



An
Bord
Pleanála

Inspector's Report ABP310007-21

Development

Erect a 24 metre high lattice telecommunications support structure carrying antenna and dishes together with associated all within enclosed fencing.

Location

Rock Farm, Brittas, County Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

201095

Applicant(s)

Vantage Towers Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party -v- Refusal.

Appellant(s)

Vantage Towers Limited.

Observer(s)

John and Catherine Delaney and others

Date of Site Inspection

2nd September, 2021.

Inspector

Suzanne Kehely

1.0 Site Location and Description

- 1.1. The proposed telecommunications structure is to be located approximately 1.3km inland from Brittas Bay in an elevated rural location where there are dispersed dwellings. The immediate environs are mainly agricultural in nature and the landscape is defined by a patchwork of fields, hedgerows and trees and evidence of rock outcropping in the upper reaches. The site was used for grazing at time of inspection. The site is accessed via a farm gate and track that is partially covered in rubble. It is located to the rear of a dwelling. At present there is a single wind turbine on site in addition to a temporary mast.
- 1.2. I took photographs from within the site and also from the public road (L5667) to the south where views of the wind turbine and temporary mast on site can be seen in the context of panoramic coastal views.
- 1.3. The landscape setting is scenic as is evident in the rolling and verdant landscape that sweeps down the sea.
- 1.4. The highest point in the locality is around 107mOD and is located approximately 450m to the west of the site which I estimate to be in the 70mOD range. There is also an elevated ridge line to north which is level with the windmill tip height as viewed from the L5677 to the south. The site layout plan denotes the mast location to be at 73m ASL (Above Sea Level).
- 1.5. The coastal area is a popular recreational facility and tourist area with Brittas Bay being the main attraction and where public facilities are provided.
- 1.6. There is what is described as a temporary mobile telecommunication mast and mounted container on site and they are submitted to be exempted in accordance with section 31 of the PRD 2001, as amended.

1.7. Proposed Development

- 1.8. Planning permission is sought by Vantage Towers - a wholly owned entity of the Vodafone Group, for the construction of a 24 metre high lattice telecommunications support structure together with antennas, dishes and associated telecommunication equipment all enclosed in security fencing.

- 1.9. In the order of 26 antennae, Dishes, RRUs are proposed to be attached Vodafone and other 'sectors' The structure is approx. 2.5m wide at the base which is triangular.
- 1.10. Photomontages have been submitted (FI) of the proposed development as viewed from 8 vantage points.
- 1.11. It is proposed to remove the existing temporary structure.
- 1.12. The cover letter submitted with the application explains how the application follows the installation of the temporary mast which has resolved a dearth of coverage in the area following the decommissioning of the McDaniel's base station. It will significantly improve its next generation services for the benefit of the community. It is indicated that the proposed structure has been designed to be made available for use by all commercial wireless operators.
- 1.13. **Further information Submitted**
- 1.13.1. In response to the planning authority request for further information
- The applicant explains the status of the track as agricultural in origin and use and incorporates rock cleared from the fields.
 - Photomontages from 16 vantage points. Protected view 32 is not affected. It is stated that views are restricted by hedgerows and trees on the boundaries of the site as well as the undulating topography of the area.
 - Further justification for the location.

2.0 Planning Authority's Decision

2.1. Decision

- 2.1.1. Wicklow County Council issued notification to refuse planning permission for two reasons:
1. The proposed development would represent consolidation of un-authorised development on this site having regard to the existing mast and wind turbine on site for which no permission exists, the provision of such a form of development unduly impacts on the amenities of the area, the amenities of

adjoining properties, undermines the planning regulations and would be contrary to the proper planning and sustainable development of the area .

2. Having regard to:

- (a) the location of the site in a landscape Area of Outstanding Natural Beauty
- (b) the elevation and exposed nature of the site.
- (c) the dominance of the development in views from the road network and surrounding areas
- (d) insufficient evidence to justify the location of the development,

It is considered that the proposed development would result in an unnecessary serious deterioration of the landscape quality of the area, would be contrary to the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

2.2. Planning Report

2.2.1. The planner's report describes the site location and description and the proposed development and then details the provisions of the development plan in respect of telecommunication infrastructure, heritage and landscape management. The third-party observations are also noted in the report.

