



An
Bord
Pleanála

Inspector's Report ABP - 311081-21

Development	Construction of an 18-metre monopole for telecoms, and all associated works.
Location	Eir exchange, Ballymanus Lower, Glenealy, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21631
Applicant(s)	Eir
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Observers	Anthony O'Farrell Annabel Meehan Patrice Murphy Frances Cusack Dr. Timmy Frawley

Date of Site Inspection

1st December 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site is located to the south eastern side of the R752 (Rathnew to Glenealy to Woodenbridge road) at the Eir exchange to the north eastern of Glenealy. The Dublin to Rosslare railway line is located to the rear/ south east of the site.
- 1.2. The existing site consists of a section of land that is elevated above the public road level. Access is via a number of steps and the site is partially secured by a timber post and rail fence. The site is almost triangular in shape, with a wide section to the north east and narrows to the south west. The exchange building is a small, single-storey building with a flat roof. A footpath from the village centre terminates at the front of the site. There is no vehicular access to the site. On both sides of the site is a detached house, that to the north east is at a similar level to that of the exchange whilst the other house is at a lower level.
- 1.3. The centre of Glenealy village is to the south west and the urban area stretches to the south west along the R752. The topography of the area and the railway line restrict development to a linear form.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The erection of a 18 m high monopole structure to support antennae/ dishes for the use of eir and other operators.
 - Provision of ground-based equipment cabinets.
 - Associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

‘1. Having regard to:

- a) The location of the proposed development at a prominent location at the entry/ exit of Glenealy Village, and adjoining 2 no. existing dwellings;
- b) The location/ visibility of the development from neighbouring dwellings, surrounding residential developments, St. Joseph's Church which (RPS 24-14), the surrounding road network, and the surrounding landscape; and
- c) The poor screening proposed and the potential removal of existing trees and screening surrounding the site which are not in the applicant's ownership;

It is considered that the proposed development would form an obtrusive feature within, and be contrary to the protection of Glenealy Village; would result in the formation of a strident and obtrusive feature at the entry/ exit of Glenealy Village,- and with respect to the existing residence; would set an undesirable precedent for further similar development on unsuitable lands which would negatively impact upon the character of the area. The overall development would seriously injure the visual amenities of the area; and would seriously injure the amenities of properties in the vicinity. The development would therefore be contrary to the guidelines and objectives of the County Development Plan, in particular Objectives T1,, T2, and T3, and would be contrary to the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission primarily due to the location of the development within Glenealy and the negative impact it would have on the visual amenities of the area including on St. Joseph's Church which is a protected structure. The need and location of the development was acceptable due to the technical need for the telecommunications mast etc.

3.2.2. Other Technical Reports

Senior Engineer Roads: No objection subject to agreement about traffic management during the installation stage of development.

3.2.3. Prescribed Bodies Reports

Iarnród Éireann: Make a number of observations in the interest of railway safety/ details to be agreed.

3.2.4. **Objections/ Observations**

Letters of objection from J. Porter, A. O'Farrell, R. Mullen & L. Doyle, N. Duffy & R. Eyre, F. Cusack, S. Tice, P. Murphy, G. Murphy, T. & R. Hickey, Dr. T. Frawley, S. Sutton, S. Philips, J. Shorten, R. Hickey on behalf of the Annsbrook Residents Committee and a submission from A. Meehan on behalf of local residents with an attached petition, were received, and the issues raised are similar to those in the appeal.

In summary the main issues related to:

1. The proposed mast is on an elevated site and would be visually obtrusive/ would dominate the views of the area especially when arriving at Glenealy.
2. There is no screening of the mast provided. The existing trees are not owned by the applicant and in any case, they do not provide adequate screening.
3. The submitted report does not adequately demonstrate what the visual impact will be on the village.
4. The proposed mast is too close to existing houses in the area.
5. Potential negative impact on protected structures.
6. The development would have a negative impact on the residential amenity of adjoining properties. Issues of overshadowing and poor visual impact.
7. The provision of a mast within a small town/ village should only be as a last resort, according to the Wicklow County Development Plan. Mobile phone coverage, and broadband by satellite, currently are very good. Alternative locations/ options should have been considered further.
8. Contrary to National Guidance.
9. The mast should have been provided within one of the forests surrounding the village as it could be more appropriately screened there.
10. The need for maintenance will result in parking on the footpath, which is currently a safety issue. There is no safe access to this site for vehicles.
11. There is already a mast in the area on Iarnród Éireann property.

