



An  
Bord  
Pleanála

## Inspector's Report

### ABP311100-21

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<b>Development</b>	Construction of an 18 metre high monopole support structure (overall height of 19.5m) carrying telecommunications antenna and associated equipment, new cabinets, fencing and landscaping and removal of pole (10m).
<b>Location</b>	Eir Exchange , Ballinatray Lower, Courttown, County Wexford.
<b>Planning Authority</b>	Wexford County Council.
<b>Planning Authority Reg. Ref.</b>	20210852
<b>Applicant(s)</b>	EIR (Eircom Ltd.)
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellant(s)</b>	1) Farrells Caravan Park 2) Julie Woods (Woodlawn Residents) 3) T C O'Beirne 4) Cecil and Julie Alexander
<b>Date of Site Inspection</b>	21 <sup>st</sup> November 2021.

**Inspector**

Suzanne Kehely

## **1.0 Site Location and Description**

- 1.1. The proposed telecommunications structure is centrally located within the development area of Courtown and within an Eircom compound- a former telephone exchange. The compound has access off the R742. The subject site relates to part of this compound and occupies the space between a dwelling house on its eastern side and the existing exchange building and is adjacent to an established caravan park on its southern side. Courtown Cove is a housing development directly opposite the site. There is a 10m high wooden pole on site which not in use. Mature trees screen the site as viewed from along the road.
- 1.2. There is a large telecommunications mast to the south which is associated with the Gardai station 100m southeast. Vodaphone use this mast. This is visible in the background of mid to distant view of the site from the road. Eir also uses a rooftop mast in a caravan park 250m west.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought by EIR for the construction of an 18 metre high monopole telecommunications support structure together with:
  - antennas and associated telecommunication equipment
  - two double bay cabinets
  - fencing and landscaping.
  - a lightning final bringing the overall height to 19.5m.
- 2.1.1. It is proposed to remove the existing wooden timber pole structure as part of the development.
- 2.1.2. The cover letter submitted with the application explains rationale for the proposal.
- 2.1.3. The ComReg map shows a fringe serve. The proposed infrastructure will improve indoor coverage in the Courtown area by providing capacity to Three Ireland to install equipment. A letter from EIR is attached and this indicates a willingness to co-locate its Meteor operation. Photomontages of views from the wider environs are also attached.

## **3.0 Planning Authority's Decision**

### **3.1. Decision**

- 3.1.1. Wexford County Council issued notification of a decision to grant planning permission subject to 3 conditions which address, inter alia, decommissioning and traffic safety.

### **3.2. Planning Report**

- 3.2.1. 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 telecommunications infrastructure, heritage and landscape management. National policy is also cited. Third-party observations are noted in the report.
- 3.2.2. While urban and coastal context of the site is noted, it is considered that the proposed development is acceptable having regard to the siting in a utility site, overriding technical justification, limited visual impact and detailed design. It is not considered to interfere with leisure uses.

### **3.3. Objections**

- 3.3.1. Many letters of objection from local residents were submitted to the Planning Authority. The contents of these letters have been read and noted.

## **4.0 Planning History**

- 4.1. None

## **5.0 Policy Context**

### **5.1. National Planning Framework**

- NPO 24 refers to supporting and strengthening infrastructure for rural economies.
- NPO 48 refers to developing a stable, innovative and secure digital communications and services infrastructure.

### **5.2. Development Plan**

- 5.2.1. The site is governed by the policies and provisions contained in the Wexford Development Plan 2013 – 2019 and the Courtown and Riverchapel LAP 2015-2021 as extended
- 5.2.2. In the LAP, chapter 6 refers to tourism. Courtown's harbour setting is identified as a key tourism asset providing opportunities for recreation and marine leisure activities. In relation to existing caravan park it states in Objective TA03 that it is an objective to encourage the visual and environmental improvement of existing caravan and mobile home parks and the upgrading of their associated infrastructure and facilities. The site is inland from the harbour but with the Village Centre and zoned accordingly. section 7.1 refers to policies and objective for the village centre. The Zoning Objective is: 'To provide for, protect and strengthen the vitality and viability of the village centres through consolidating development, maximising the use of lands and encouraging a mix of uses'.
- 5.2.3. Section 18.26 of the CDP sets out guidance for proposals for telecommunications structures. Application should be accompanied by a reasoned justification in the context of overall plans for the county, details of other sites or location regarding feasibility, written evidence of consultation for co-location and details of visual mitigation.