2.2.2. The scenic landscape qualities in the development plan are noted and it is considered that the proposed development would have a significant impact on designated scenic routes in a landscape that has very limited capacity to absorb development.

2.2.3. The planner's report goes on to assess the development in this context and has regard to various issues raised in the observations. It notes the following:

- The proposal does not require an environmental impact assessment and any issues with regard to human health are not within the scope of planning considerations in the Telecommunications guidelines.
- There is nothing to support impact on wildlife.
- The application should be assessed on its merits.
- Public consultation is not required.

- While acknowledging poor coverage, there is insufficient evidence of consideration of a mast site in other locations.
- The site is in a sensitive coastal location/AONB which is a tourist location and within a listed prospect 32 . Notwithstanding the sensitive location and exposed setting there is no Visual Impact Assessment as required in the NH50 objective.
- There are enforcement issues on site.
- There is on-going enforcement regarding the mast, wind turbine and access road. Notwithstanding the limitation of the applicant's interest relating to the mast, there is concern about consolidating an unauthorised development particularly as the access is shared.
- AA is not required.
- FI was sought in respect of the access , visual impact and justification

2.2.4. Following receipt of further information the proposed development remains unsatisfactory.

2.2.5. The unauthorised development has not been adequately addressed – particularly in relation to the wind turbine and mast. The farm gate however suggests a previous track. The visual impact is not warranted in the context of the need to preserve a sensitive landscape area. While noting the distances of 2.5km and 5.5km of the nearest mast supports but inadequate coverage, there is insufficient information supporting the case that the siting and location is the least visually intrusive . It is accordingly recommended that planning permission be refused for the reasons as set out above.

2.3. **Objections**

2.3.1. Many letters of objection from local residents were submitted to the Planning Authority. The contents of these letters have been read and noted. The issues highlighted in the submissions include:

- Visual impact in AONB

- Health impact
- Impact on birds and wildlife
- Co-location
- Impact on SAC and NHA
- Visual assessment
- Precedence of refusal for other mast
- Planning status of mast and access road
- Impact on residential amenity and devaluation
- Inadequate justification

3.0 Planning History

- 3.1. Planning Authority Refs. 97/7260 and 02/5465 refer to permissions for domestic development to the south.
- 3.2. Enforcement File PA ref. UD File20/51 refers to the existing wind turbine, mast, access road and entrance works.

4.0 Policy Context

4.1. Development Plan

- 4.1.1. The site is governed by the policies and provisions contained in the Wicklow Development Plan 2017 – 2022. The site is located in a rural area in unzoned lands.
- 4.1.2. Section 9.4.1 acknowledges the importance of telecommunications and states that the provision of a high-quality telecommunications network has never been more important in the context of national, regional and local development.
- 4.1.3. The plan goes on to state that the expansion of these services is key to the future development of the County of Wicklow with the facilitation of higher capacity speed broadband key to meeting the needs of the County's ever growing population and a modern digital economy. This is the stated basis for the strategy '**to promote and facilitate the development of telecommunications infrastructure throughout the County.**'
- 4.1.4. **Telecommunications Objectives**

- **T1** To facilitate the roll out of the National Broadband Plan and the development/expansion of communication, information and broadcasting networks, including mobile phone networks, broadband and other digital services, subject to environmental and visual amenity constraints.
- **T2** The development of new masts and antennae shall be in accordance with the development standards set out in Appendix 1 of this plan.
- **T3** To ensure that telecommunications structures are provided at appropriate locations that minimise and /or mitigate any adverse impacts on communities, and the built or natural environment.

4.1.5. **Chapter 10** includes policies and objectives regarding the natural heritage. Part of the strategy is **to promote an integrated approach to landscape planning and management in order to protect the County's unique landscape character**. Specific objectives seek to implement this and specific reference is made to the guidance and use of criteria in Appendix 5.

