



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310757-21

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<b>Development</b>	Section 254 licence - street pole solution to address identified mobile and mobile broadband coverage blackspots
<b>Location</b>	Blacklion Manor Road , Rathdown Lower , Greystones, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	21476
<b>Applicant(s)</b>	Signal Infrastructure Limited.
<b>Type of Application</b>	Section 254 Licence.
<b>Planning Authority Decision</b>	Refuse Licence
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Signal Infrastructure Limited.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	26 <sup>th</sup> July 2022.
<b>Inspector</b>	Elaine Sullivan



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## 1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Greystones, at the R761 / L-1026 junction. The proposed development would be located on the north-western section of the four-way junction, to the north of Blacklion Manor Road and to the west of the R761.
- 1.2. The site is located along the boundary of playing pitches and facing onto a green area, which faces onto the junction and is set back from the public footpath by c. 13m. Lands directly adjoining the site, to the north-west of the junction comprise playing pitches associated with the Temple Carraig School which is further to the west of the junction. Lands to the east of the junction are mainly residential in nature with commercial development, including a Lidl store on the south-western side of the junction.

## 2.0 Proposed Development

- 2.1. The applicant is applying for a licence for the erection and operation of a 15m freestanding monopole with diameter of 324mm to 402mm and with internal cables. A 300mm dish would be fixed to the pole at a height of 13m if no fibre infrastructure was available in the area.
- 2.2. A ground mounted cabinet with a footprint of 0.92m<sup>2</sup> and a height of 1.649m would be installed beside the pole, (c. 0.4m to the north), and would be painted green.

## 3.0 Planning Authority Decision

### 3.1. Decision

The PA decided to refuse permission for the licence for the following reasons,

1. *Having regard to the location of the proposed structure adjoining an existing school and on lands which may form part of the upgrade of Redford Junction, it is considered that the proposed development would;*

- a. *Be contrary to the development standards for mast and telecommunications structures as set out in the Wicklow Development Plan 2016-2022,*
- b. *Be premature pending the final design of the road layout for Redford Junction.*

*To permit this 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 Officer, (PO), dated the 17<sup>th</sup> June 2021 informed the decision of the PA and includes the following;

- This is the second application for a monopole at this location. The current application has been moved back from its location adjoining the footpath to site proximate to the existing hedge forming the boundary of the green space.
- Appendix 1 of the County Development Plan 2016-2022 relates to support structures and is relevant to the proposed development.
- Therefore, the development is still considered to be contrary to Section 10 of the Development and Design Standards; Appendix 1 of the Development Plan, given its location, adjoining Temple Carraig School.
- Proposals to upgrade the junction have not yet been finalised and should be available towards the end of the year. In the absence of a final design the proposed monopole would be premature.
- The proposed monopole would not have a negative visual impact on the receiving environment.

### 3.2.2. Other Technical Reports

- Transportation, Water & Emergency Services – No objection to the development subject to planning conditions, which include that, *‘in the event that the location of the cabinet, pole and associated infrastructure interferes with Wicklow County Council plans for the area and that land is required by the Council in the performance of statutory functions, the cabinet, pole and*

*associated infrastructure shall be removed if requested by Wicklow County Council'.*

### 3.3. Prescribed Bodies

- No responses.

### 3.4. Third Party Observations

- No third-party observations.

## 4.0 Planning History

**22/421** – Part 8 public consultation process started on the 21<sup>st</sup> April 2022 for an upgrade to the existing signal controlled, Redford Park Junction consisting of improvements for pedestrians and cyclists with the upgrade of footpaths and the inclusion of protected cycle track facilities, as well as an improvement through the upgrade of two existing bus stops in the immediate vicinity of the junction. At the time of writing no information was available on the public record as to whether the Part 8 had been approved.

**PRR 20/258** – Section 254 Licence refused by the PA for the following reason,

*Having regard to the location of the proposed structure adjoining an existing school and on lands which may form part of the upgrade of Redford Junction, it is considered that the proposed development would;*

- *Be contrary to the development standards for mast and telecommunications structures as set out in the Wicklow Development Plan 2016-2022,*
- *Be premature pending the final design of the road layout for Redford Junction.*

*To permit this development would therefore be contrary to the proper planning and sustainable development of the area.*

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Wicklow County Development Plan 2016-2022, (WCDDP), is the operative development plan for the site.
- 5.1.2. Greystones – Delgany is designated a Level 3 Large Growth Town II within the Metropolitan Area.
- 5.1.3. The following sections of the development plan are of relevance to the proposed development:
- Section 9.4 – Telecommunications
  - Objective 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.
  - Objective T2 - The development of new masts and antennae shall be in accordance with the development standards set out in Appendix 1 of this plan.
  - Objective 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.
  - Appendix 1 – Section 10 – Energy and Communications
    - Design advice in this section relates to ‘new support structures and associated base stations’.
    - Locations in Settlements - New support structures shall not be permitted within or in the immediate surrounds of a residential area or beside schools.

