



An
Bord
Pleanála

Inspector's Report ABP-311466-21

Development	36M-high mast and ground based equipment. Associated site works.
Location	Waddingsland, St. Helens, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211103
Applicant(s)	Hibernian Cellular Networks Limited
Type of Application	Permission
Planning Authority Decision	Permission refused
Type of Appeal	First Party
Appellant(s)	Hibernian Cellular Networks Limited
Observer(s)	None
Date of Site Inspection	13 th January 2022
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.09 hectares is located adjacent to the existing Bar na Haille housing development in the village of Rosslare Harbour, Co. Wexford. The site is accessed from a local road in a rural area in the townland of Waddington c. 3km to the south of Rosslare Harbour.
- 1.2. The site is irregular in shape and is currently in use for agricultural purposes. There are a number of residences on the rural road to the east of the site. There are also residences close to the site on the adjacent Bar na Haille housing estate. A water tower carrying a number of antennae is located approximately 180m to the north west of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - The erection of a 36m telecommunications support structure with associated antennae and communication dishes.
 - Equipment containers and security fencing
 - Access track
 - All ancillary works

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for 2 No. reasons as follows:
 1. Having regard to the proximity of the proposed development to existing and permitted residences in the area, with particular reference to the dwellings constructed to the northeast of the site (Bar na Haille residential scheme), it is considered that the proposed development would conflict with the guidelines relating to telecommunications antennas and support structures which were issued by the Department of Environment and Local Government to planning authorities in July, 1996, and would be contrary to the objectives of the

planning authority, as set out in the Wexford County Development Plan 2013-2019 (as extended), specifically Objective TC05 which states that it is an objective to adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities. The proposed development would, therefore, seriously injure the residential amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

2. It is considered that insufficient justification has been provided for the proposed siting of the telecommunication structure, where a paucity of information has been provided within the planning statement by the applicants in terms of improvement in coverage, potential for co-location or clustering of telecommunications apparatus and precise reasoning as to the proposed location of the lattice tower close to residential properties where other lands are available. The proposed development is considered to be contrary to Objective TC04 of the Wexford County Development Plan 2013-2019 (as extended), and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report considered that the planning statement submitted was incomplete as limited technical information was submitted. It was noted that there is an existing telecommunication structure and compound in close proximity to the site and it was considered that no justification was submitted as to why the proposed development could not be co-located within the same compound. It was considered that this would limit the visual impact within a sensitive coastal zone landscape.

3.2.2. Other Technical Reports

- None

3.3. **Prescribed Bodies**

- No reports

3.4. **Third Party Observations**

- 3.4.1. No third party observations were submitted to the Planning Authority.

4.0 **Planning History**

- 4.1.1. None relevant.

5.0 **Policy Context**

- 5.1. **The Wexford County Development Plan 2013-2019 (as extended) is the relevant development plan for the area.**

- 5.1.1. Section 9.3 of Chapter 9 – ‘Infrastructure’ of the development plan, refers to ‘Telecommunications’ and the following objectives are relevant:

Objective TC01

To facilitate the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Objective TC02

To have regard to Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (Department of the Environment and Local Government, 1996) or updated guidelines published during the lifetime of the Plan.

Objective TC03

To co-operate with telecommunications service providers in the development of this infrastructure, having regard to the proper planning and sustainable development of the area, normal planning and environmental criteria and the development management standards contained in Chapter 18.

Section 9.3.1 Masts and Antennae

The location of masts is a contentious issue and one which will be carefully considered by the Planning Authority. In general:

- Free-standing masts will not be located within or in the immediate surrounds of smaller towns or villages. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation.
- In the vicinity of larger towns masts should be located in industrial estates or on industrially zoned land. The development of masts in commercial or retail areas will be considered.
- Free-standing masts will not be located in a residential area, beside schools or community facilities. Only as a last resort, where all other alternatives are either unavailable or unsuitable, will such a location be considered by the Planning Authority.

Objective TC04

To require a demonstration of need for the proposed mast, having regard to the requirements for the co-location of masts and facilities where practicable and

technically feasible. It will be the requirement of the applicants to satisfy the Planning Authority that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.

Objective TC05

To adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities.

Chapter 18 of the development plan refers to 'Development Management Standards' and the following section is relevant:

18.26 Telecommunications Structures

Planning applications relating to the erection of antennae and support structures shall be accompanied by

- A reasoned justification as to the need for the particular development at the proposed location in the context of the operator's overall plans for the County having regard to coverage.
- Details of what other sites or locations in the County were considered, and reasons why these sites or locations are not feasible.
- Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.

- Detailed proposals to mitigate the visual impact of the proposed development, including the construction of access roads, additional poles and structures

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of the proposed development and 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- The site is not located within the curtilage of any residential properties and is within a greenfield site. As such, it will not impact on residential amenities.
- The Planning Authority granted retention permission for a number of masts located on a water tower adjacent to St. Brendan's Estate which is a similar location and set a precedent under PA Reg. Ref. 20000095.
- The appellant examined a wide variety of sites in the area and it was found that no existing installations operated by existing operators could be upgraded to meet their coverage requirements.
- Three currently have a site on Rosslare Water Tower which is 3G only. A lot of equipment is badly placed and belongs to many different mobile and broadband providers. The equipment installed does not adhere to normal best

practice and this is causing performance issues and would have a negative impact on new 4G and 5G services.

- The second issue with the site is limited space to allow an upgrade which would require the introduction of additional antennae and supporting equipment.
- The appeal proposal will enable the provision of enhanced mobile communications services to the surrounding area from a single monopole, providing improved services for 3G, 4G and 5G technologies.
- Letters of support from Vodafone Ireland and Three are attached to Appendix B and C of Appeal.

