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Pleanála

## Inspector's Report ABP311496-21

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<b>Development</b>	24m Telecom tower with associated Equipment.
<b>Location</b>	Roberts Farm, Tiglin, Newcastle County Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	21514
<b>Applicant(s)</b>	Ontower Ireland Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Applicant v refusal
<b>Appellant(s)</b>	Ontower Ireland Limited
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Newcastle Residents Association.</li><li>2. Paul Allen &amp; Deirdre Pemberton</li><li>3. Jim Gleeson</li></ol>
<b>Date of Site Inspection</b>	26 <sup>th</sup> March 2022.
<b>Inspector</b>	Hugh Mannion

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## **1.0 Site Location and Description**

1.1. The application site has a stated area of 0.0018ha and is part of farm/landholding which is located south of Newcastle village centre and west of the R761/Coast Road which runs south out of Newcastle village, County Wicklow. The site is accessed through a farmyard with several sheds/outbuildings and about 0.5km west along a steep agricultural track. Some 40/50m north of the application site is a long rectangular shed with two telecoms dishes mounted on the eastern end of this shed.

## **2.0 Proposed Development**

2.1. The proposed development comprises the erection of a 24.1m high multiuser lattice telecommunications mast, carrying antennae and dishes enclosed within a 2.4m high palisade fence compound together with associated ground equipment cabinets and associated site works on lands of Roberts Farm, Tiglin, Newcastle, County Wicklow.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.2. Refuse permission because:

3.3. The proposed development would represent the consolidation of unauthorised development on site having regard to the existing farm building and telecoms structure to the north of the proposed tower for which no permission exists. The proposed development undermines the planning regulations and would be contrary to the proper planning and sustainable development of the area.

### **3.4. Planning Authority Reports**

3.4.1. Planning Reports

3.5. Initially the planning authority sought a visual impact assessment for the development and details of the telecommunications structures fixed to a nearby farm building.

3.6. The applicant responded (FI submitted on 23<sup>rd</sup> August 2021) submitting a visual impact assessment. The applicant responded on the issue of the

telecommunications equipment on a nearby shed stating that it has been in place since 2007, may not have been upgraded since then and that the agricultural shed may be exempted development.

3.7. Other Technical Reports

3.8. No other technical reports.

## 4.0 Planning History

4.1. No relevant history available.

## 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**

##### **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.

#### 5.6. **Natural Heritage Designations**

Not relevant.

#### 5.7. **EIA Screening**

5.8. 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**

- There is telecommunications equipment attached to a farm shed to the north of the application site. This has been in situ since 2007 and is not within the application site boundary.

- The applicant in the present case in response to a request for further information from the planning authority did not discover any planning permission for the telecommunications infrastructure referred to the reason for refusal.
- There is a deficit in telecoms coverage in Newcastle village and the mast will be shared by Three Ireland and Eir Mobile to improve coverage in the area.
- National policy in the National Planning Framework and the Telecommunications Guidelines for Planning authorities support the improvement of telecommunications in the country.
- The application was accompanied by a visual impact assessment which concluded that no unacceptable visual/landscape impacts would arise from the proposed development.

## 6.2. **Planning Authority Response**

- None

## 6.3. **Observations**

6.4. Observations were received from Paul Allen & Deirdre Pemberton, Jim Gleeson and Newcastle Residents Association.

- The draft County Development Plan designates Newcastle as a level 6 town where it is intended to protect the heritage and natural environment of the town.
- The proposal will significantly negatively impact on the visual amenity of the area.
- International research has established that telecoms masts have significant adverse impacts on human health, plants, wide life habitats, bees and birds.
- Several houses and a community centre which acts as a creche are located within 500m of the proposed development and the proposed development may impact negatively on these uses.

- The mast may accommodate other technologies whose impacts may include heightened radiation risks.
- There is no deficiency in telecommunications coverage in the village and no need for additional infrastructure in the village.
- The Murrough Wetlands SAC/SPA is located 900m from the proposed development.

## 6.5. Further Responses

- None

## 7.0 Assessment

### 7.1. Reason for refusal.

7.2. The application site is part of farm/landholding which is located south of Newcastle village centre and west of the R761/Coast Road which runs south out of Newcastle village. The site is accessed through a farmyard with several sheds/outbuildings and about 0.5km west along a steep agricultural track. Some 40/50m north of the application site is a long rectangular shed with two telecoms dishes mounted on the eastern end of this shed.

7.3. The planning authority refused permission because it concluded that the shed and telecoms dishes were unauthorised development. The applicant makes the point that this shed is not within the application site, that the dishes have been in place since 2007 and that the shed itself is exempted development.

7.4. There is no indication from the planning authority that it has formally decided that unauthorised development has taken place in relation to the shed or telecoms dishes nor does the planning authority state that it has pursued or proposes enforcement action in relation to these structures. The applicant in this case is not the landowner on which the shed or dishes have been erected, I consider that the application must be considered on its own merits, and I conclude that the reason for refusal is unjustified in this case.

**7.5. Visual/landscape impacts.**

7.6. The observers in this case make the point that the proposed development will injure the visual amenity of the area.

7.7. The planning authority in its request for further information sought a visual impact assessment from the applicant. The applicant submitted a visual impact assessment in the form of 'before and after' photomontages and assessed the changes as noticeable. The planning authority agreed that in conjunction with mitigation measures (including landscaping) that the proposal would be acceptable in terms of visual impact.

7.8. The application site is not within an Area of Outstanding Natural Beauty illustrated in Appendix 5 attached to the County Development Plan. As demonstrated by the material submitted with the application the structure will be visible, but I do not consider that visibility equates to serious injury to the visual amenity of the area in a manner that materially contravenes any objective in the County Development Plan in a manner that requires refusal of permission.

**7.9. Human Health**

7.10. The observers make the point the proposed development will negatively impact on human health.

7.11. 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.



**7.12. Ecology**

7.13. The appeal makes the point that the proposed development will emit electromagnetic radiation which may harm birds and bees and vegetation.

7.14. 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).

7.15. An additional I note that the Murrough SAC is about 1km from the site and has been designated for vegetation types and habitats. The proposed development will not give rise to emissions that would impact on these qualifying interests nor are there any pathways between the application site and the European site.

**7.16. Justification for development.**

7.17. The observes make the point that there is no need for additional telecoms infrastructure in Newcastle. The application documentation includes a justification statement in relation to the necessity for improved infrastructure in this area. Amongst the points made is that there is greater demand from increasing population in the area of Newcastle giving rise to new dwellings and business and that this increase in demand is exacerbated by the amount of data which modern internet and telephone users require. The mast will accommodate three users and thereby fulfils an important criterion in the national guidance that telecoms infrastructure be multiuser.

7.18. Having regard to these factors I consider that the applicant makes a reasonable case for the necessity for additional/upgraded telecoms infrastructure.

**7.19. Appropriate Assessment**

7.20. 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 a grant of planning permission.

## 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 location relatively remote from concentrations of houses 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, would not negatively impact on human health or on ecology in the area and would, otherwise, accord with the proper planning and sustainable development of the area.

## 9.2. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of August 2021, 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><b>Reason:</b> In the interest of clarity.</p>
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2.	<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.</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> <p><b>Reason:</b> In order to provide appropriate screening for the proposed development in the interest of visual amenity.</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 the commencement of development.</p> <p><b>Reason:</b> 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><b>Reason:</b> In the interest of the visual amenities of the area.</p>

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Hugh Mannion  
Senior Planning Inspector

28<sup>th</sup> March 2022