4.1.6. Views and prospects are also tools to protect the landscape and **View 21** relates to the site and its environs. It is described as from L5677 Tonlagee, Brittas Bay and is a view of Brittas Bay sea, sand dunes and beach. **Prospect 31** relates to the prospect towards the sea from the coast road R750 east of the site. **Prospect 32** relates to prospect from N11 towards Kilbride and hills west of the site. Policy is not intended to sterilise land but a detailed assessment is required.

4.1.7. **Objective NH50** requires visual impact assessment in sensitive locations.

4.1.8. **Objective NH51** To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling / reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts

4.1.9. **Objective NH52** To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

4.1.10. **Appendix 5 of CDP – Landscape assessment** : Section 4.5.2 describes the features of Coastal Areas which are categorised as Area of Outstanding Natural Beauty. The site is in the Southern Coastline as distinct from the Northern Coastline. This area is described as comprising of 'lands south of Wicklow Town beginning at the Glen Turn, encompassing Wicklow Head and extending as far as south of Arklow Rock. This area comprises of the main sandy beaches of Brittas and Clogga and provides for a continuous prospect and numerous views from the coast road out to sea. Sand dunes are dominant in sections of the area forming a number of important environmental designations such as Maherabeg Dunes and Buckroneys Brittas Dunes and Fen (NHA and SAC) and Arklow Rock/Askintinny NHA. These areas are important not just from a landscape or habitat perspective, but also are increasingly important for recreational activities, the development and promotion of which must be managed appropriately. Development proposals within this landscape area should be evaluated to ensure natural heritage, views, prospects are adequately protected in accordance with relevant requirements of statutory authorities.' **Key Development Considerations** are contained in section 5.3.7 (Appendix 4 Map 10.13(b))

1. To promote the opening up of views from the coast road to the sea and to restrict development on the sea-ward side of the road where it would be injurious to the beach setting or injurious to tourism or where it would be visible between the road and the sea except where settlements already exist. Particular protection will be afforded to the coastal areas of Maherabeg, Brittas Bay, Ennereilly and Clogga Beach.

2. To facilitate the enhancement of recreational amenities and facilities in this area to the extent that it is consistent with maintaining the capacity of the area (including its beach and bathing water quality, sand dunes) and in a manner that does not diminish its unique rural, scenic and recreational amenities.

General Development Considerations (GDC) include:

1. Applications for permission within open or highly scenic areas may be required to be accompanied by a Visual Impact Assessment. A Visual Impact Assessment (VIA) should include the following:

- An evaluation of the visibility and the prominence of the proposed development in its immediate environs and in the wider landscape; this assessment should include the erection of profiles of the house and / or the production of photomontages of the proposed development from clearly identified vantage points
 - An evaluation of impacts on any listed views / prospects and an assessment of vegetation /land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility).
2. Listed views and prospects will be protected from developments that would either obstruct the views / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

4.2. Telecommunications Antenna and Support Structure – Guidelines for Planning Authorities (1996)

These guidelines set out the criteria for the assessment of telecommunications structures and relevant points as summarised below:

- An Authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations may include high amenity lands or sites beside schools (Section 3.2).
- In rural areas towers and masts can be placed in forestry plantations providing of course that the antenna are clear from obstructions (Section 4.3).
- Only as a last resort should freestanding masts be located within or the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utility should be considered and masts and antenna should be designed and adopted for this specific location (Section 4.3).

- The sharing of installations and clustering of antenna is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

4.3. Circular Letter PL07/12

This circular letter revises elements of the 1996 Guidelines including that:

- attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease, except in exceptional circumstances.
- planning authorities should also cease specifying separation distance for such developments when making Development Plans as they can inadvertently have a major impact on the roll-out of viable and effective telecommunications network.
- planning authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the competence for health and safety matters in respect of telecommunication infrastructure. These are regulated by other codes and such matters should not be additionally regulated in the planning process.
- Development Contribution Schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

4.3.1. Natural Heritage Designations

4.3.2. The site is not located within or adjacent to a designated Natura 2000 site.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1. The appeal is against the decision to refuse on the following grounds:

- Justification is on the basis of blackspots in the area for Vodafone following the removal of the applicant's transmission equipment at McDaniel's premises. The temporary mast masks poor coverage. It is beyond doubt that the cross operator coverage in Brittas Bay is unsatisfactory.

