



An
Bord
Pleanála

Inspector's Report ABP-312580-22

Development

Erection of a 42m high telecommunications lattice mast carrying antennas and dishes together with associated ground-based equipment all enclosed in security fencing together with an access track.

Location

Faha and Barranaleaha, Co. Waterford.

Planning Authority

Waterford City & County Council

Planning Authority Reg. Ref.

21/522

Applicant(s)

Hibernian Cellular Networks Ltd

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Hibernian Cellular Networks Ltd

Observer(s)

Siobhan McGrath

Richard Harty

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 5.15 km south of Dungarvan town centre and 1.55 km east of the N25. This site lies within the foothills of the Drum Hills, which extend eastwards to form part of The Ring that terminates in Helvick Head. The Ring encloses the sweep of Dungarvan Harbour to the south and the tapering headland that includes the site is visible from the seafront in Dungarvan.
- 1.2. The site lies within a landscape that is forested and farmed. It is accessed off a local road, the L-6112, which runs east/west on the southern side of the plateaued top to the foothills. In the vicinity of the site, this local road is punctuated by one-off dwelling houses along its northern side and a small farmstead on its southern side.
- 1.3. The main body of the site lies at a height of 220m AOD and it would be accompanied by an access road from the L-6112. The proposed access road would, initially, comprise a north/south stretch, which would coincide with an existing, abandoned, farm track. It would then turn through 90 degrees to comprise a new east/west stretch to the main body of the site. The overall area of the site would be 0.2322 hectares.

2.0 Proposed Development

- 2.1. The proposal would entail the erection of a 42m high lattice tower, which would support telecommunications equipment in the form of antennas and dishes. The submitted plans show indicatively antennas at heights of 25m, 31m, and 37m, and dishes at heights of 28m and 34m. This tower would be sited on a concrete plinth with dimensions 4.7m x 4.7m and it would be accompanied by associated ground-based equipment. The tower and ground-based equipment would be clustered within a compound with dimensions 16m x 16m, which would be enclosed by security fencing and accessed via gates in its south-western boundary.
- 2.2. The proposal would also entail the reinstatement/construction of an access road to the compound from the L-6112 as described under the first heading of my report.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused for the following reasons:

1. *Having regard to*

the location of the site within a designated visually vulnerable ridgeline,

the high visibility of the site from surrounding designated scenic routes, in particular along the N25 south of Dungarvan,

the overall positioning, height and massing of the structure,

the proximity of the site to a pre-existing telecommunications development, and

the lack of sufficient evidence to justify the need for the proposed development,

It is considered that the proposed development would be visually obtrusive at this elevated and exposed location, would result in an unnecessary serious deterioration of the landscape quality of the area, thus would seriously detract from and negatively impact on the visual amenities of the area and would set an undesirable precedent for similar type proposals in the area.

2. *The proposed development would be contrary to the policy provisions of the Waterford County Development Plan 2011 – 2017 (as varied and extended) as set out in*

Section 10.39 of the Waterford County Development Plan 2011 – 2017 (as varied and extended) which states that “Telecommunications infrastructure will not be favourably considered in areas designated as visually vulnerable or on a scenic route”

Section 7.21 of the Waterford County Development Plan 2011 – 2017 (as varied and extended), Objective INF 11 which states that it is an objective of the Council “to encourage the clustering and co-location of telecommunications masts”

and would be contrary to Ministerial Guidance in particular Section 4.5 of the Telecommunications Antenna and Support structure – Guidelines for Planning Authorities (1996) which states “the sharing of installations and clustering of antenna is encouraged as co-location will reduce the visual impact of the landscape.”

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- In the light of CDP requirements:
 - Depict where inadequate coverage is occurring and identify where improved coverage would arise,
 - Consideration of alternatives sites, including ones that would allow for co-location, and
 - Submission of a Visual Impact Assessment (VIA).
- Site to be extended to include access road to it.
- Sightlines at access point to be 2.4m x 55m.

3.2.2. Other Technical Reports

None

4.0 Planning History

Site adjoining access road to the site:

19/713: Bungalow, entrance, and WWTS, for Kevin O'Mahony, granted permission, which has been implemented: Applicant owns the current application site.

