



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309830-21

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<b>Development</b>	Construction of telecommunications mast
<b>Location</b>	Eir Exchange, Ard Daire / Belmont Road, Ferrybank, Co Kilkenny X91 PK2V
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	215
<b>Applicant(s)</b>	Eircom Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> July 2021
<b>Inspector</b>	Una O'Neill

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## **1.0 Site Location and Description**

- 1.1. The subject site is located within the area of Ferrybank in the northeast city environs of Waterford City, north of the River Suir, within the jurisdiction of Kilkenny County Council. This area of the city is within the Waterford Metropolitan Area.
- 1.2. The site, which has a stated area of 0.0036ha, is located within the site of an existing EIR exchange building. I note the application boundary does not include the area of the existing EIR site, but a small portion of land to the north of the existing EIR building. The site is elevated, with lands rising up from the R711/Belmont Road to the south. On the opposite side of the Belmont Road to the southeast is Ferrybank District Centre and public library, which is 3-4 storeys high. Lands to the north continue to rise and are at a higher level to the application site. The land to the west of the site has permission for a Community Primary Healthcare Centre and Pharmacy, which is currently under construction. Lands to the immediate north comprise a large relatively new community childcare building and associated car parking. The eastern boundary comprises the entrance street serving these lands, the childcare building and the Ard Daire/Belmont residential areas further to the northeast and northwest.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the installation of an 18m monopole carrying antennas, a dish, associated equipment, ground based equipment cabinets and all associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Notification of a decision to refuse planning permission for the proposed development was issued by the planning authority per Order dated 4<sup>th</sup> March 2021. The reasons for refusal are as follows:

1. Having regard to the guidelines relating to telecommunications antennae and support structures – Department of the Environment and Local Government

1996, the location, scale and height of the structure within a residential and public community area of Ferrybank urban village, in close proximity to Ferryfun Childcare/Community Centre, Primary Health Care Centre and Ard Daire Residential Estates and existing pattern of development in the area, it is considered that the proposed development would seriously injure the visual and residential amenities of the area and would be visual prominent and obtrusive at this location of Ferrybank. The proposed development would therefore contravene National policy and Section 9.4.2.1 Telecommunications Antennae Development Management Standards of the Kilkenny County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located in the centre of Ferrybank urban village and would, due to its site location and nature of development use contravene the zoning objectives of the Ferrybank Belview Local Area Plan 2017 which aims to create a focus for the area by encouraging and providing residential, retail, commercial and office, cultural and other uses appropriate to the centre of a developing area and would detract from its urban village principles as set out in Section 3.3.2 of the plan. 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. Planning Reports**

The report of the planning authority dated 2<sup>nd</sup> March 2021 is summarised as follows:

- Site is located in a built up residential area where a high number of dwellings are located in close proximity to the site. The site adjoins a primary health care centre (currently under construction). Ferryfun community creche building is located to the north.
- The proposed mast covers a 500m radius. There are other known masts in Ferrybank which have not been accounted for in the assessment.
- Lands to the east of the development are zoned Urban Village and likely to be developed in the future, making this site more exposed.

- Viewpoint 2 is particularly prominent, serving a large number of housing and the Ferrybank Shopping Centre, with the R711 a particularly busy route. There are additional visually sensitive vantage points which have not been assessed.
- The planning report states that it is considered the proposal would represent an unduly prominent feature in the Ferrybank area, along Belmont Road and would be injurious to its visual and residential amenities and urban streetscape village zoning objectives. A visual assessment should have been taken from the proposed southeast greenway to the south of the railway line.
- The applicant has not satisfactorily shown that alternative sites were considered and why the alternatives were unsuitable, as required by the guidelines and development plan policy.
- Given the location within a developing urban area, in close proximity to residential estates, a childcare facility, primary health care centre, and existing pattern of development, it is considered that permission should be refused. The development would not be an appropriate development use at this location.

#### 3.2.2. Other Technical Reports

- Roads – No objection.