- The proposal will provide for effective delivery of ICT services for the area. This is necessary and the visual impacts as demonstrated by the temp mast will not significantly damage or impair integrity of views prospects or general landscape.
- The relatively remote location, rolling landscape and hedgerows generally eliminate serious visual impact.
- Prospect 32 is not affected due to hills and distance.
- The subject site has the support of Three which is presently serviced by the McDaniel's site (from where the applicant originally had antennae but was requested to remove it by new owners) however this is at 50m above sea level and has limited coverage.
- Other sites considered do not provide adequate coverage for the target catchment.
- The site is distant from the recreational facilities of this coastal zone – 11.9km from the village and 1.2km from the beach.
- It is not in an SAC or NHA and will have no environmental or ecological impacts. It will have no impact on the dune system.
- In such circumstances the visual impact is acceptable in the context of the telecommunication guidelines and development plan policy for such infrastructure.

5.2. Planning Authority Response

- 5.2.1. The planning authority has no further comments to make with regard to the appeal.

5.3. Observations

- 5.3.1. Seven observations have been submitted by the following parties: John and Catherine Delaney, Brigh Strawbridge, Anne Bannon and Donal O'Beirne, Robert Noble, Phil Noble, C and J Stevenson and David and Mary Strawbridge. The following points are made:
- The development in an elevated and exposed hilltop (most prominent in Brittas coastal cell) would have a serious negative impact on the aesthetic qualities of the area which is an area of Outstanding Natural Beauty. It is recognised as an area of very high vulnerability in the Development and is

within the Coastal cell 9 - ref Table 1.5 Wicklow's Landscape Categories in the CDP.

- The mast does not meet development plan standards in section 10 of Appendix 1 relating to such development.
- There is an alternative - such as small masts on farm buildings.
- The existing mast is an eyesore and is visible from the North Beach entrance and surrounding locality.
- Health impact.
- Archaeological heritage.
- The information on coverage is incomplete.
- E.g 3 antennae omitted at Ballinaskea 4km south and 3 others 6km south west all on elevated locations above site. mast at Castlesimon is at 238mOD as compared to 70m off the subject site. There is excellent coverage and there would be no benefit to the community in the event of permission
- It is on the above basis that An Bord Pleanála are requested to uphold the decision of Wicklow County Council and refuse planning permission for the proposed development.
- In the context of limited population expansion the need for enhanced services is questionable.
- Undesirable precedent particular given the limited catchment having regard to height and terrain.
- Permission inconsistent with refusal for a dwelling on appeal for reasons including visual impact in an elevated and exposed site in AONB .
- There are uninterrupted views along the local road.

6.0 EIA Screening

- 6.1. Telecommunications mast is not a class of development for which EIA is required.

7.0 Assessment

- 7.1.1. This appeal is against a decision to refuse permission for a telecommunications support structure. Having regard to the submissions on file and the site and its environs as inspected I consider the key issues relate to:

- Visual Impact
- Unauthorised development
- Other

7.2. Visual Impact

- 7.2.1. The planning authority has decided to refuse planning permission on grounds of visual impact due the site location in an area of Outstanding Natural Beauty and visual prominence of the mast from the road . Justification for such development is considered insufficient and it is accordingly considered an unwarranted intrusion.
- 7.2.2. The applicant makes the case that the guidelines (section 4.3) support the degree of visual intrusion resulting for the proposed development. The Planning authority however notes the visibility from vantage points 5, 6 and 8 (as presented in the further information) and disputes the mitigation by obscured views due to high hedgerows and intermittence of views particular in the context of the highly sensitive , elevated and exposed nature of the site location. The also does not regard the impact from the N11 and R750 as significant due to the distance and fleeting nature from these routes.
- 7.2.3. A critical issue in determining the current application and appeal before the Board relates to the nature of the receiving environment. The subject site is located within an area identified as the Coastal Area and an area classed as an Area of Outstanding Natural Beauty in the Landscape Characterisation Map of the Wicklow County Development Plan. It is in an elevated site just over 1.2km from Brittas Bay, a popular recreational facility and is also north of View 21, east of Prospect 32 as listed in the Development Plan. It is clear from my inspection of the area and the photographs submitted which show the existing mast and turbine that a taller bulkier lattice structure being located in an elevated and exposed site will command extensive views in the locality. I accept that views from the immediate road to the west are obscured by the terrain and that views from the N11 are somewhat mitigated by distance. However the view of the turbine and mast from the local road L5677 south of the site is already quite prominent in the vicinity of the viewshed included in View 21 as mapped in the Development plan. I also note that the existing view of the mast tip height is consistent with the ridge line to the north. In this case, the proposed mast with antennae will considerably breach this height as it is some