5.0 Policy and Context

5.1. National Planning Documents

- 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 Appendix 8 of the Waterford City & County Development Plan 2022 – 2028 (CDP), the site is shown as lying in a rural area, which straddles the following two Landscape Character Types:

- Coastal Landscapes (Landscape Character Unit: 1E Dungarvan Harbour) that is deemed to be “most sensitive”, i.e., “Very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area”, and
- Foothill Landscapes (Landscape Character Unit: 5E Drumhills) that is deemed to be of “high sensitivity”, i.e., “Distinctive character with some capacity to absorb a limited range of appropriate new developments while sustaining its existing character.”

Under Appendix 8, too, scenic routes are identified of which the following two are within the wider surrounding area of the site:

- *From Youghal Bridge east along the N25 to Dungarvan, and*
- *East from Gorteen along third class route via Monamraher to the R674. East to Helvick (Heilbhic) Head, west to N25.*

Likewise, protected views are identified of which the following two are within the wider surrounding area of the site:

- *Panoramic view over Dungarvan Harbour from N25 Lay-by at Barranalira, and*
- *Panoramic view over Dungarvan Harbour from Old Parish Road Lay-by on the L2026.*

The following landscape sensitivity guidelines are of relevance:

Landscape Character Areas and features designated as Most Sensitive, represent the principal features which create and sustain the character and distinctiveness of the surrounding landscape. To be considered for permission, development in, or in the environs of these areas, must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.

High sensitivity areas have a distinctive, homogenous character, dominated by natural processes. Development in these areas has the potential to create impacts on the appearance and character of an extensive part of the landscape. Applications for development in these areas must demonstrate an awareness of these inherent limitations by having a very high standard of site selection, siting layout, selection of materials and finishes.

Chapter 10 of the CDP addresses the County's landscapes and seascapes. It cites the following policy objectives, which are of relevance to the current proposal:

L02: We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units.

L03: We will assess all proposals for development outside of our settlements in terms of the 2020 Landscape and Seascape Character Assessment (Appendix 8) and the associated sensitivity of the particular location. We will require a Landscape and Visual Impact Assessment (LVIA) for proposed developments with the potential to impact on significant landscape features within the City and County. Proposals for significant development (e.g. renewable energy projects, telecommunications and other infrastructure and the extractive industry) shall be accompanied by a LVIA which includes Zones of Theoretical Visibility (ZTV) which indicate the landscape impact zone within which the proposed development may be seen. There will be a presumption against developments which are located on elevated and exposed sites and where the landscape cannot accommodate such development with reasonable and appropriate mitigation.

L04: We will protect the scenic routes and specified protected views identified in our Landscape Character Assessment (Appendix 8), including views to and from the sea, rivers, landscape features, mountains, landmark structures and urban settlements

from inappropriate development that by virtue of design, scale, character or cumulative impact would block or detract from such views.

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.

5.4. Natural Heritage Designations

- Dungarvan Harbour SPA (004032)**

- Blackwater River (Cork/Waterford) SAC (002170)
- Helvick Head to Ballyquin SPA (004192)
- Helvick Head SAC (000665)

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

In relation to the first reason for refusal, the following points are made:

- The need for the proposal was addressed under further information. At the appeal stage it is revisited by means of a more detailed technical report. Likewise, the potential visual impact of the proposal on the landscape is addressed by means of a Landscape and Visual Impact Assessment (LVIA).
- Prior to considering the findings of the above report and LVIA, the following points are made:
 - The nearest existing mast to the site is 30m high and over 30 years old. Its height limits its coverage and the amount of equipment that it can support.
 - The applicant surveyed existing masts in the area surrounding the site and it concluded that none of them could be upgraded to provide an alternative to the current proposal.
 - The alternative of several shorter masts to provide the needed coverage would not be technically viable.
 - The proposal would fulfil an integral role in providing fast and efficient broadband and the furtherance of the National Broadband Plan.

- Letters from Imagine and Viatel testify to the need for the proposal. The former operator has equipment on the 30m mast, but, as it explains, the height of this mast limits the coverage attainable.
- A letter from Broadcast Technical Services explains that its FM licence to improve Newstalk's reception hinges on the proposal being available.

The applicant's technical report makes the following points:

- The ComReg coverage maps show that all operators experience bad or dead coverage zones in the surrounding area across all networks.

The coverage afforded by the existing 30m high mast, particularly to 4G, is affected by the topography of the area. Upgrades to this mast would not overcome this impediment.

- Under the proposal, predicted coverage improvements would benefit 2G, 3G, 4G, and 5G reception.

