



An
Bord
Pleanála

Inspector's Report ABP-312487-22

Development	Replace a 15m telecommunications monopole with a 24m telecommunications monopole together with antennae, dishes and associated telecommunications equipment enclosed by security fencing.
Location	Ballygunner GAA Club, Bishops court, Ballygunner, Co. Waterford.
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	21/978
Applicant(s)	Emerald Tower Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Emerald Tower Ltd
Observer(s)	None

Date of Site Inspection

8th November 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located c. 4.5 km from Reginald's Tower in Waterford city centre. This site lies in the south-easternmost outskirts of the city, in the townland of Bishopscourt and in the grounds of the Ballygunner GAA Club. A local road serves these grounds and a cluster of new development, which comprises schools, a retirement home, and apartments, lies in their vicinity.
- 1.2. The site itself is to the west of the Gary Murphy Hurling Arena in a position adjacent to the north-western corner of a playing pitch in the western portion of the GAA grounds. This pitch is floodlit, and it is accompanied by an existing 15m high monopole mast. The site extends to the east to include this mast and to the south to include the siting of the proposed replacement mast. It wraps around the north-western corner of the pitch, and it extends over an area of 0.0048 hectares.

2.0 Proposed Development

- 2.1. The proposal would entail the replacement of the existing 15m high monopole telecommunications structure with a new 24m high monopole telecommunications structure. This structure would support 2 no. link dishes and 3 no. antennas for each of the main mobile operators, i.e., Eir, Three, and Vodafone.
- 2.2. The proposal would also entail the decommissioning of the existing structure and its equipment compound, and the construction of a new equipment compound (6m x 8m), which would be enclosed by means of security fencing and accessed from the south via a gate and a spur to an existing access path around the perimeter of the GAA grounds.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

The proposed site has been identified as being located within the flight path of Waterford Airport. Waterford Airport plays a critical role in the development of Waterford and the south-east, being recognised in national and local policy as one of the key drivers of the

region. As such it is considered that the proposed development by reason of its increased height would adversely impact on the development of the airport and potentially undermine the maintenance of safe flight paths and pose a hazard for airplanes using such flight paths into and out of the airport. The proposed development would therefore be contrary to national, regional and local policy as expressed in the Regional Spatial Economic Strategy and Waterford County Development Plan 2011 – 2017 which seek to promote and develop Waterford Airport and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

Waterford Airport: Objection raised: Proposal reviewed, under the Airport's Safeguarding Policy lodged with the Planning Authority, EU Reg 139, and associated requirements: The outcome of the review was that, due to its height, this proposal would lie within both the runway's inner horizontal safety surface and the approach and take-off safety splays.

4.0 Planning History

- **06/500029:** Telecommunications antenna and cabinets: Retention permission granted.
- **13/500026:** Existing 15m monopole: Retention permission granted.
- **21/109:** Development consisting of flood lighting including erection of new lighting columns (21.34m high), provision of generator and generator compound, removal of existing bases and lighting columns at existing playing pitch, development of a training area approximately 47m x 60m with flood lighting and fence to perimeter, lighting of existing ball alley, raising wall height of existing ball alley wall to provide additional hurling wall, walking track to full perimeter of grounds, lighting to existing carpark, existing entrance road and existing Astro-turf area: Permission granted.

5.0 Policy and Context

5.1. National Planning Guidelines

- National Development Plan 2018 – 2027
- National Planning Framework 2020 – 2040
- Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letters PL 07/12.

5.2. Regional Spatial & Economic Strategy for the Southern Region

Objective RPO 137 addresses mobile infrastructure:

It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.

5.3. Development Plan

Under the Waterford City and County Development Plan 2022 – 2028 (CDP), the site is zoned “open space and recreation”.

Utilities Objective UTL 16 of the CDP addresses telecommunications masts and related matters. It states the following:

We will work in collaboration with service providers to deliver a more enhanced connectivity service experience in a way that protects our footway and road surfaces and delivers the economic and community benefits of technology. We will facilitate the continued provision of communication networks, smart infrastructure, broadband and appropriate telecommunications infrastructure and services, subject to environmental considerations, in order to contribute to economic growth, development, resilience and competitiveness. In considering proposals for such infrastructure and associated equipment, the following will be taken into account:

- *The installation of the smallest suitable equipment to meet the technological requirements,*