#### 3.3. Prescribed Bodies

Irish Aviation/Defence Authority – No objection, subject to condition that incandescent lighting is provided at the top of the mast.

#### 3.4. Third Party Observations

One observation was received from a local resident, where concerns were raised in relation to the visibility of the site notice, population density in the immediate area, health risks for those attending creche, national school and private residents in the area, and concern over potential for future technologies to attach to the monopole.

## 4.0 Planning History

None.

## 5.0 Policy Context

### National Policy

#### 5.1. Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, 1996 (issued by the Dept. of Environment, Housing & Local Government)

- 5.1.1. Section 4.3 states: ‘The visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc.’
- 5.1.2. In the vicinity of larger towns and city suburbs, it is recommended that operators should endeavour to locate in industrial estates or industrially zoned land. The possibilities offered by some commercial or retail areas, tall buildings, rooftops or other existing structures should be explored and whether or not rooftop locations or disguised masts would be appropriate should also be examined. In urban and suburban areas, it is stated that the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.
- 5.1.3. The guidelines state that ‘Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. 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’.
- 5.1.4. Section 4.3 further states ‘Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account: -
- 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.

- 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 or prospect.
- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

5.1.5. Section 4.5 (Sharing Facilities & Clustering) states:

- ‘Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share’.
- ‘Where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered. On hill tops clustering may not offer any improvement from the point of view of visual intrusion but in urban or suburban areas use of the same structure or building by competing operators will almost always improve the situation’.

5.2. **Circular Letter PL07/12 (October 2012)**

- 5.2.1. This Circular Letter updates the guidance document from 1996, addressing potential barriers in the planning area to the National Broadband Plan. Planning authorities are advised that attaching a condition to a grant of planning permission for telecommunications masts and antennae which limit their life to a set period should cease. Only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue limiting their life. Given the limited number of sites that have become obsolete, it is considered that the attachment of a condition to a grant of planning permission requiring 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.

- 5.2.2. With regard to Development Plan and separation distances, the Circular states that such distance requirements, without allowing for the flexibility on a case by case basis, can make the identification of a site for new infrastructure very difficult. Planning Authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- 5.2.3. With regard to health and safety aspects, the Circular reiterates that Planning Authorities should not include monitoring arrangements on health grounds and that Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures as they do not have the competence for health and safety measures in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- 5.2.4. Finally with regard to development contribution schemes, it is stated that all development contribution schemes must include waivers for broadband infrastructure provision and these waivers are intended to be applied consistently across all local authority areas.

### **Local Policy**

#### **5.3. Kilkenny County Development Plan 2014 – 2020**

- 5.3.1. The development plan in force at the time of writing of this report is the Kilkenny County Development Plan 2014-2020.
- 5.3.2. Section 9.4 relates to Telecommunications. Section 9.4.2 Telecommunications Antennae states:

The Council recognises the importance of a high quality telecommunications service and will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and sustaining residential amenities and environmental quality.

### 5.3.3. Section 9.4.2.1 Telecommunications Antennae Development Management

Standards states:

When considering proposals for telecommunications masts, antennae and ancillary equipment, the Council will have regard to the following:

- a) the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of sensitive landscape (See Chapter 8 Heritage) or historic importance;
- b) the potential for co-location of equipment on existing masts; and
- c) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities and Circular Letter PL 07/12.

The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment in the following locations, save in exceptional circumstances where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover:

- (i) Highly scenic areas or areas specified as such in the landscape character assessment, such as Mount Brandon and the River Valleys; in such cases the developer shall demonstrate an overriding technical need for the equipment which cannot be met by sharing of existing authorised equipment in the areas and the equipment is of a scale and is sited, deigned and landscaped in a manner which minimises adverse visual impacts.
- (ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/conservation areas; and,
- (iii) In close proximity to residential areas.

In the assessment of individual proposals, the Council will also take the impact on rights of way and walking routes into account.