12. Potential health hazards from the proposed mast/ tower and safety concerns if it fell down.
13. Previous refusal on this site for the retention of a 10-metre-high structure.
14. The construction phase would give rise to nuisance to local residents.
15. Inaccurate description of the development/ site location – the site is within the village not on the approach.

4.0 Planning History

P.A. Ref. 00/2579/ ABP Ref. PL27.120428 refers to a February 2001 decision to refuse permission for the retention of a 10 m wooden pole supporting antennae and for an equipment cabinet and all associated development works.

A single reason for refusal was issued as follows:

‘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 policies and objectives of Wicklow County Council relating to Telecommunication Structures as set out in Section 3.10 and Appendix 8 of the County Wicklow Development Plan, and

(c) the location of the proposed development in such close proximity to an adjoining residential property,

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

5.0 Policy and Context

5.1. Wicklow County Development Plan 2016 – 2022

5.1.1. Glenealy is listed as a 'Level 7 – Large Village' in 'Chapter 3 – Core Strategy' of the Wicklow County Development Plan 2016 – 2022, with 238 houses in 2011. Map No. 03.04A indicates that the subject site is located within the Settlement Boundary.

5.1.2. Chapter 9 – Infrastructure includes 'Section 9.4 Telecommunications' and the following are considered to be relevant:

- **'Strategy** To promote and facilitate the development of telecommunications infrastructure throughout the County'.
- **'Telecommunications Antennae and Support Structures Guidelines 1996**
The Government sets out its policy on the development of telecommunications infrastructure in the document "Telecommunications Antennae and Support Structures" Guidelines for Planning Authorities 1996 (as updated, Circular PL 07/2012). It is an overarching aim of these guidelines to ensure a consistent approach by Planning Authorities in the preparation of development plans and in determining applications for planning permission. Since the publication of these guidelines in 1996 the planning system has facilitated significant development in telecommunications networks in a manner consistent with proper planning and sustainable development to such an extent that by the end of 2012 approximately 81% of households in Ireland had access to the internet (CSO 2012).

It is anticipated that the updates to the guidelines introduced will support the planning system in facilitating the objectives of the National Broadband Plan 2012 (NBP) as detailed above.

The widespread availability of a high quality telecommunications network throughout County Wicklow will be critical to the development of a knowledge based economy, and will help to contribute to:

- sustained macro-economic growth and competitiveness, by ensuring that the County is best placed to avail of the emerging opportunities provided by the information and knowledge society;

- promoting investment in state of the art infrastructure, by providing a supportive legislative and regulatory environment; and
- developing a leading edge research and development reputation in the information, communications and digital technologies.

9.4.3 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’.

Appendix 1 - ‘Development and Design Standards’ includes Section 10 ‘Energy and Communications’ and the section on ‘Mast and telecommunications’ is noted.

5.2. National Guidance

- Telecommunications Antennae and Support Structures (DoELG, 1996)
- Circular PL07/12
- I note that the ‘Results from the Mobile Consumer Experience Survey 2019’ undertaken by the Commission for Communications Regulation, found that 98% of people had a mobile phone.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant – Eir have engaged the services of Towercom to appeal the decision of the Planning Authority, to refuse permission for the proposed development.

The following comments are made in support of the appeal:

- The development is to be located at an existing Eir facility – Glenealy exchange. The site is located in an established area with mature trees providing screening of the site.
- The proposal is necessary for the operator to maintain/ improve network coverage for a range of technologies in Glenealy. The height of the monopole at 18 m meets the operational requirements of Eir.

The single reason for refusal has been considered in full and is addressed under five headings:

Visual impact of the proposed development:

- The site is considered to be a suitable location for this development. Photomontages were provided to demonstrate what the visual impact of the development would be.
- Existing trees and vegetation will screen the structure from view and there are other structures in the area such as street lights with a similar vertical impact. Views of the structure are likely to be intermittent due to the topography and form of the area.
- There is a need for the structure to be located on the outskirts of the village.