- *Solutions to deliver shared telecommunication physical infrastructure in new development to facilitate multiple service providers at a non-exclusive basis and at economically sustainable cost to service providers and end users,*
- *Concealing or disguising masts, antennas, equipment housing and cable runs through design or camouflage techniques; or*
- *A description of the siting and design options explored and the reason for the chosen solution, details of the design, including height, materials and all components of the proposals,*
- *A landscaping and screen planting plan (if appropriate),*
- *An assessment of the cumulative effects of the development in combination with existing equipment in the area; and a visual impact assessment (if relevant).*

Proposed development will be required to have regard to the “Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, 1996 and Circular Letter PL07/12” issued by the Department of the Environment Heritage and Local Government and to any subsequent amendments as may be issued.

Under Objective ECON 10, the Planning Authority undertakes to “Have due regard to the operational and safety requirements of the Airport when considering development proposals in the vicinity.”

Under Objective Trans 28, the Planning Authority states that “We will safeguard the current and future operational, safety and technical requirements of Waterford Airport and support/facilitate its ongoing development by avoiding encroachment of inappropriate development in the vicinity which may interfere with the safe operation of the Airport.”

Appendix 12 of the CDP comprises the Waterford Regional Airport and Business Park Masterplan. This Plan addresses Obstacle Limitation Surfaces (OLS) Protection and Map 2 is entitled Waterford Airport Safeguarding.

5.4. Natural Heritage Designations

Lower River Suir SAC (002137)

5.5. EIA Screening

The proposal is for a telecommunications structure with antennae and dishes. As such, it does not come within the scope of any of the classes of development that are potentially the subject of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The Planning Authority's reason for refusal was prompted by the objection of Waterford Airport. Normally, such a reason would not be appealed. However, in this case the following considerations pertain:

- The site is extremely important for the network. Existing weak coverage needs to be remedied. The replacement of an existing 15m high mast with a 24m high mast would ensure that the operators Three Ireland, Vodafone, and Eir would be able to provide improved 3G, 4G, and data services.
- Under 21/109, Ballygunner GAA received planning permission to install floodlighting columns with a height of 21.34m in the vicinity of the current application site without any objection or comment from Waterford Airport.

In the light of the above considerations, the applicant is concerned that Waterford Airport's objection was made "summarily and without view of the full facts". It, therefore, commissioned a report from Aeronautical Services and Procedures (ASAP), an Irish Aviation Authority (IAA) approved company, which undertook critical risk modelling and obstacle limitation surfaces assessments. This report, which is entitled "Telecom Mast, Waterford Airport Special Aeronautical Study", concludes that the risk of collision with the proposal would be negligible and well within International Civil Aviation Organisation (ICAO) safety parameters. It also concludes that that this proposal would not pose a safety risk to instrument landing procedures.

The applicant has contacted Waterford Airport concerning its report. Due to the time constraints of the appeal process, no response had been received prior to the lodgement of this appeal. The applicant expects Waterford Airport to concur with the report's findings.

Beyond the reason for refusal, the Planning Authority had no issues with the principle of the proposal, which would accord with numerous national, regional, and local policies and objectives in various plans that recognise the importance of and seek to facilitate and promote telecommunications developments. Likewise, its details, in terms of siting, in the vicinity of floodlighting columns and at a considerable remove from the nearest public road, and design, a monopole, would ensure that it would be capable of being accommodated visually. The site itself is an established one for telecommunications developments and so services and access arrangements are in-situ.

6.2. Planning Authority Response

The Planning Authority notes the applicant's expert report entitled "Telecom Mast, Waterford Airport Special Aeronautical Study", which concludes that the proposal would not pose a safety risk to the instrument flight procedures at Waterford Airport, i.e., this risk would be "negligible" and "well within ICAO safety parameters". If Waterford Airport concurs with this conclusion and if it confirms the same to the Board, then, as a material change in the assessment of the proposal, the Planning Authority would not object to the grant of planning permission.

6.3. Observations

None

6.4. Consultees

- IAA: Attention is drawn to the fact that the applicant's expert report relates to the existing runway at Waterford Airport, whereas, under ABP-307528-20, this runway has permission to be extended from 1433m to 2287m. The extended runway would have implications for safety margins, and so the applicant was advised to prepare an addendum report to reflect the same.
- Waterford Airport: Advises that the extended runway would operate under a higher Code 4 criteria for obstacle clearance than that applied in the submitted expert's report. It also advises that the applicant has been notified

of all relevant matters concerning the extended runway so that its report can be revised.

