



An
Bord
Pleanála

Inspector's Report ABP310303-21

Development	Erect 30m high telecoms mast with associated equipment.
Location	Coilte Djouce Woods, Deerpark Road, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21248
Applicant(s)	Signal Infrastructure Limited
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Signal Infrastructure Limited
Observer(s)	<ol style="list-style-type: none">1. Tom and Geraldine Redden2. Cara Mercier/Eric Byrne3. Philip Boucher – Hayes.
Date of Site Inspection	16 th April 2022.
Inspector	Hugh Mannion.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.064ha and comprises a proposed access track and site for the telecoms tower and associated equipment at Djouce Woods, County Wicklow. The site is approached over Deer Park Road – a local road that runs north/south in the foothills of the Dublin Wicklow Mountains. To the west are the Dublin/Wicklow Mountains, to the east is the Little Sugarloaf, the N11 and Kilmacanogue village. There is an existing entrance off Deer Park Road which would serve the proposed telecoms mast and a public car park that is a starting for local walking and off-road cycling trails.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a 30m high multiuser lattice telecommunications tower, with antennae and dishes, enclosed within a 2.4m palisade fence and associated ground equipment, access track at Coilte Djouce wood, Deerpark, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

1. Having regard to;

- The proposed development is located in an area of outstanding natural beauty,
- the site is visible from a prospect listed in the plan for protection,
- there will be a loss of all trees and screening within the site,
- the absence of justification for the proposed tower at this location, and the elevated location within Djouce Woods,

Having regard to these factors the proposed development will constitute an obtrusive feature in an area of outstanding natural beauty, be a

strident and obtrusive feature in a rural landscape, will negatively impact on the rural character of the area and would be contrary to policy objectives T1, T2 and T3 of the County Development Plan and be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.3. The planner's report recommended refusal as set out in the manager's order.

3.3.1. Other Technical Reports

3.3.2. No other technical reports.

4.0 **Planning History**

4.1. No relevant planning history.

5.0 **Policy and Context**

5.1. **Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (Dept of the Environment and Local Movement July 1996).**

Sets out the national planning guidance for telecoms masts. *Inter alia* the guidance encourages the development of telecommunications infrastructure, requires suppliers to share facilities where possible, have appropriate regard to residential and visual amenity.

5.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region.**

5.3. **Communications Networks and Digital Infrastructure RPO 8.25:** Local authorities shall:

- Support and facilitate delivery of the National Broadband Plan.

- Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.
- Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.
- Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.
- Promote Dublin as a demonstrator of 5G information and communication technology.

5.4. RPO 8.26: The EMRA supports the preparation of planning guidelines to facilitate the efficient roll out and delivery of national broadband.

5.5. **Wicklow County Development Plan 2016 - 2022**

5.6. **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.

5.7. **Landscape Impact Assessment**

NH50 Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs

and in the wider landscape, a series of photos or photomontages of the site / 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). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.

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.

5.8. **Natural Heritage Designations**

Not relevant.

5.9. **EIA Screening**

5.10. Having regard to the modest scale of the proposed development and the absence of any foreseeable emissions therefrom I conclude that the requirement for submission of an EIAR and carrying out of EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The applicant works with mobile telecoms operators, semi state bodies and other bodies to provide/enhance mobile communications from over 600 sites in the country.
- The site is located in an area where forestry and agriculture are the dominant land uses. There is an existing 8m high pole about 20m to the northwest of the application site. The existing conifer trees are about 21m high and the proposed mast can be expected to be visible within the area.

- There is an existing access track from the public road and an additional 24m of hardcore track will be required for the proposed development.
- National policy supports the improvement of mobile telecommunications infrastructure to meet the growing demands for wider and better coverage related to exponential growth in business and residential user demand.
- The Eastern and Midland Regional Assembly's Regional Spatial and Economic Strategy commits the regional authority to support the delivery of the national broadband plan, support the provision of high-quality ICT networks and balanced social and economic development.
- Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (Dept of the Environment and Local Movement July 1996) sets out the objective to improve telecommunications availability throughout the country to serve residential and business/commercial users.
- The County Development Plan in objectives T1, T2 and T3 supports the provision of telecoms infrastructure.
- The application is accompanied by a visual impact assessment which demonstrates that whereas the structure will be visible from designated scene routes - the L1013, L1017, L1035 and the R755 but these views will not be detrimental to the amenity value of these routes. Additionally, the site is within an area of outstanding natural beauty the site is within a forested setting which will adequately mitigate its visual impact.
- The proposal is justified by the requirement to improve mobile coverage in the area in coverage blackspots – including Powerscourt waterfall, Djouce Woods, walking paths in the area and along the R760 and the R755.
- The applicant proposes that the Board condition that the mast be amended to an artificial pine.

6.2. Planning Authority Response

- No submission.

6.3. **Observations**

6.4. Observations were received from Tom and Geraldine Redden, Cara Mercier/Eric Byrne, Philip Boucher – Hayes. These observations make the following points.

- Electromagnetic radiation will impact on people, wildlife and trees in the area. Many families/walkers/cyclists use the woods for recreational purposes.
- The applicant has not established a need for the mast. The diagrams submitted with the application are misleading.
- The applicant overestimates the height of the surrounding trees and therefore screening effect will not as great as claimed. The proposal will negatively impact the visual amenity of the area which is an area of outstanding natural beauty. The photomontages are of very poor quality. The Board should request a visual impact assessment of the proposal with no trees in the area.
- Broadband service is already available/will be available soon in houses in the area. There is nothing wrong with having telecoms blackspots in certain areas.