Need for telecommunication structure:

- There are no other available suitable structures in the area such as a Garda mast or mobile operators' monopole; the nearest such structures are over 2.5 km to the north east in the townland of Ballydowling.
- The provision of such a structure would allow for other operators to improve their coverage in the area.
- Section 9.4 of the Wicklow County Development Plan 2016 – 2022 promotes the development of a suitable telecommunications network in the county.
- The site is located in an established utilities site and the provision of a monopole would be the preferred method of infrastructure support.
- Figures 3 to 5 indicate the quality of coverage for Eir Mobile, Three Ireland and Vodafone; signal varies from 'fringe' to 'good'.

Site suitability:

- Telecommunication infrastructure should be close to the area that it is proposed to serve.

- There is demand for improved services in Glenealy.
- The proposed design is suitable for a village such as Glenealy.
- The proposed site has a history of use for utilities.

National and County Policy and Guidelines:

- National policy is to support the development and improvement of telecommunications.
- New structures should allow for co-location/ sharing of masts.
- The proposed development is in accordance with Objectives T1, T2 and T3 of the Wicklow County Development Plan 2016 – 2022.

Planning Precedent:

- A list of similar approved developments is provided. These are located in Baltinglass and Shillelagh and a decision by the Board (PL09.310129) at Ballymore Eustace, Co. Kildare is also referred to.

In conclusion it is considered by the applicant that the development is suitable for this location and is in accordance with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

None.

6.3. Observations

Observations have been received from Anthony O'Farrell, Annabel Meehan, Patrice Murphy, Frances Cusack and Dr. Timmy Frawley. BPS Planning Consultants prepared the submission for Dr. Frawley.

The following points were raised, in summary:

- Agree with the decision of Wicklow County Council to refuse permission for this development.
- The location is not suitable – negative impact on the visual amenity of the area, negative impact on the village setting.
- The submitted Visual Assessment Report is misleading.
- The proposed development would have a negative impact on existing residential units – two houses adjoin the site.

- The proposed development would have a negative impact on St. Joseph's Church which is a protected structure.
- No alternative sites/ structures have been proposed.
- Previous decision to refuse permission for such a structure on this site.
- The existing trees are not in the ownership of the applicant and cannot be guaranteed to be retained for the screening of the structure. They do not provide for adequate screening in any case.
- There is no safe access for vehicles to park when required to maintain this structure. Parking on the footpath has been an issue of concern for some time. Upgrade works are proposed to footpaths in the area.
- The development should not be located in a village – Department guidelines refer to only allowing such development as a last resort.
- Disagree with the applicant and consider that the development does not comply with the Wicklow County Development Plan 2016 – 2022 and national guidance.
- The submitted application does not provide correct details – map provided is at a 3 or 4 km radius not the required 10 km. Photomontages are misleading.
- Broadband and phone coverage is generally good in the area.
- The listed planning precedent as provided by the applicant is not thorough as the most relevant one is not listed, the refusal of permission on this site.
- Potential health risks.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Compliance with Local and National Guidance
- Appropriate Assessment Screening

7.2. Nature of the Development

- 7.2.1. The proposed development consists of a monopole type mast with a height of 18 m above ground level. This structure can support a mix of dishes and antennae used for telecommunications; the submitted elevations indicate that antennae rather than dishes will be used but it can be assumed that a mix would be provided over time. Cabinets in support of the telecommunications will be located at ground level and the number of these would be determined by the number of operators using the mast. The monopole is of a standard design that is used throughout the country.
- 7.2.2. The development is located within the lands of the existing Eir Exchange on the north eastern side of Glenealy. Glenealy is not a large settlement, and the site is located towards the edge of the village but as clearly indicated in the Wicklow County Development Plan 2016 – 2022, it is located within the settlement boundary. As I have already reported, the railway line forms a barrier to development to the south east and the topography does not allow for development facing onto the road to the north west.
- 7.2.3. I have noted the details outlined in the appeal statement, the policies/ objectives of the Wicklow County Development Plan in addition to relevant National Guidance and the comments made in the received observations. In general it is national policy to promote and support the development of telecommunication services, where this can be done in an appropriate manner.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The proposed structure is of a standard design found throughout the Country and similarly the support cabinets are of a standard design. I have no objection to the location/ visual impact of the support cabinets.
- 7.3.2. I note the reason for refusal and specifically the impact on the visual amenity of the area. The site is prominent for those driving/ using the R752 road and is one of the first sites upon entry to the village along this road. The existing exchange building is somewhat out of character with the form of development in the area, however it is of a common design that was constructed throughout the Country in accordance with the requirements of the time.
- 7.3.3. I do not agree that the development would adversely impact upon St. Joseph's Church which is a protected structure (RPS 24-14 refers). The church is over 80 m

from the proposed structure, and it would retain its dominant character on this section of the road. There is a telecommunications structure to the rear/ south of the church and which is part of the Iarnród Éireann communications system; this does not adversely impact on the setting of the church, and I have no reason to believe that the proposed development which is over 80 m away would have a greater impact.