4m higher and this would highlight its incongruity in the landscape. In addition, the visibility from the Coastal side is in my opinion a particularly sensitive view. The landscape in this southern coastline area is identified as being particularly important for its contribution to recreational amenities in the area as well as the ecological characteristics. The proposal in this context would be an incongruous feature and would I consider seriously detract from the amenities of the area

7.2.4. In terms of justification I note from the ComReg Site Viewer which shows the range of coverage for operators in the area that Vodafone presently has very good coverage and is likely attributed to the temporary mast. I also note that other operators have good to fair coverage without the apparent benefit of the subject temporary mast and this I consider raises doubts about the level of critical need at this particular location which is within the AONB. Given the proximity to the coastal area western boundary it would seem that potentially there are less sensitive locations that could provide similar coverage in the target cell or there perhaps are other possibilities for colocation with existing operators. Notwithstanding the undoubted improvements in coverage I am not satisfied that the proposed development at this location and by reference to the Telecommunication guidelines is warranted and concur with the judgment of the planning authority in this regard.

7.2.5. I consider that the visual impact arising from the proposed structure would be unacceptable and contrary to the landscape strategy and policies contained in County Development Plan. By reason of siting and height and its intrusion of views from the L5677 and from the coast, would result in a development that would seriously injure the visual amenities and scenic qualities of the area. It would also be contrary to objectives NH51 and NH52 which seek to resist such development and to protect views of such an area. On this basis I consider that the decision of Wicklow County Council in this instance should be upheld.

7.3. Unauthorised Development

7.3.1. The first reason for refusal concerns unauthorised development which predominantly relates to the 20m high wind turbine. I note the track is acknowledged as pre-existing in some form due to the presence of the farm gate. The applicant does not appear own this or have legal interest in this development. I consider the

enforcement issues are a separate matter. Notwithstanding the potential for its removal the relevant consideration in this case is that it exists and forms part of the topographical features and any proposed development must be viewed in this context. In relation the temporary mast the applicant is reasonably clear that this is to be removed in the event of permission and therefore I do not consider it a feature that has a bearing on the assessment, other than its presence providing an indicative impact of future development.

7.4. Other Issues

- 7.4.1. The issues relating to human health are not within the scope of the planning criteria applied by reference to the 1996 Guidelines as cited.
- 7.4.2. The issue relating to archaeology is a matter that can be addressed by further survey work and conditions of permission and does not I consider warrant grounds for refusal.
- 7.4.3. I do not consider the development to be of scale to have any significant impact on the local ecology of the area.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development in terms of construction works and land disturbance during the construction phase together with the separation distance and absence of any direct pathway to any of the Natura 2000 sites located in the vicinity, it is considered that 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.

9.0 Recommendation

I recommend that permission be refused for the proposed development based on the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development prominently sited in a scenic elevated coastal setting and in an Area of Outstanding National Natural Beauty, it is considered that the proposed development by itself and cumulatively with the existing wind turbine on site would be a visually prominent and incongruous feature and would seriously injure the visual amenities and landscape character of the Southern Coastline. Furthermore having regard to the provisions of the national and regional policy, the landscape strategy and objectives NH51 and NH52 of the Wicklow County Development Plan 2016-2022, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12 and to the submissions on file, it is not considered this level of intrusion in this location is sufficiently justified. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector.

10th November, 2021.