6.5. **Further Responses**

- None

7.0 **Assessment**

7.1. **Visual Impacts.**

7.2. The site is accessed from Deer Park Road which runs north south in the foothills of the Dublin/Wicklow Mountains. To the west is the Wicklow Mountains National Park, the valley of the Dargle River and to the east is the Little Sugarloaf, the N11 and Kilmacanogue village. The area varies substantially in elevation and views alter quickly within the rolling landscape. The site is within a Coilte forest and is served by an existing access to the public road, between the public road and the application site there is an off-road unsurfaced car park and a further forest track over which the telecoms mast/compound would be accessed.

- 7.3. The planning authority referenced interference with a listed prospect (ID3) and visual intrusion in the landscape as reasons for refusal. This point is supported by the submission made to the Board in relation to the application.
- 7.4. Prospects of special amenity value and special interest are set out in Schedule 10.15 in Chapter 10 of the current County Development Plan and objective NH52 seeks “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”. The planning authority references Prospect 3 as impacted by the proposed development and Schedule 10.15 lists this prospect as being available along L1013 & L1017, Balinagee, Glenree Drive towards Glenree Valley and Sugarloaf. The application was accompanied by a visual impact assessment which included viewpoints 12, 17 and 21 generally from the area of the Glenree river valley and these demonstrate that the visual impact is negligible.
- 7.5. The visual impact assessment demonstrates that the proposed mast will be visible close to the site and along the Deer Park Road as it approaches the site from the north (see photomontages 8, 9 and 10) and the much lower visibility of the mast when approaching from the south (seen photos 4 and 5) because of tree cover. I note the observers’ points in relation to the adequacy of these photomontages but having conducted a site visit including observing the site from the local road network I conclude that the photomontages are reasonably accurate in their depictions. Given the topography of the area it likely that a mast would be visible from several viewpoints within the wider area but that such views would be intermittent, from a variety of distances, be limited by trees/hedgerows and changing landform.
- 7.6. Finally on the point of visibility it may be noted that the entire landscape of north Wicklow has been subject to significant anthropogenic change and is dotted with villages, single houses, farm buildings clusters of houses, electricity and telephone wires, roads and the trees that surround the application site are a commercial venture. I conclude that partial visibility within a landscape does not significantly or unnecessarily alter the natural landscape and topography or give rise to adverse impacts in a manner that would materially contravene an objective in relation to

AONB or views or prospects designated for protection set out in the County Development Plan.

7.7. Justification.

7.8. The planning authority took the view that the applicant has submitted inadequate justification for the proposed development.

7.9. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (Dept of the Environment and Local Movement July 1996). Is generally supportive of the development of the national telecommunications infrastructure in a manner to enhance connectivity to the benefit of both domestic and business users subject to appropriate conditions – including visual impacts. Regional Spatial and Economic Strategy for the Eastern and Midland Region supports the delivery of the national broadband plan, the provision of high-quality ICT networks in the interest of balanced social and economic development. The current Wicklow County Development Plan seeks 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. I consider that there is a supportive policy basis nationally, regionally and locally for the improvement of telecommunications infrastructure.

7.10. The appeal includes a justification for the proposed mast, *inter alia*, because of existing coverage blackspots in the area where wireless connectivity is poor. The submission concludes that there is a technical need for the proposed mast to maintain high-quality coverage for 2G/3G/4G for the residential/commercial and retail uses in the area.

7.11. I note the observers' points made to the Board in relation to the lack of necessity for the mast summarised above but prefer the points made by the applicant in relation to the need to maintain/expand mobile coverage and having regard to the supportive national, regional and local policy I conclude that there is sufficient justification for the proposed mast.

7.12. Human Health and Ecology.

7.13. The observations made to the Board make the point that the proposed development will negatively impact on human health and ecology.

- 7.14. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities is the current guidance in relation to the emissions from telecommunications infrastructure in Ireland. They recognise that there is concern amongst the public in relation to the potential health impacts of these structures but makes the point that International Commission on Non-Ionising Radiation Protection reported that radiation from telecommunication infrastructure is substantially below the guideline set by the International Radiation Protection Association. Additionally, telecoms operators must satisfy ComReg, the statutory authority in these matters, that their equipment and processes meet the approved international standard to protect public health. Having regard to these factors and the separation distances between the proposed development and concentrations of houses I conclude that the proposed development should not be refused permission on this point.
- 7.15. The Telecoms Guidelines make the point that the WHO has carried out studies of the effects of radiation emitted by telecoms masts on human and animal biology and concluded that no effects were attributable to this source (see appendix II of the national guidelines).
- 7.16. Having regard to the foregoing I conclude the proposed development should not be refused for reason related to human or ecology.

7.17. **Appropriate Assessment**

- 7.18. Having regard to modest size and nature of the proposed development and the absence of emissions therefrom and the separation distance from 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**

- 8.1. I recommend permission be refused.

9.0 Reasons and Considerations

9.1. Having regard to national policy to improve connectivity and telecommunications infrastructure in rural communities, to the objectives set out in the current Wicklow County Development Plan to facilitate the improvement of telecommunications provision in the County, to the proximity of existing vehicular access to the site, the location of the application site within commercial forestry where screening is available, and subject to the conditions set out below it is considered that the proposed development would contribute to the improvement of telecommunications in the area, be in accordance with the objectives set out in the current Wicklow County Development Plan, and would, otherwise, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>
3.	<p>A landscaping scheme for the proposed development submitted to and agreed in writing with the planning authority prior to commencement of development.</p>

	Reason: In order to provide appropriate screening for the proposed development in the interest of visual amenity.
4.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

Hugh Mannion
Senior Planning Inspector

19th April 2022