- 7.3.4. I would not equate the visual impact of the monopole with that of the existing street lights in the area. The proposed structure will have a height of 18 m and will be the most dominant feature on the skyline in the immediate area. The street lights are slender structures whereas the monopole has a much bulkier appearance.
- 7.3.5. Reference is made in the appeal to existing trees in the area, and which may screen the structure. I agree with the comments made in the letters of objection/ observations, that the trees are not permanent features and are not within the control of the applicant, therefore their screening of the monopole cannot be guaranteed.
- 7.3.6. The submitted photomontages only give a representation of how the development will appear once constructed, and generally the applicant will ensure that the least obtrusive impact will be demonstrated. Viewpoint 3 clearly indicates the impact of the development when viewed from the north in Annsbrook. The presence of trees and street lights do not screen the impact of this proposed development from public view.
- 7.3.7. The photomontages also only indicate how the monopole will look, the provision of large dishes on this structure are not indicated. It would be possible to condition that a specific type of antennae only be placed on this structure, however that may be overly restrictive on the use of this monopole.
- 7.3.8. I agree with the reason for refusal as issued by the Planning Authority in that the development would have a negative impact on the visual amenity and setting of the area. The development would be visually obtrusive upon entering/ existing Glenealy and would also be visually obtrusive when viewed from within the village centre. Permitting the proposed development would result in the setting of a poor precedent for similar developments in the area.
- 7.3.9. I note again the planning history on the subject site (PL27.120428) and the refusal of permission for a 10 m high wooden pole for the support of GSM equipment. This, refused, structure was a much more modest form of development than that currently

proposed, and I have no reason to consider the subject development to be less visually obtrusive. The same issues of concern apply to this case.

7.4. Impact on Residential Amenity

- 7.4.1. The subject site is located at an existing Eir exchange that is located between two residential properties. From the site visit, it appeared that the current site/ use would not negatively impact on the residential amenity of those living next to it. There were no significant noticeable levels of noise and there did not appear to be much activity associated with the operation of this facility.
- 7.4.2. The provision of an 18 m high monopole would erode residential amenity as outlook from these houses/ use of private amenity spaces, would be dominated by the telecommunications structure. The reliance on screening from the exchange building itself and existing trees would not be sufficient to ensure the protection of residential amenity.

7.5. Compliance with Local and National Guidance

- 7.5.1. The Observations have included concerns regarding public health – I have had regard to Circular PL07/12 and I will leave any further considerations to other legislation. Similarly, concerns were raised about public safety and the potential for the structure to collapse/ fall over. I would dismiss such a concern as although it is possible for such to occur, such issues do not arise to an extent as to give cause for concern.
- 7.5.2. The Wicklow County Development Plan 2016 – 2022 through Objective T3, seeks ‘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’. I consider that the development fails to achieve this as there is a negative impact on residential amenity, and the development would have an adverse impact on the character of the village.
- 7.5.3. It is not clear that the applicant has fully considered other sites, that may be more suitable for this development. The appeal statement includes an assessment of mobile 4G coverage in the area and the coverage for 3 mobile and Eir mobile was found to be of only a ‘Fair’ quality, however that for Vodafone was found to be ‘Good’. The comreg.ie website indicates that there are existing masts to the west of

Glenealy and to the east and north east. These are within 5 to 6 km of the subject site.

7.6. Appropriate Assessment Screening

- 7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in an urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to

(a) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July, 1996, and

(b) the height, scale and location of the proposed development in an area that is predominately residential in character,

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

2. Having regard to the prominent location of the site on the R752 and to the established built form and character of Glenealy, it is considered that the proposed development, consisting of an 18 m high monopole would be incongruous in terms of its height, which would be out of character with the streetscape and would set an

undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the Planning Authority, as set out in the current Development Plan, in relation to the development of telecommunications in a village/urban setting, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

14th December 2021