The site represents a local high point at 214.5m OD. The proposed mast would be 42m high and, on this site, it would achieve optimum coverage within the surrounding area, which comprises settlements, tourism and business locations, and national and regional roads.

- The proposal would have the capacity to improve the coverage of all networks both now and into the future with its attendant predicted increases in usage.

The applicant's LVIA makes the following points:

- It was prepared in accordance with the landscape and scenic route designations in the CDPs for 2011 – 2017 and 2022 – 2028. The latter CDP, which is now the current one, omits the vulnerable ridgelines classification that featured in the former CDP.
- It concludes that "on balance" the sensitivity of the landscape is "medium", the change of character to the landscape resulting from the proposal would be low-negligible, and the ensuing landscape impact would be slight-imperceptible.
- It identifies 9 no. viewshed reference points that represent scenic routes and/or views in the CDP. The proposal would not give rise to any significant

landscape or visual impacts. The LVIA explains that this is not because this proposal would not be visible, but because it would not appear uncharacteristic in a working landscape that already comprises an existing 30m high mast and wind turbines.

In relation to the second reason for refusal, the following points are made:

- The applicant writing on 24th January 2022, questioned whether the Waterford County Development Plan 2011 – 2017 (as varied and extended) is still in force and hence the applicability of Section 10.39, which is cited in the second reason for refusal.

The applicant refers to policy objectives with respect to digital connectivity, infrastructure, and smart cities and regions in the Southern Regional Spatial and Economic Strategy. The proposal would further these policy objectives.

Section 10.39 is critiqued on the basis that it does not have regard to either the Telecommunications Antennae and Support Structures Guidelines or the Southern Regional Spatial and Economic Strategy, and it is insufficiently flexible to address situations wherein telecommunications infrastructure is needed in scenic locations. Nevertheless, the Planning Authority has been prepared to exercise flexibility, e.g., under 13/493, retention permission was granted for 3 no. 2.8m high aerials on the existing 30m high mast.

- With respect to sharing, the applicant is a provider of masts rather than an operator of telecommunications equipment, and the existing 30m-high mast in the same cell as the site is at capacity.
- With respect to clustering, if the proposal were to be sited on the lower ground of the existing 30m-high mast, then some of the increased coverage available at the current application site would not accrue. Furthermore, clustering can lead to technical interference between equipment on adjacent masts.

6.2. Planning Authority Response

None

6.3. Observations

(a) Siobhan McGrath of Faha, An Rinn, Dungarvan, Co, Waterford

- The proposal is viewed as being a short-term solution to the need for improved telecommunications in the area, but at the expense of a long-term impact on the local landscape and community. The Telecommunications Antennae and Support Structures Guidelines advise that “great care will have to be taken when dealing with (proposals for) fragile or sensitive landscapes.”
- The proposal would risk establishing a precedent for future masts in the area: what is its expected lifespan and what about de-commissioning?
- Writing on 3rd February 2022, the observer states that it’s too soon for the applicant to conclude that vulnerable ridgeline classification will be omitted from the new CDP.
- The conclusion of the applicant’s LVIA signals that there is proliferation of tall structures in the landscape and so, on that basis, it is in order to add-in another one.

(b) Richard Harty of Faha, An Rinn, Dungarvan, Co, Waterford

- A corrected version of the applicant’s map showing the siting of the existing 30m high mast is submitted.
- The existing mast is at the highest point in the area and, as landowner, the observer can confirm that it has substantial remaining capacity.

6.4. Further Responses

None

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),

relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminaries,
- (ii) Policy objectives and mast sharing,
- (iii) Landscape and visual impacts,
- (iv) Access and water, and
- (v) Appropriate Assessment.

(i) Preliminaries

- 7.2. Observer (b) draws attention to the applicant's depiction of the existing 30m high lattice tower telecommunications mast to the east of the site. He states that it is incorrectly shown on Figure 2.1 entitled "Proposed telecommunications providers location map" that accompanies the photomontages that were submitted under further information. He submits his own PDF map of the locality, which shows the existing tower at the 233m AOD trig-point, and as such appreciably nearer to the current application site.
- 7.3. During my site visit, I observed the existing tower and the track from the local road that provides access to it. I can confirm the accuracy of Observer (b)'s depiction, i.e., it is c. 580m to the east of the current application site rather than c. 980m to the east.