### **5.3. Telecommunications Antenna and Support Structure – Guidelines for Planning Authorities (1996)**

- 5.3.1. These guidelines set out current national planning policy and criteria for the assessment of telecommunications structures. Guidance is provided on site selection, minimising adverse impact, sharing and clustering of facilities and development control.
- 5.3.2. The Guidelines are generally supportive of the development and maintenance of a high quality telecommunications service. In section 4.3 it is stated that the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. It is also acknowledged that in most cases the applicant will only have limited flexibility as regards location, given the constraints arising from transmission parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be

located in a residential area or beside schools 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. The support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure. The sharing of installations and clustering of antenna is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

#### **5.4. 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.

##### **5.4.1. Natural Heritage Designations**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. **Eamonn McKenna:** This appeal is against the decision to grant permission and the grounds are based on the following:

- Impact on Farrells Caravan Park which has 48 units with many located within 15m of the proposed mast site.
- The park is a form of residential use that is occupied for extensive times throughout the year. It has a playground. The wider area is residential and all located in a seaside resort
- The existing 10m pole bears no resemblance to the proposed development
- The location is contrary to good planning practice.
- Significant negative visual impact
- The existing mast at the Garda station within 100m of the site is large and should be able to accommodate the operator
- Two masts in close proximity is unacceptable
- Insufficient information on number of antennae and attachments
- Concern about health issues

6.1.2. **Cecil and Julie Alexander:** This appeal is by the residents of the adjacent dwelling and is against the decision to grant permission. The grounds are based on the following:

- The proposed mast is only 15m from the gable end of their house.
- The exchange was constructed at a time when the area was rural and the context has completely changed and is now predominantly residential.
- It is contrary to guidelines by reason of location and lack of justification
- The mast will be visually obtrusive as viewed from their home both house and garden and is inescapable. The security fencing is industrial in nature and will make their home look like a prison. It will detract from the visual amenity and depreciate the value of their home in which they have lived since 1992. They will feel forced out of their home.
- It will be 3 times the height of their home and will be visible from the wider area – coastal area -The Burrow Road
- The proximity and nature will result in littering of their home – as has been the experience from activity at the nearby Garda mast site – cable ties etc, cabling and bits of metal associated with this mast have all been found in the garden.

- The wooden pole was not subject to planning permission and its scale and use is not like for like.
- Health and safety should be an issue having particular regard to the level of concern on the risk. It is also pointed out that protective gear by visiting personnel on site indicates risk that is ongoing for those living right next to it.
- Noise and disturbance associated with cabinets and running of fans and compressors etc.
- Traffic and parking.
- The appeal is supported by photographs of views from their garden, the existing pole and of a comparable mast in Arklow.

6.1.3. **TC O’Beirne** who lives about 70m from the site has lodged an appeal against the decision to grant permission and the grounds are based substantially on health issues associated with radio frequency waves. Other grounds relate to:

- The need for the mast at this location.
- Proximity to the neighbouring resident and a holiday caravan park where there is a playground about 60m away.
- EIR is seeking a mast only 100m from the location of a Meteor mast – and it is pointed out that EIR owns Meteor .

6.1.4. **Julie Woods** on behalf of **Woodlands Residents** has lodged an appeal against the decision to grant permission and the grounds are based on Impact on health, visual impact, impact on residential amenity. Loss of property values and intensification of use with associated unsightliness and obstruction of views.

## 6.2. Planning Authority Response

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

## 6.3. Applicant’s Response

In a letter dated 9<sup>th</sup> September the applicant has responded to the grounds of appeal by making the following points:

The telecommunications infrastructure is needed to improve coverage in the area which is in accordance with local and national policies.



- The siting in the utilities site is in line with the planning guidelines for such development.
- The views are obscured by existing mature trees which is to be augmented by the proposed landscaping and fencing.
- The existing pole cannot structurally support the antennae by reason height and design – the this is be removed and replaced by the proposed structure
- Health impact is not a planning consideration
- Proximity to housing is not a valid consideration. This is based on the guidelines which advise against minimum distances and, the feasibility of telecommunication policies among dispersed population and by reference to a number of grants of permission on appeal for telecommunications structures in urban areas.
- There is no evidence that the proposed development will devalue property particular having regard to benefit of enhanced communications networks and the need for people to work form home.

## **7.0 EIA Screening**

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

## **8.0 Assessment**

### **8.1. Issues**

- 8.1.1. This appeal is against a decision to grant 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:

- Principle of development
- Impact on amenities
- Health
- Appropriate Assessment

## 8.2. Principle

8.2.1. The site is located in a predominantly residential area at the periphery of the coastal village centre of Courtown and accordingly is not a preferred location for the siting of telecommunications infrastructure. While the site is located within an established utilities site which has long served as a telephone exchange, I consider the site by reason of context and size is limited in its ability to absorb the development into the townscape. Such visual assimilation is important for reasons relating to impact on the adjacent dwelling that directly overlooks the site and on the adjacent caravan park and also having regard to the gateway location of the site at the entrance to Courtown Harbour – the welcome sign being located just north of the site frontage.