To avoid proliferation, which could be injurious to visual amenities, the Council will encourage co-location of antennae on existing support structures and require documentary evidence as to the non-availability of this option in proposals for new

structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

Proposals within the County for telecommunications antennae and support structures must show:

- a) the alternative sites considered and why the alternatives were unsuitable,
- b) the number of existing masts within the County,
- c) the long term plans of the developer in the County and the potential for further masts,
- d) and the plans of other promoters and any prior consultations which the developer may have had with other mast owners.

5.3.4. Section 8.2.10 of the plan relates to landscape character areas and the Landscape Character Assessment produced with the 2008 County Development Plan is referenced. The site appears to be located in the Upland Character Area. The site is not located in one of the character areas identified as being Highly Scenic/Visually Pleasing, nor are there are protected views in the area.

#### **5.4. Ferrybank Belview Local Area Plan 2017**

5.4.1. Section 9.4 of the LAP relates to Telecommunications and states 'The Waterford Metropolitan Area Network (MAN) is a high bandwidth fibre network that is available to authorised operators in Waterford City enabling them to sell high capacity broadband and telephony services to end users, such as large corporates. Kilkenny County Council recognises the need for an extension to the Waterford City MAN, to connect to the Plan area, and the Belview Industrial area in particular, to attract business. Various options have been explored and routes have been identified, and Kilkenny County Council will work with the IDA, and other relevant organisations, to deliver this connection, subject to the required funding being available'.

5.4.2. The site is zoned Urban Village in the Ferrybank Belview Local Area Plan 2017. Lands to the north, west, east and south are also zoned Urban Village. The LAP states it is an objective of the Urban Village zoning 'To create a focus for the plan area by encouraging and providing residential, retail, commercial and office, cultural

and other uses appropriate to the centre of a developing area. (Maximum 60% of the land area to be allowed for residential needs and no significant retail development will be allowable outside of the District Centre). The optimal location for retail will be in the existing District Centre'. It is stated that the area stretching from the Waterford CCC boundary (St. Mary's School & District Centre & Library) eastwards to the Aldi shop at Belmont, will act as a Main Street, and focal point for the plan area.

#### **5.5. Draft Kilkenny City and County Development Plan 2021-2017**

5.5.1. It is noted that at the time of writing of this report, the display period of material alterations of the draft plan had been completed.

5.5.2. The following objectives are noted:

Objective 4I To commence the review of the Ferrybank/Belview Local Area Plan within 6 months of the coming into effect of this Plan having regard to the MASP and to incorporate into the Kilkenny City & County Development Plan by way of variation.

Objective 10I To support and facilitate the delivery of high capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the County, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices e.g. remote working subject to other relevant policies and objectives of the Plan

Objective 10J To set up and maintain a register of approved telecommunications structures which will provide a useful input to the assessment of future telecommunications developments and would also be useful from the point of view of maximising the potential for future mast sharing and co-location.

5.5.3. Section 10.4 of the draft plan relates to 'Telecommunications Antennae Development Management Requirements', which states:

When considering proposals for telecommunications masts, antennae and ancillary equipment, it is the policy of the Council to have regard to the following:

a) the visual impact of the proposed equipment and access infrastructure on the natural or built environment, particularly in areas of heritage value (See Chapter 9 Heritage);

b) the potential for co-location of equipment on existing masts; and

c) Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities and Circular Letter PL 07/12.

The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment in the following locations, save in exceptional circumstances where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover:

- (i) Highly scenic areas or areas specified as such in the landscape character assessment, such as Mount Brandon and the River Valleys or the areas identified in Section 9.3.1.1 Archaeological Landscapes; in such cases the developer shall demonstrate an overriding technical need for the equipment which cannot be met by sharing of existing authorised equipment in the areas and the equipment is of a scale and is sited, deigned and landscaped in a manner which minimises adverse visual impacts.
- (ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/conservation areas; and,
- (iii) In close proximity to residential areas.