(ii) Policy objectives and mast sharing

- 7.4. 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 Policy 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..."
- 7.5. The applicant states that its proposal would further the above cited objectives. At the appeal stage, it has submitted a "Coverage Prediction Report" for the proposal,

which is denoted as MWD029. This Report also examines the coverage of the existing telecommunications tower, which is denoted as MWD015. However, its depiction of this existing tower reproduces the siting error identified by Observer (b), and so instead of showing it at the 233m AOD trig-point, the tower is shown downhill from this trig-point to the east between the 200m and 210m contour lines.

Accordingly, the assessment of this tower's coverage and how that is affected by the topography of the area cannot be relied upon.

- 7.6. I note that the application site is shown as being at 220m AOD on the submitted plans, whereas the existing site is at c. 233m AOD. I note, too that the proposed tower would be 42m high, whereas the existing one is 30m high. When the different site elevations are taken into account, they would be of similar overall height, and so the influence of the surrounding topography on coverage would, presumably, be comparable for both of them. Accordingly, the currently proposed tower would not afford greater reach than the existing one already does.
- 7.7. The applicant states that the existing tower is owned by the local radio station, WLR FM, and it is used by this station, and the following operators: Imagine Broadband, Eir, and Three. The landowner, Observer (b), states that there is room on this tower for further telecommunications equipment to be installed.
- 7.8. The application is accompanied by letters of support from Imagine Broadband, Viatel, and Broadcast Technical Services (BTS).
- The first of these letters states that Imagine Broadband has equipment on the existing tower, but this is installed at a height of 20m, as positions higher up the tower are neither available nor would the tower be capable of supporting them structurally. Consequently, coverage is limited.
 - The second of these letters states that Viatel is seeking to expand its customer base by providing Next Generation Access broadband speeds. It assessed the existing tower, amongst others, but found that they were either at capacity or did not provide an adequate line of sight.
 - The third of these letters states that BTS has issued it with an FM licence on behalf of NewsTalk to operate from the proposed tower. While it did investigate locating on the existing tower, technical concerns, e.g., over interference with other existing FM transmissions from it, would arise.

- 7.9. Advice in the Telecommunications Antennae and Support Structures Guidelines and Objective UTL 16 of the CDP encourage mast sharing. The Planning Authority's reasons for refusal draw attention to mast sharing and they cite the presence of the existing tower nearby and the lack of sufficient evidence of need as factors in this respect. The case planner's report refers to the absence of agreement between the applicant and the landowner of the site of the existing tower on the scope for masting sharing.
- 7.10. The above cited absence of agreement persists under the current appeal. During my site visit, I observed that the existing tower has telecommunications equipment mainly at higher points upon it. *Prima facie* there is scope for additional equipment mainly at lower points, but, as Imagine Broadband points out, these points afford more limited coverage. Thus, while there may be additional capacity on the existing tower, the technical objectives of prospective operators with respect to coverage and the avoidance of interference to transmissions may not be achievable. I, therefore, accept the applicant's case that mast sharing is not necessarily feasible and so the need for a further tower exists.
- 7.11. I conclude that, even though the existing and proposed towers would be comparable in the coverage that they would afford, due to the amount of equipment at higher points on the existing tower, mast sharing does not appear to be feasible and so the need for an additional tower exists.

(iii) Landscape and visual impacts

- 7.12. The site is located on the plateaued top of Slieve Grainh a foothill to Drum Hills that extend westwards beyond the N25. This foothill descends gradually to the east towards Helvick Head. Its northern slopes are steeper, and it forms part of the peninsula known as The Ring that encloses the southern side of Dungarvan Harbour. The peninsula is farmed and forested and it is lightly populated with a dispersed pattern of rural housing. This peninsula is accessed off the N25 via the R674 and an accompanying network of local roads, several of which encircle and ascend/descend Slieve Grainh. One of these local roads, the L-6112, forms an east/west route to the south of the site. The proposed means of access to the site would be off this road. The R674 and the L-6112 form part of a scenic route denoted as No. 7 in Appendix 8 of the CDP. Likewise, lay-bys on the N25 to the west of the

site and on the R674 to the north-east of the site have protected views denoted as Nos. 22 & 25 in this Appendix.