## 8.3. Impact on Amenities

### Impact on dwelling

8.3.1. The proposal is for a ground-based monopole structure for multiple antennae and for multiple users and reaches a height of 19.5m at a distance of less than 4m from the side garden boundary of an established dwelling – The Anchorage. The residents are one of the appellant parties. The structure is sited in an open area between the exchange building and a low boundary garden wall. The dwelling has windows at both ground and first floor levels overlooking the garden and subject site. The house has quite an open aspect as the garden area is on both sides rather than to the rear. I consider the introduction of the telecommunications monopole and antennae together with ancillary 2.4m fencing will be out of scale with its immediate surroundings and will be both highly prominent and intrusive as viewed from the house and its private amenity space and will accordingly have a significant adverse impact on the visual and residential amenities of this established property.

### Impact on Caravan Park

8.3.2. The monopole structure is proposed at a distance of 6m from the existing low stone wall boundary (which is backed by light weight mesh fencing) with the caravan park at a point alongside the entrance road close to the park entrance and mobile homes. It is c.16m from the nearest unobstructed mobile home. While the backdrop of the trees will serve to obscure more distant views it will be visually prominent and dominant as viewed from the mobile homes and environs within a close range. The raising of the stone wall instead of creating a more solid fence such as shown in the

proposed wooden fence detail would be more in keeping and orderly but would not ameliorate the visual dominance of the proposed structure as viewed from within the holiday park. The placing of a lower monopole on the existing telephone exchange building and enhanced landscaping would also diminish very close views but would not sufficiently address the visual impact. I further note that there are already two large telecommunication support structures in close proximity to the boundaries of the caravan park and I consider another one as in the case proposed would amount to an unacceptable level of visual clutter.

- 8.3.3. I do not accept that the existing timber pole is comparable or justification for the nature and extent of development proposed.
- 8.3.4. I further note that Courtown is identified as a key tourism centre providing recreational and marine leisure activities and I consider the visual intrusion in this established caravan park is in conflict with particular objectives for improving such uses. I refer to Objective TA03 which aims to encourage the visual and environmental improvement of existing caravan and mobile home parks and upgrading of their associated infrastructure and facilities.
- 8.3.5. The proposal in this context would be an incongruous feature and would I consider seriously detract from the amenities of the adjacent properties. I consider that the proposed development would, as a result of its visual impact and lack of integration into its surroundings, have a significant negative impact on amenities of the local environs and in particular of the adjacent dwelling house and caravan park and also of those dwelling houses on the opposite side of R742.
- 8.3.6. Furthermore I consider it inappropriate at this gateway location to a recreational town.
- 8.3.7. In terms of wider visual impact I accept the trees obscure the impact from a number of vantage points and this is apparent in the photomontages submitted by the applicant. These images are of views from a few hundred metres north along the R742, from the Garda Station and from the harbour area. While I accept that in an urban environment, telecommunication infrastructure is important to facilitate modern day living, I consider in this case the burden of impact on established residential development by reason of prominence and close proximity is unreasonable.
- 8.3.8. In respect of justification, the applicant proposes to improve coverage and capacity of mobile telecommunications and broadband services in Courtown. The proposal will improve a current fringe level of coverage for Eir mobile and Three and 'very

good' coverage for Vodafone. Eir is presently reliant on the mast in an adjacent caravan park. The subject site is required as a multiuser facility. In this case the applicant is effectively relocating from one caravan park to another albeit within 6m of the boundary. In view of the site context, I do not consider the applicant has provided a sufficiently reasoned justification by reference to details of other sites, or written evidence. The applicant, in my judgement, has not sufficiently demonstrated that a reasonable effort has been made to share existing installations. I do not consider that the applicant has demonstrated that alternative sites within the area would not offer the same if not better levels of coverage as the subject site. Other areas within the town may also have the benefit of being located outside an area with such proximity to residential development. This is contrary to the provision of section 18.26 of the CDP.

#### **8.4. Health**

- 8.4.1. While I acknowledge that the appellants have raised the issue of health , the Commission for Communications Regulations (ComReg) is the statutory body responsible for the regulation of radiation emissions. Compliance with emission limits in respect of regulation is regulated nationally by the Commission and subject to a separate license. The issues relating to human health are accordingly not within the scope of the planning criteria applied by reference to the 1996 Guidelines as cited. As such, health issues are not a matter for An Bord Pleanála in determining and deliberating on the application proposed. Regular measurements of emission levels are however required to comply with International Radiation Protection Association and Guidelines.

#### **8.5. Appropriate Assessment**

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

## 9.0 Recommendation

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

## 10.0 Reasons and Considerations

The site of the proposed development is located within the seaside village centre of Courtown and is adjacent to a dwelling house 'The Anchorage' to the east and a holiday caravan park to the south. Having regard to the shared boundaries with these properties and scale and proximity of the proposed telecommunications structure and associated equipment, it is considered that the proposed development would form a discordant, overbearing and obtrusive feature at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the townscape and would militate against the protection of the residential amenity. Accordingly, having regard to the provisions of 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 it is not considered that the proposed development is sufficiently justified at this location and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Suzanne Kehely  
Senior Planning Inspector.

31<sup>st</sup> December, 2021.