6.5. Further Responses

The applicant submitted a revised version of its expert report, which addresses the proposed extended runway at Waterford Airport. This report envisages that the new instrument flight procedures for the extended runway would be very similar to the existing ones. Accordingly, if the proposal is permitted/implemented, then it would be entered into the Electronic Terrain and Obstacle Data of the new instrument flight procedures. The report also discusses visual manoeuvring, and it concludes that neither the proposal nor the extended runway would affect minimum visual manoeuvring altitudes. It concludes that the proposal would pose “no risk” to the safe operation of either the existing or extended runway.

6.6. Consultees

- Waterford Airport: Strong opposition to the proposal is maintained for the following reason: Notwithstanding the conclusion of the revised version of the expert report, the proposed mast would be sited in very close proximity to the extended runway’s centreline, and it would entail the replacement of an existing mast, which does not constitute an obstacle, with a higher one that would do so, i.e., it would violate the inner horizontal surface, which the Airport is required to safeguard under ICAO Annex 14/EU Reg 139. Furthermore, as alternative locations exist for the proposal to the west or south-west of the site, which would not pose an obstacle, they should be used instead.

The Airport also draws attention to the following considerations:

- Irish Coast Guard search and rescue helicopters are based in Waterford Airport. These helicopters undertake low-level flying in adverse weather conditions and so the proposal would create an additional hazard for them.
- The Irish Aer Corp and two other pilot training organisations use Waterford Airport. The proposal would create an additional hazard, especially during adverse weather.

- The applicant cites the floodlighting adjacent to the site. If this lighting is of a height that it constitutes an obstacle, then objection would be raised to it, too. Additionally, glare from such lighting would be of potential concern.
- IAA: Initially, the Safety Regulation Division responded to the revised version of the expert report by stating that in the event of a grant, the applicant should be conditioned to:
 - Engage with Waterford Airport to agree an appropriate aeronautical obstacle warning light specification for the mast,
 - Provide as-constructed co-ordinates in WGS84 format together with ground and tip height elevations of the mast, and
 - Notify Waterford Airport 30 days in advance of any intention to commence construction.

Subsequently, the Authority prefaced the above advice by stating that it “is supportive of the observations of Waterford Airport in relation to the positioning of the mast and that alternative locations should be considered.”

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Development Plan 2018 – 2027 (NDP), the National Planning Framework 2020 – 2040 (NPF), Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, the Regional Economic & Spatial Strategy for the Southern Region (RESS), the Waterford City & County Development Plan 2022 – 2028 (CDP), the submissions of the parties and the consultees, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Policy objectives and mast sharing,
- (ii) Air safety and alternative sites,
- (iii) Landscape and visual impacts,
- (iv) Access, and

(v) Appropriate Assessment.

(i) Policy objectives and mast sharing

- 7.2. The NDP has as a fundamental underlying objective the need to prioritise the provision of high-speed broadband. Objective 48 of the NPF undertakes to “develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.” Likewise, Objective RPO 137 of the RESS echoes these national objectives at the regional level. Locally, under Objective UTL-16 of the CDP, the Planning Authority undertakes to “facilitate the continued provision of communication networks, smart infrastructure, broadband and appropriate telecommunications infrastructure and services, subject to environmental considerations, in order to contribute to economic growth, development, resilience and competitiveness.” The applicant states that its proposal would promote the rollout of high-speed broadband services in line with the above cited objectives.
- 7.3. Both advice set out in the Telecommunication Antennae and Support Structures Guidelines and Objective UTL 16 of the CDP advocate mast sharing. The proposal would facilitate such sharing insofar as it would accommodate equipment operated by Eir, Three, and Vodafone.
- 7.4. I conclude that the proposal would fulfil national, regional, and local objectives that seek the greater provision of telecommunications services. I conclude, too, that it would facilitate mast sharing.

(ii) Air safety and alternatives

- 7.5. The CDP includes the following two objectives with respect to air safety and the operations of Waterford Airport:
- ECON 10: “Have due regard to the operational and safety requirements of the Airport when considering development proposals in the vicinity.”
 - Trans 28: “We will safeguard the current and future operational, safety and technical requirements of Waterford Airport and support/facilitate its ongoing development by avoiding encroachment of inappropriate development in the vicinity which may interfere with the safe operation of the Airport.”