7.13. Under the CDP, the site is shown as straddling two landscape types, i.e., Landscape Character Unit: 1E Dungarvan Harbour, over the northernmost portion of this site where the proposed lattice tower would be sited, and Landscape Character Unit: 5E Drumhills, over the remainder of it where the site access road would run. The former LCU is deemed to be “most sensitive” to development and the latter LCU is deemed to be “highly sensitive”. Guidance on the implications of these categorisations is given to the effect that:

- *...development in or in the environs of the most sensitive areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes..., and*
- *Development in the highly sensitive areas has the potential to create impacts on the appearance and character of an extensive part of the landscape. Applications for development in these areas must demonstrate an awareness of these inherent limitations by having a very high standard of site selection, siting layout, selection of materials and finishes.*

7.14. The Planning Authority’s two reasons for refusal cite the previous Waterford County Development Plan 2011 – 2017 (as varied and extended). Specifically, they refer to portions of this Development Plan that have not been carried forward into the recently adopted replacement one. Thus, the reference in the first reason to “a designated visually vulnerable ridgeline” and the reference in the second reason to the statement in Section 10.39 to the effect that “Telecommunications infrastructure will not be favourably considered in areas designated as visually vulnerable or on a scenic route”, have been superseded. Instead, new policy objectives have been introduced that have a bearing on the current proposal. Relevant extracts from these are summarised below.

- L02 undertakes to protect the County’s landscape by ensuring that developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their areas and they are not unduly visually obtrusive.

- L03 refers to significant development, which includes telecommunications infrastructure, and it states that there will be a presumption against such development “on elevated and exposed sites”.
- L04 refers to scenic routes and protected views. It states that views from such routes and protected views should not be the subject of inappropriate development that by virtue of design, scale, character or cumulative impact would block or detract from them.

7.15. Additionally, UTL 16 states that telecommunications proposals will be assessed under the Telecommunications Antennae and Support Structures Guidelines as amended by Circular Letter PL07/12. These Guidelines address the visual impact of such proposals within rural areas, and they cite several factors that can have a bearing on whether telecommunications proposals would be acceptable:

- Would they provide a terminal point to views from tourist routes?
- Would their visibility be intermittent and incidental from tourist routes? and
- Would local factors allow their visual absorption, or would they be conspicuous?

7.16. The Guidelines also discuss hilltop locations. On the one hand, they recognise their efficacy from a technical perspective, while, on the other hand, they recognise their inevitable visibility. One way of resolving this tension is mast sharing. However, where this is not an option, clustering masts or having multiple shorter ones are recognised as not necessarily being good alternatives insofar as the former may result in transmission issues and the latter may increase visual intrusion.

7.17. At the appeal stage, the applicant has submitted a Landscape Visual Impact Assessment (LVIA) and accompanying photomontages of the proposal.

7.18. The LVIA considers the landscape value of the site. In doing so, it recognises that, at the macro level, it forms part of The Ring Peninsula that bounds Dungarvan Harbour to the south and, at the micro level, Slieve Grainh is a modest topographical feature that presents as a working landscape, which is farmed and forested and which already has an existing lattice tower telecommunications mast and two wind turbines in-situ. The applicant states that “on balance” this landscape has a medium sensitivity, i.e., it is an area “where the landscape character exhibits some capacity

and scope for development.” Within the typology thus referred to, landscapes of County, as distinct from regional or national importance, are deemed to be of medium sensitivity.

- 7.19. The LVIA considers the landscape effects that the proposal would have. Insofar as the means of access would utilise an existing, abandoned, farm track, landscape disturbance would be minimal. Insofar as this means of access would entail the extension of this farm track across open scrubby pasture, no hedgerow disturbance would ensue. The proposed lattice tower telecommunications mast would be typical of such structures that are sited elsewhere in the Irish countryside, often on higher ground. It would have a light-weight permeable structure and it would accompany a similar structure c. 600m to the east. Accordingly, the applicant considers that its magnitude of landscape impact would be low-negligible.
- 7.20. The LVIA presents a VIA that is informed by a 5 km-radius Zone of Theoretical Visibility (ZTV) of the proposal. This ZTV indicates that this proposal would be visible largely from the south-west through to the north and on to the east of the site. The VIA also identifies 9 no. Viewshed Reference Points (VRPs), which include public vantage points on the scenic route and at the protected views cited above in paragraph 7.12, as well as more distant public vantage points, including one on the seafront at Dungarvan. The convention is adopted that VRPs on scenic routes or at protected views have high-medium receptor sensitivity. VRPs 7 & 8 should be given this level of sensitivity, too, as they are on the L-6112, part of scenic route denoted as No. 7. The magnitude of visual impact for each VRP is recorded and, by means of a matrix, the significance of visual impact is determined. Slight or imperceptible findings ensue, although for VRPs 7 & 8 moderate-slight findings would be more accurate.
- 7.21. The VIA commentary explains that for the panoramic views from the N25 and R674 lay-bys the proposal would be either peripheral or in the opposite direction from the main view across Dungarvan Harbour. The panoramic view from Dungarvan seafront would feature the proposal on the distant skyline in conjunction with other items such as forestry, the existing lattice tower mast, and wind turbines. Other views from local roads to the north and south of the site would feature the proposal. From the north, it would be a prominent addition to the skyline, but it would not be at a terminal point.

