BH 1 outlines a number of objectives within the historic core. These include identifying, protecting and enhancing the unique character of a streetscape by providing guidance on appropriate development, promote sensitive reuse and/or alterations of buildings of historic character and ensure that the design of new buildings respect the streetscape.
- 7.3.8. There is a protected structure (House) on the opposite side of the street to the north west (RPS No. 596) and there are a number of structures included in the NIAH in the wider area.

Assessment

- 7.3.9. The proposed development involves the replacement of a 10 metres high wooden pole and additional operator's equipment 3 metres high (13 metres in total) with a 15 metres

high monopole and 1.5 metres high lightning finial (16.5 metres in total). The site is located in the built-up area of Portlaw, on one of the streets radiating from the square in the planned 19th Century industrial settlement. The site is zoned 'Existing Residential' and is in close proximity to the 'Town Centre' zoning. There is a domestic garden and houses immediately to the north and east (William Street). The opposite side of Main Street to the site is zoned Town Centre and there is a community centre and garda station to the south. The existing wooden pole structure is quite visible on Main Street, from the roundabout in the centre of the town to the north, above the roofs on William Street and from the public road south of the River Clodiagh.

- 7.3.10. The rationale for the proposed development is to ensure continued network coverage for Vodafone with potential for enhancement and improvement of telecommunications and broadband services. The applicant stated in the initial planning application received by the planning authority that the greater Portlaw area is a known coverage weak spot.
- 7.3.11. A previous application for a similar development was refused by the planning authority under 20/465. I consider that the size and scale of the replacement monopole proposed under the current application is significantly reduced from that previously proposed.
- 7.3.12. There are positive aspects of this application. In particular, the proposed monopole replaces an existing telecommunications structure, and it is located within an existing utility/Eir Exchange property. In addition, the proposed structure would be made available for co-location and sharing which is encouraged in national and local policy.
- 7.3.13. However, the site is in a residential zoned area and the utility site is relatively restrictive in area. The applicant has submitted three photomontages as part of the grounds of appeal. Development in the vicinity of the site is single and two storeys in height and the proposed monopole, despite its reduction in scale from that previously proposed, would in my opinion be a dominant feature in the area and would be visible from quite a number of areas. The 1996 Guidelines consider that free standing masts should only be considered as a last resort within smaller towns and villages and in residential areas. While the Guidelines do consider that, in such circumstances, sites already developed for utilities should be considered, the utilities site in this case is limited in area. The planning authority Planning Report states that no planning permission has

been identified which relates to the existing telecommunications structure and the planning authority assessed the proposed development in terms of a greenfield site. Notwithstanding, I note a planning application by Telecom Eireann in 1995 for a toilet extension (P.A. Reg. Ref. 95/14) so, notwithstanding the absence of a relevant planning application reference number for the existing mast, this can be considered as a site for utilities.

- 7.3.14. Both the County Development Plan 2011-2017 and the LAP 2014-2020 state that 'The development of telecommunications masts and antennae in urban areas should be avoided where alternative locations are available'. While the applicant already has a mast at this location, where there does not appear to be a valid planning permission, there appears to have been little or no consideration of alternative sites. The only other site mentioned is an existing site, where Vodafone already co-locates, approx. 2.2km to the south/south east of the current site. The applicant states there are no other telecommunications sites that could contribute to its coverage and capacity. There is no evidence any other location was considered.
- 7.3.15. Portlaw has different characteristics and a different development history to other towns. Its physical layout and the built heritage is notable and this should be conserved. Policy BH 3 of the LAP seeks to protect the built heritage. Objective BH 1 seeks to protect and enhance the unique character of a streetscape within the historic core. I consider that the proposed telecommunications structure would adversely affect the streetscape and would be detrimental to the character of the historic core of Portlaw.

Conclusion

- 7.3.16. Each planning application is considered on a case-by-case basis and on its merits. While the application proposes to replace an existing telecommunications structure, I consider that it would be inappropriate at this location. The site is located within the built-up area of Portlaw, an historic town. Though the site is an existing utilities site it is limited in area and is in an area zoned for residential development. There also does not appear to be a valid planning permission for the existing telecommunications structure. The area is low-rise in character and I consider that the proposed 15 metres high monopole, though significantly reduced in scale from that previously refused, would comprise an obtrusive feature in the town, would adversely affect the

streetscape and visual and residential amenities of the area, would be contrary to national and local policy in terms of its location in a residential zoned area within the town and would be contrary to the proper planning and sustainable development of the area. I recommend planning permission be refused on this basis.

7.4. Public Health

- 7.4.1. Some concern in relation to the impact on public health has been raised in the observations received on foot of the grounds of appeal.
- 7.4.2. Section 2.6 (Health and Safety Aspects) of Circular Letter PL 07/12 reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as a condition of planning permission nor determine planning applications on health grounds. 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.
- 7.4.3. Safety during construction was also referenced. However, the development would be a standard construction project and any issues could be addressed by way of a Construction Management Plan if considered appropriate by the Board.
- 7.4.4. Therefore, having regard to the content of the Circular Letter, issues of public health in relation to the telecommunications structure are not a matter for the planning authority and there are no safety concerns in relation to construction of the development.

7.5. Appropriate Assessment

- 7.5.1. Notwithstanding the proximity of the development site to the Lower River Suir SAC, having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a fully serviced location within a built-up urban area with no hydrological pathway to any 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

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to-

(a) 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,

(b) the provisions of the Waterford County Development Plan 2011-2017 and Portlaw Local Area Plan 2014-2020, and

(c) the height, scale and location of the proposed development in a residentially zoned area,

it is considered that the proposed development would be visually obtrusive, would seriously injure the amenities of the area and of property in the vicinity and would be detrimental to the character of the historic core of Portlaw. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Anthony Kelly

Planning Inspector

24.05.2021