Under Appendix 12 of the CDP, a Masterplan for Waterford Regional Airport and Business Park is set out. Map 2 of this Masterplan, which addresses “Safeguarding”

for the Airport, shows the site as lying within Inner Horizontal Surface (1), where a maximum height of 71.49m ASL applies. The accompanying commentary in Paragraph 2.3.1 states that within this zone buildings or structures exceeding the maximum height are not permitted.

- 7.6. (The Irish Aviation Authority's Aeronautical Services Advisory Memorandum dated 21st January 2015 defines the term inner horizontal surface as "a surface located in a horizontal plane above an aerodrome and its environs." It states that this surface shall be 45m above the elevation datum established for this purpose, i.e., typically the mid-point of the relevant runway).
- 7.7. The site is 53m ASL and the proposal is to replace a 15m high monopole with a 24m high one. At 68m ASL, the maximum height of the existing monopole is below 71.49m. At 77m ASL, the maximum height of the proposed monopole would exceed 71.49m by 5.51m.
- 7.8. At the application stage, Waterford Airport objected to the proposal on the grounds that it would represent an obstacle within the Inner Horizontal Surface (1) and so the increase in height between the existing and proposed monopoles would pose a potential collision risk to aircraft flying to and from the Airport's runway c. 2.58km to the south of the site. Consequently, the Planning Authority refused the proposal on air safety grounds and the knock-on effect upon the Airport's further development in line with national, regional, and local policies and objectives.
- 7.9. At the appeal stage, the applicant submitted an expert report entitled "Telecom Mast, Waterford Airport Special Aeronautical Study", which was prepared by Aeronautical Services and Procedures (ASAP), an Irish Aviation Authority (IAA) approved company. This report undertook critical risk modelling and obstacle limitation surfaces assessments of the existing runway at Waterford Airport. It concluded that the proposal would not pose a safety risk to instrument landing procedures.
- 7.10. The Board circulated the expert report to the IAA and Waterford Airport for comment. They both responded by drawing attention to the extant permission (ABP-307528-20) to extend the runway at Waterford Airport from 1433m to 2287m and so it is this extended runway that should be assessed. The applicant subsequently revised its expert report to reflect the extended runway. This report envisages that the new instrument flight procedures for the extended runway would be very similar to the

existing ones. Accordingly, if the proposal is permitted/implemented, then it would be entered into the Electronic Terrain and Obstacle Data of the new instrument flight procedures. The report also discusses visual manoeuvring, and it concludes that neither the proposal nor the extended runway would affect minimum visual manoeuvring altitudes. It concludes that the proposal would pose “no risk” to the safe operation of either the existing or extended runway.

7.11. The Board circulated the revised expert report to Waterford Airport and the IAA for comment. The Airport maintains its very strong opposition to the proposal on the grounds that, notwithstanding its “no risk” conclusion, the proposed mast would be sited in very close proximity to the extended runway’s centreline, and it would entail the replacement of an existing mast, which does not constitute an obstacle, with a higher one that would do so, i.e., it would violate the inner horizontal surface, which the Airport is required to safeguard under ICAO Annex 14/EU Reg 139. Furthermore, as alternative locations exist for the proposal to the west or south-west of the site, which would not pose an obstacle, they should be used instead. Additionally, Waterford Airport draws attention to the following considerations:

- Irish Coast Guard search and rescue helicopters are based in Waterford Airport. These helicopters undertake low-level flying in adverse weather conditions and so the proposal would create an additional hazard for them.
- The Irish Aer Corp and two other pilot training organisations use Waterford Airport. The proposal would create an additional hazard, especially during adverse weather.

7.12. The IAA states that it supports “the observations of Waterford Airport in relation to the positioning of the mast and that alternative locations should be considered.” It also provides advice on conditioning should the Board be minded to grant.

7.13. The applicant expresses concern that existing floodlight columns in the vicinity of the site are 21.34m high and, yet notwithstanding their inclusion in application reg. no. 21/109, Waterford Airport raised no objection. The Airport has responded by stating that it would object to these columns if they constitute obstacles and if the lighting results in glare that could affect pilots.

7.14. I note the findings of the revised expert’s report to the effect that the proposal would represent a negligible risk to air safety. I note, too, that this proposal would constitute

an obstacle that does not exist at present, albeit that the floodlight columns would be only 2.56m lower. The question posed by both the IAA and Waterford Airport is why use the existing site when alternative sites to the west and south-west would lie outside the Inner Horizontal Surface (1) and so they would inherently avoid the creation of an obstacle.