In the assessment of individual proposals, the Council will also take the impact on rights of way and walking routes into account. To avoid proliferation of structures, which could be injurious to visual amenities, it is the Council's preferred approach that all support structures will meet the co-location clustering policy of the current guidelines for antennae. The Council will require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

Proposals within the County for telecommunications antennae and support structures must show:

- a) the alternative sites considered and why the alternatives were unsuitable,
- b) the number of existing masts within the County,
- c) the long-term plans of the developer in the County and the potential for further masts,

d) and the plans of other promoters and any prior consultations which the developer may have had with other mast owners.

e) all technology shall comply with the strictest environmental quality requirements, including the latest International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines and mitigate adequately against the potential to impact negatively on human health and wellbeing

## **5.6. Natural Heritage Designations**

There are two European sites within the vicinity of the site, the Lower River Suir SAC (002137), which is 888m to the south of the site and the River Barrow and River Nore SAC (002162), which is located 5.9km east of the appeal site.

## **5.7. EIA Screening**

The proposed structure is not a class of development included under Schedule 5 of the Planning and Development Regulations 2001, as amended. 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. The grounds of appeal as submitted by the applicant is summarised as follows:

- The site selection process is outlined.
- The submission sets out the need for the proposal, the chosen site location, its proposed design and screening.
- The location is partially screened by the existing EIR building, community creche to the north, and associated landscape planting, as well as proposed planting.
- The design has been considered to minimise any negative visual impacts.

- There is an urgent requirement for improved wireless broadband services in this area.
- The proposed structure would not seriously impact on the visual or residential amenity of the area nor would it form an obtrusive feature within the surrounding area.
- In terms of the guidelines, no tall buildings or other existing structure were available to the applicant; no industrial estates/industrially zoned land within the cell area; with regard to commercial/retail area, these are included in the current zoning of the site; no ESB substations are available, but the site is an existing utility location. With regard to the statement in the guidelines that only as a last resort should free standing structures be considered in a residential area or beside schools, the applicant states that the subject site is in a built environment zoned to 'sustain and increase the mix of community uses in this area' and is not a residential location.
- The proposal is for the co-location of up to two operators on a single structure.
- The Ard Daire estate is 66m from the site. ABP has made many rulings on separation distances from dwellings and file ABP-300664-18 is referenced.
- The guidelines do not stipulate any required separation distance from childcare, community or health centres.
- A Visual Impact Assessment is set out within the submission. No significant effects are considered to arise.
- Section 2.78 of the submission assesses the proposal against development plan policy and section 2.83 assesses it against Ferrybank Belview LAP 2017. Overall the proposal is considered to be in compliance with national, regional and local policy.

## 6.2. Planning Authority Response

A submission was received from Kilkenny County Council which is summarised as follows:

- There are other sites within the urban area of Ferrybank including tall buildings, other existing structures, and retail/commercial/industrial areas that could be used instead of a free-standing mast. Such masts are discouraged in national guidelines and local development plan policy.
- Notwithstanding additional landscaping proposed, the PA is of the view the proposed development would be visually prominent and obtrusive at this location.
- Proposal would contravene Section 9.4.2.1 of the Kilkenny Development Plan 2014-2020.
- The Visual Impact Assessment was not updated to assess other recommended vantage points of concern. The applicant has not properly addressed the PA concerns on visual impact.
- The proposal would represent an unduly prominent feature in the Ferrybank urban area along Belmont Road and would seriously injure the visual and residential amenities of the area.
- The proposed development would compromise the urban streetscape village zoning objective, as set out in the Ferrybank Belview Local Area Plan 2017.