6.2. Planning Authority Response

- The Planning Authority response stated that Wexford County Council had no further submission/ observation to make on the appeal.

6.3. Observations

- None submitted.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, the main issues for consideration are as follows:

- Impact on Residential and Visual Amenities
- Justification for Proposed Development
- Appropriate Assessment

7.2. Impact on Residential and Visual Amenities

- 7.2.1. The first reason for refusal recommended refusal on the grounds of proximity to existing and permitted residences and contravention of Objective TC05 which states that it is an objective to adopt a presumption against erection of antennae in proximity to residential areas, schools, and community facilities.
- 7.2.2. I concur with the Planning Report which states that the nearest residences are 35 and 41 Bar na Haille c. 65m to the north east of the compound area. The 7 No. dwellings indicated directly adjacent to the site have not been constructed to date and this area is currently separated from the existing Bar na Haille estate by a 2m high block wall. The information submitted in Section 1.4 of the appeal response describes the site as being located in a rural area, approximately 4km to the east of Rosslare. Whilst the site is accessed from a rural road c. 3km to the east of Rosslare, I consider that Objective TP05 is relevant in this instance, having regard to the proximity to both St. Brendan's and Bar na Haille housing estates in the village of Rosslare Harbour.
- 7.2.3. Having regard to the proximity of the proposal to these dwellings and the issue of public health, I refer the Board to Circular Letter PL 07/12, issued by the Dept. of Environment, Community and Local Government on the 19th of October 2012 which 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.'
- 7.2.4. Having regard to the above, I consider the proximity of the proposed development to adjacent residential dwellings and its possible impact on public health is not a planning issue. I am satisfied that the operator's compliance with general public exposure limits will be covered by the terms of the operator's licence.
- 7.2.5. I note that the appeal response states that the planning authority have already set a precedent in this area by granting permission for the retention of a number of masts on top of the water tower in St. Brendan's estate. This water tower is located immediately to the west of St. Brendan's estate and is approximately c. 180 metres

from the proposed site. I consider that both sites are similar in terms of proximity to housing developments and visual impact. Information provided with the appeal indicates that this site is 3G only and it is not possible to upgrade for reasons discussed further in Section 7.3 below.

- 7.2.6. As such, I consider that the application has justified the development at this location in terms of need, the visual impact will be localised, and when viewed together with the existing water tower, would not be severe as to constitute a detrimental visual impact in the area. Having regard to the requirement to comply with other regulatory codes, it is my view that the proposed development would not adversely impact on the residential amenity of adjacent dwellings.

7.3. Justification for Proposed Development

- 7.3.1. The second reason for refusal by the Planning Authority considered that insufficient justification has been provided for the proposed siting of the telecommunication structure.
- 7.3.2. In order to address this reason for refusal, letters of support from Three Ireland and Vodafone Ireland together with a technical justification have been submitted with the appeal response.
- 7.3.3. The rationale for the proposed development is to improve the network coverage for 3G, 4G and 5G. It is stated that Three Ireland have a site in close proximity to the site on Rosslare Water Tower. However, it has not been possible to complete an upgrade on this site as a lot of badly placed equipment is installed on the watertower belonging to many different operators. This equipment does not adhere to normal best practice installation of telecoms and this is causing performance issues with current installed technologies and would have a seriously negative impact on new 4G and 5G services. The second issue with the existing site is 'the limited space to allow an upgrade which would require the introduction of additional equipment and supporting equipment.'
- 7.3.4. The technical information submitted is attached to Appendix C of the appeal response. This indicates that following a comprehensive search of the target area, no existing base station options were identified that could be shared or upgraded to

provide the necessary coverage and capacity required. Coverage Maps submitted indicate that there is excellent 3G coverage in the area but 4G coverage is 'outdoor signal level' only.

- 7.3.5. A letter of support from Vodafone Ireland is attached to Appendix B of the appeal response. It identified that current coverage at Rosslare Harbour and the surrounding area is negatively impacted by the landscape which significantly affects the delivery of reliable voice and data services to the area. Vodafone Ireland supports the application and expect to enter into agreement to co-locate equipment onto the new structure if permitted and built.
- 7.3.6. Having regard to the information submitted, I am satisfied that the applicant has submitted a reasoned justification in accordance with Objective TC04 of the Development Plan. Objective 24 of the National Planning Framework- Project Ireland 2040 seeks to 'support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas'. I consider that the enhancement of mobile and broadband telecommunications would promote economic development, improve personal security, enhance social inclusion and provide considerable advantage to home and business users in Rosslare Harbour and surrounding areas. On this basis, I recommend that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and its proximity to the nearest European 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 permission as follows:

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the proposed development, the provisions of the current Wexford County Development Plan as extended, and relevant National Guidance, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The applicant has provided sufficient information to demonstrate that the site is appropriate for a telecommunication installation and that there is a need for this structure in this location. The proposed development would, therefore, be in accordance 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>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application 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>Reason: To clarify the nature and extent of the permitted development</p>

	to which this permission relates and to facilitate a full assessment of any future alterations.
3.	<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>
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 commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<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>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the amenities of property in the vicinity
9.	<p>Within six months of the date of cessation of use, the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated at the developer's expense. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to the date of cessation of the use of the structure. Reinstatement shall be deemed to include the grubbing out of and replanting of the access track created in association with the development permitted herein.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

Emer Doyle
Planning Inspector

3rd February 2022