From the south, the main views are east/west and so the proposal would be seen intermittently, although when seen it would be prominent.

- 7.22. Observer (a) expresses concern that the applicant gives weight to the existing lattice tower telecommunications mast and wind turbines and so contends that another tall structure can be accommodated within the landscape. She therefore expresses concern over precedent and the risk that tall structures would proliferate within what is recognised by all parties as being a sensitive landscape.
- 7.23. During my sit visit, I observed the open and expansive nature of the landscape that the site lies within. Both at a macro level from Dungarvan seafront and a micro level from the local roads within its vicinity, this nature is evident. Obviously from the former vantage point, the land form itself is most evident. The existing skyline would be affected by the proposal. However, given the existing array of items, it would be capable of being absorbed visually. From the latter vantage points, the working nature of the landscape, its existing tall structures and wirescape would all combine to ensure that the proposal would not be especially conspicuous.
- 7.24. I recognise the concern of Observer (a). However, the nature of the landscape means that it has an inherent capacity to absorb the proposal, and, given the relatively lightly populated character of Dungarvan and its environs, the likelihood of multiple further towers being needed in the future is remote.
- 7.25. I conclude that, in the light of the applicant's LVIA and my commentary upon it, the proposal would have a medium landscape impact and, at most, a moderate visual impact. In these circumstances, I conclude that it would be capable of being sufficiently absorbed by the landscape and it would be compatible with the visual amenities of the area.

(iv) Access and water

- 7.26. Under the proposal, the site would be accessed off the northern side of the L-6112. The access point would coincide with an historic access point, and the means of access would incorporate an existing abandoned farm track, which runs on a north/south axis, and a new track, which would run on an east/west axis.
- 7.27. Under further information, the applicant demonstrated that the requisite sightlines of 2.4m x 55m on either side of the access point would be achievable, albeit with the removal of 64m of hedgerow. This access point would be accompanied by a storm

culvert that would intercept surface water run-off from the means of access that would rise northwards at gentle gradients. This means of access would be 4m wide and it would be surfaced in crushed stone.

7.28. I conclude that, under the proposal, no access or water issues would arise.

(v) Appropriate Assessment

7.29. The hilltop site is neither in nor beside a European site. The project is for the erection of a lattice tower telecommunications mast and an accompanying access track. I am not aware of any source/pathway/receptor route between the site and any European site in the wider area, including the nearest such site, Dungarvan Harbour SPA, which is 1.6 km to the north. The qualifying interests of this SPA are all water or wetland bird species. Accordingly, no Appropriate Assessment issues would arise.

7.30. 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 granted.

9.0 Reasons and Considerations

Having regard to:

- The National Development Plan 2018 – 2027,
- Objective 48 of the National Planning Framework 2020 – 2040,
- Objective RPO 137 of the Regional Spatial & Economic Strategy for the Southern Region,
- The Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, and
- Policy 6-6 of the Tipperary County Development Plan 2022 – 2028,

it is considered that, subject to conditions, the proposal would contribute to the roll out of broadband services in accordance with national and local objectives. The landscape and visual impacts of the development of the site would be compatible with the amenities of the area. Proposed access arrangements would be satisfactory. No water or Appropriate Assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

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| 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 26th day of November 2021 and by the further plans and particulars received by An Bord Pleanala on the 24th day of January 2022, and the 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>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> |
| 3. | <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> |
| 4. | <p>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the telecommunications structure, subject to the provisions of Class 31 of Part</p> |

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| | <p>1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 (as amended).</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p> |
| 5. | <p>On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed, and the site reinstated within 3 months of decommissioning.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p> |

Hugh D. Morrison
Planning Inspector

28th November 2022