### 6.3. **Observations**

None received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Consideration of Alternatives
- Impact on Residential Amenity and Visual Impact
- Appropriate Assessment



## **Principle of Development**

- 7.2. The proposed development is for a telecommunications monopole by Eir Limited which is stated to be required as part of EIRs national wireless high speed data and broadband network. The site area comprises a small plot (under grass) of the existing EIR exchange site, which comprises a single storey utility building. I note the remainder of the EIR site does not currently accommodate a telecommunications monopole.
- 7.3. I note the second reason for refusal from the Planning Authority considers the proposal would contravene the zoning objectives of the Ferrybank-Belview LAP 2017 and would detract from its urban village principles as set out in Section 3.3.2 of the LAP.
- 7.4. The zoning relating to the site, as set out in the Ferrybank-Belview LAP 2017, is Urban Village. Appendix 1 of the LAP lists Land Use Zones and uses which are Permissible Uses and Open for Consideration. Telecommunications infrastructure is not listed under either category in the Urban Village zone or under any of the other zonings in the LAP. I note there is a public utilities zoning, which does not refer to telecommunications infrastructure, with the permissible use in this zone listed as being recycling centres.
- 7.5. I note that it is stated under Appendix 1 of the LAP that the schedule of Permissible Uses is intended as a guideline in assessing development proposals and should not be regarded as being exhaustive. It is further stated that other uses outside of those listed under Open for Consideration may also be considered provided they do not conflict with the zoning objective. With regard to non-conforming uses, it is stated that ‘throughout the LAP area there are uses which do not conform to the zoning objectives for their zone. Extensions and improvements of premises accommodating these uses may be permitted where the proposed development would not seriously injure the amenities of the area or prejudice the proper planning and development of the area’.
- 7.6. In relation to the principle of permitting the mast, there is strong support at national and regional policy levels for the provision of broadband infrastructure. The provisions of the current county development plan reflect national policy and guidance in the assessment of individual mast proposals. I do not consider the

proposal would contravene the zoning objective relating to the site and I would have no objection to the principle of the development at this location, subject to further assessment of relevant planning criteria, as set out hereunder.

### **Consideration of Alternatives**

- 7.7. The DoE Guidelines Telecommunications Antennae and Support Structures (1996) and associated circular letter PL07/12 state that 'In the vicinity of larger towns and city suburbs, it is recommended that operators should endeavour to locate in industrial estates or industrially zoned land. The possibilities offered by some commercial or retail areas, tall buildings, rooftops or other existing structures should be explored and whether or not rooftop locations or disguised masts would be appropriate should also be examined'. In urban and suburban areas, it is stated that the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.
- 7.8. The submitted grounds of appeal includes under ref Figure 2, the cell search area within which the infrastructure must be located in order to achieve radio coverage and to maintain the communication transmission links for the mobile operator. The submission from the applicant states that a search of the ComREG site Finder indicated no existing masts in the area which would be suitable for EIR to locate its antennae on. The applicant under section 2.17 of the grounds of appeal states in relation to tall buildings that 'none were available to the applicant' and in relation to commercial/retail areas states 'included in the current zoning of site location'.
- 7.9. Further to the guidance provided within the guidelines, I note that there are no industrial estates or industrially zoned land in the vicinity of the site, as per the Ferrybank-Belview LAP 2017 zoning map. There are, however, commercial/retail areas and tall buildings in the immediate vicinity of the site, specifically the 3-4 storey District Centre approx. 86m to the south of the site and the large primary health care centre currently being constructed approx. 17m to the west of the site, both of which are tall buildings within the cell search area and which the applicant has not specifically considered/addressed in their submitted assessment as possible alternative locations. The guidelines, as noted above, indicate commercial or retail areas, tall buildings, rooftops or other existing structures should be explored and whether or not rooftop locations or disguised masts would be appropriate should also

be examined, as such locations in city suburbs are 'preferable to the construction of an independent antennae support structure'. I note the existing EIR site does not comprise an existing standalone mast. I consider the submitted report's consideration of viable alternative locations, specifically existing tall buildings and existing commercial/retail buildings, to be deficient in terms of detail and the statement that the site is zoned for commercial/retail use is in my opinion irrelevant as the guidelines refer to existing structures which could provide an alternative.

- 7.10. The applicant in my view has not adequately demonstrated that alternative sites, that are less prominent, have been investigated, where such sites might prove equally effective in providing sufficient coverage.