### **Greystones – Delgany and Rathcoole Local Area Plan 2013-2019**

- Within the LAP, the Blacklion / R761 junction is identified as a Road Objective – Road Improvement.

- **Objective R016** - To improve, subject to further feasibility studies, detail design and traffic impact assessment, the capacity of the R761/new Blacklion junction.

## 5.2. National Guidance

### 5.2.1. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

**4.3 – Visual Impact** - The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

**4.5 – Sharing Facilities and Clustering** – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

### 5.2.2. DoECLG Circular Letter PL07/12

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, *‘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’*.



### 5.3. Natural Heritage Designations

5.3.1. No designations apply to the subject site.

### 5.4. EIA Screening

The appeal site is located on public lands on the outskirts of Greystones town centre. The development does not exceed the thresholds for EIA set out in Schedule 5 of the regulations. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity / the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal include the following,

- The Council have no issue with the principle of the proposed development, the need for the development or the visual impact.
- There is a blackspot in telecommunications within the area.
- The reason for refusal states that the as per Appendix 1 of the WCDP, 'New support structures shall not be permitted within or in the immediate surrounds of a residential area or beside schools'. No explanation is given as to why this restriction is in place.
- The site was chosen on the basis that it is not near any residential development or school. The site is approx.. 135m from the Temple Carraig school building. The site is 20m from the school pitch. However, this area is not in use as frequently as the school and it is not clear what impact the proposed pole would have on the pitch.

- It is of note that the GAA have a framework agreement with Cellnex for telecommunication structures at GAA grounds around the country.
- Following a refusal under Ref. 20/528 the applicant revisited the site selection in the area but found no alternative viable sites. The Redford Junction is the only viable option open to the applicant.
- The applicant engaged with the PA over an extended period to find a suitable location for the pole within the proposed design for the new junction and a positive response was received prior to lodging the application.
- The report from the Roads Department did not object to the proposal provided that the cabinet, pole and associated infrastructure be removed if requested by the PA and that 'as built' records of the infrastructure installed be made available for assessment during the junction design stage.
- This approach is reasonable and practical and the Board is invited to agree same.
- In the event that the Board consider that there is uncertainty in terms of the junction upgrade, the applicant requests that a temporary licence of 3 years be issued.

## 6.2. Planning Authority Response

- No comments received from the PA regarding the appeal.

## 6.3. Observations

- No observations received.

## 7.0 Assessment

Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Siting and Location

- Visual Impact
- Appropriate Assessment

### 7.1. Principle of Development

7.2. The subject site is located on a grassed, open area adjoining the public footpath. The applicant is seeking approval for the proposed under a Section 254 licence which regulates the provision of communications infrastructure on public roads. The adjoining lands to the north-west comprise playing pitches that are zoned objective, 'CE' – Community and Education. Within the Greystones – Delgany and Kilcoole LAP, utility installations are considered to be 'generally appropriate' for the CE zoning objective. I am satisfied that the principle of the development is acceptable.

### 7.3. Siting and Location

- 7.3.1. In the report of the PO, it was considered that the development would be contrary to the provisions of the WCDP and in particular with Section 10, Appendix 1 – Development and Design Standards by virtue of its location, adjoining Temple Carraig School. Section 10 states that, *'new support structure shall not be permitted within or in the immediate surrounds of a residential area or beside schools'*. The 1996 Telecommunications Guidelines also recommend that only as a last resort should free-standing masts be located in a residential area or beside schools.
- 7.3.2. At its closest point, the Temple Carraig School building would be c. 140m from the proposed monopole. Playing pitches separate both sites, and the site boundary between the pitches and the development site comprises mature trees and planting. Although the pitches are associated with the school, I am satisfied that, they would provide a sufficient separation distance between the proposed monopole and the school building to mitigate against any visual impacts.
- 7.3.3. The second reason for refusal relates to the proposed upgrade to the junction at Blacklion Manor Road and the R761. At the time of writing, the report of the PO noted that the design for the junction upgrade had not yet been finalised and as such the proposal was premature. The report from the Transportation, Water and Emergency Services had no objection to the proposed development subject to

planning conditions that included the requirement that the infrastructure be removed if requested by the PA.