- 7.15. The applicant's letter of support for its original application indicates that Eir operates from the existing monopole mast on the site and that Three and Vodafone need to boost their 3G and 4G coverage in Ballygunner. This letter considers alternative existing sites with a view to the possibility of mast sharing. However, these sites are either too far away or they are not high enough to meet the sought-after coverage requirements. It also considers other sites as follows:

Due to the mature nature of the current Vodafone and Three Ireland networks, both in respect of coverage overlap and links for the line of sight, the area suitable for a new structure is very limited. Taking this and technical requirements into consideration to secure the necessary coverage and quality of coverage combined with planning considerations the site in question is the only realistic site available.

- 7.16. The above commentary on potential new sites does not indicate where they would be. Whether there are suitable sites from technical and planning perspectives outside Inner Horizontal Surface (1) has not therefore been established. Furthermore, the possibility of specifying a lower monopole structure(s) has not been explored in circumstances wherein the need to avoid the creation of an obstacle takes precedence over the normal objective of mast sharing.
- 7.17. I conclude that, in the light of the objection maintained by Waterford Airport and supported by the IAA to the proposal, it would be premature to permit the proposal in the absence of an exhaustive consideration of alternative sites/monopoles that would not result in the creation of an obstacle within the Inner Horizontal Surface (1).

(iii) Landscape and visual impacts

- 7.18. Under the Map A8.2 of the CDP, entitled "Landscape Character Units", the site appears to lie within Settlement Type 7A, Waterford City Environs, which is deemed to be least sensitive to new development.
- 7.19. The applicant draws attention to the site, which lies adjacent to a floodlit playing pitch to the west of the Gary Murphy Hurling Arena within the grounds of the Ballygunner

GAA Club. Under the proposal, an existing 15m high monopole telecommunications structure would be replaced with a 24m high one. The existing monopole is sited in the north-western corner of the grounds and the proposed one, too, would be sited in this corner. Also, within the immediate vicinity of the site is one of six 21.34m high floodlighting columns, which line the long sides of the playing pitch. Likewise, the western goalposts and accompanying netting are within the vicinity of the site, as are a line of timber poles and electricity wires, which pass to the north-west.

Embankments surround the northern and western sides of the playing pitch. The latter is accompanied by a hedgerow that includes mature trees and the southern side of the pitch, too, is accompanied by a row of mature trees. Thus, while the proposed monopole telecommunications structure would be the highest of these items, it would be seen within the context of other tall structures/features, and so it would be capable of being accommodated visually.

- 7.20. The nearest public road runs to the east. This road passes through mildly undulating countryside and it is enclosed by mature hedgerows. Views of the GAA grounds are intermittent and fleeting and so, by extension, would be views of the proposal. The nearest dwelling house lies to the west of the site. It is adjacent to a farmyard, and it is surrounded by trees and hedgerows that afford significant screening, including to the east and the GAA grounds.
- 7.21. I conclude that the landscape and visual impacts of the proposal would be capable of being variously absorbed and accommodated satisfactorily by the site within its immediate and wider contexts.

(iv) Access

- 7.22. The site is accessed via the existing on-site access arrangements that serve the GAA grounds. These arrangements may need to be adapted to accommodate the movement of traffic during any construction phase. If the Board is minded to grant, then details of such adaptation could be conditioned.
- 7.23. Overall access to the GAA grounds themselves is from the public road to the east.
- 7.24. The proposal would raise no insurmountable access issues.

(v) Appropriate Assessment

- 7.25. The site is not in or beside any European site. This site forms part of fully serviced GAA grounds and its development to provide a telecommunications mast would raise no Appropriate Assessment issues for any European site.
- 7.26. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

Having regard to Objectives ECON 10 and Trans 28 and Appendix 12 of the Waterford City and County Development Plan 2022 – 2028, it is considered that the proposal, which would entail the replacement of a lower monopole telecommunications support structure with a higher one, would create an obstacle within the Inner Horizontal Surface that accompanies Waterford Airport. The applicant has not demonstrated that its proposal would not be capable of being located on a site outside the area of this Inner Horizontal Surface or that it could not be reconfigured as a lower monopole(s), thereby avoiding the creation of an obstacle. In these circumstances, to permit the proposal would be premature and it would risk contravening the above cited Objectives and advice set out in the above cited Appendix. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

15th December 2023