### **Impact on Residential Amenity and Visual Impact**

- 7.11. The guidelines and associated circular states that Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures, with visual impact among the more important considerations in arriving at a decision on a particular application. It is stated that no minimum distance is set between dwellings and telecommunications structures and none should be applied in development plans.
- 7.12. Under Paragraph 9.4.2.1 of the Kilkenny County Development Plan, 2014-2020, it is stated that telecommunications masts will be discouraged in close proximity to schools, churches, creches, community buildings, other public and amenity/conservation areas and in close proximity to residential areas.
- 7.13. The applicant has submitted a Visual Assessment and photomontages and considers the distance of the site from neighbouring uses to be acceptable.
- 7.14. In relation to impact on residential amenity, I note the proposed mast is located on an elevated site, with lands rising from Belmont Road up to the site where it plateaus, and then continues to rise to the north, where there is an existing large and relatively new community childcare building and associated parking along the boundary. To the west there is an existing development under construction, comprising a Community Primary Healthcare Centre and Pharmacy (approx. 13m high). To the east is the existing access road. Further to the northeast and northwest are existing two storey residential developments, approximately 76m and 42m from the proposed site respectively. I consider the site is sufficiently distant from existing

residential developments and the development to the north such that the proposal would not impact significantly on the residential amenity of existing dwellings or that of the childcare facility.

- 7.15. In terms of visual impact, the applicant has submitted photomontages and notes the proposal is for a 18m slimline monopole, which would be available for co-location, and has been designed to reduce its visual impact, with the height being the absolute minimum possible at this location. The appellant considers the location suitable as it would be partially screened by the existing EIR exchange building to the south, by the community building to the north (13.2m high) and its associated proposed planting, and by the applicants proposed planting plan, which it is stated can be enhanced further. The PA raises concerns in relation to the extent of the visual assessment and considers additional photomontages should have been submitted. I am satisfied that I have seen the site and the surrounding area and have sufficient information before me in this regard.
- 7.16. I note there is no planting along the western boundary or to the west where an existing development is under construction and the appellant has not submitted a landscaping plan with the application. While the height of the building to the west and the topography to the north would mask to a degree the proposed monopole, the structure would be visually dominant from the R711/Belmont Road in particular, which is intended to become the main street within Ferrybank/Belview, as per the Urban Village zoning and guidance in the Ferrybank-Belview LAP 2017. I consider the proposed structure would be not just noticeable at this location, but would be visually intrusive when viewed from the south and would detract from the existing and evolving urban character of this area. It could be further argued that the provision of a standalone structure at this location has the potential to limit the optimum development of the lands at this central urban location.
- 7.17. While I acknowledge that it is overall national policy to provide and improve the network of mobile telecommunication infrastructure throughout the country, having assessed the site and its surroundings, I consider that there is ample scope to explore alternative sites within the vicinity of the subject site, to cater for the demands and needs of the mobile operator, while at the same time, having a less detrimental impact on the visual amenity of the area. Again I refer the Board to the Ministerial Guidelines on Telecommunications Antennae and Support Structures

(1996) which states that in urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.

### **Appropriate Assessment**

- 7.18. 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 project.

### **Other Issues**

- 7.19. As regards health and safety concerns raised with regard to the proposed mast, the licensing regime for mobile telecommunications operators administered by the Commission for Communications Regulation controls the emission of radiation from telecommunications antennae in light of the available scientific evidence regarding its impact on health. It would not be appropriate for the planning system to attempt to replicate the specific controls established by another legislative code. The concerns regarding health and safety raised in the appeal would not, therefore, justify a refusal of planning permission for the development.
- 7.20. Public notices have been submitted in accordance with the legislation. I note that the general purpose of the public notices is to alert the public to proposed development works on the site.

## **8.0 Recommendation**

It is recommended for the reasons and considerations set out hereunder that permission be refused.

## **9.0 Reasons and Considerations**

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 Kilkenny County Development Plan 2014-2020 and

(c) height, scale and type of telecommunication installation proposed in an urban area, alternatives considered, and pattern of development in the area,

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

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Una O'Neill  
Senior Planning Inspector

31<sup>st</sup> July 2021