- 7.3.4. Since the decision of the PA, the plans for the junction upgrade have been finalised and a Part 8 process was initiated by the PA, (Ref. 22421). Plans for the junction upgrade went on public display on the 21<sup>st</sup> April 2022 and all documents are available to the public on the Wicklow County Council website. Draft drawings for the works, dating from 2021 are also available on the website. At the time of writing, no information was available as to whether the Part 8 had been approved.
- 7.3.5. I note that the proposed amendments as shown on Drawing 190092-DBFL-RD-SP-DR-C-1901, dated the 19<sup>th</sup> April 2022 are not significantly different from draft drawing of the junction layout as shown on Drawing 190092-DBFL-RD-SP-DR-C-1901, dated the 8<sup>th</sup> December 2020, which is also available on the public record.
- 7.3.6. The subject site is outside of the red line area for the proposed upgrade works and the plans have not significantly changed since the draft proposals dated from 2020. I am satisfied that the design of the junction has now been formalised and that the proposed development and location is not premature. I also consider it reasonable that a condition be attached to any grant of permission to require that should the pole and associated infrastructure interfere with the PA's plans for the immediate area and junction upgrades that the infrastructure shall be removed if requested by the PA. Should the Board be minded to grant permission for the development, I recommend that this condition be attached.

#### **7.4. Visual Impact**

- 7.5. A Visual Impact Assessment was submitted with the application and shows existing and proposed views from seven viewpoints in the surrounding area. The monopole would be most visible from the public areas immediately adjoining the site. Having visited the site and reviewed the information submitted, I am satisfied that the proposed monopole and ground mounted cabinet will not result in any significant visual impact on the receiving environment around the site.
- 7.6. The site is not located within a visually sensitive area and there are no specific landscape designations or protected views across the site. It is adjacent to a four-

way, signalised junction which already has a number of utility poles in place, along with public lighting along all sections of the junction. The monopole would be set back from the junction and against a hedgerow with mature trees behind that. Flood lights for the adjoining pitch would also be located directly behind the monopole.

7.7. Residential development on the eastern side of the junction, and on the opposite side of the road, do not face onto the site and as such the pole would not be visible from the houses and would not result in any significant visual impact on the residential development.

7.7.1. Whilst the pole is significant in height, I am satisfied that it would not result in any notable reduction in the visual amenity of the area given its location adjacent to a public road and on the outskirts of an urban area where similar type infrastructure is not uncommon.

## 7.8. **Appropriate Assessment**

7.8.1. Having regard to the nature and scale of the proposed development, which is outside of any Natura 2000 site, I do not consider that any Appropriate Assessment issues arise, and I do not consider 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 that a licence be granted subject to conditions, for the reasons and considerations as set out below.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), national, regional and local policy objectives as set out in the Wicklow County Development Plan 2016-2022, ObjectiveT1, and the Telecommunications Antennae and Support Structures Guidelines for Planning

Authorities (1996) as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the Wicklow County Development Plan 2016-2022, would not be seriously injurious to the amenities of the area, architectural heritage or residential amenity in the vicinity, would not interfere with the convenience and safety of road users including pedestrians and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The licence shall be valid for a period of 5 years from the date of this Order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.</p> <p><b>Reason:</b> To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.</p>
2.	<p>In the event that the location of the cabinet, pole and associated infrastructure interferes with the Planning Authority's plans for the area and that the land is required by the Planning Authority in the performance of its statutory functions. The cabinet, pole and associated infrastructure shall be removed on request.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
3.	<p>The developer shall comply with the following transportation requirements:</p> <p style="padding-left: 40px;">a) As-built records of the infrastructure installed shall be made available to the Roads Authority to inform the plans for future junction improvement works.</p>

	<p>b) Prior to the installation works, a detailed temporary Traffic Management Plan, (TMP), shall be submitted in writing for agreement with the PA.</p> <p>c) Existing utilities shall be avoided unless by written consent of the PA.</p> <p>d) Access points to watermains, sewers and utilities, shall remain accessible at all times.</p> <p>e) The installation of the infrastructure shall not impair the operation of existing land and/or roadside drainage.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
4.	<p>The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p><b>Reason:</b> To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations</p>
5.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of public health and to prevent flooding.</p>
6.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public safety</p>

7.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers and any perimeter fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
8.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme, details of which shall be submitted to and agreed in writing with planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
9.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>

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Elaine Sullivan  
 Planning Inspector

27<sup>th</sup> July 2022