



An
Bord
Pleanála

Inspector's Report ABP312607-22

Development	Erect 27m high telecommunications mast.
Location	Kilmacanogue North, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	211338
Applicant(s)	Vantage Towers Limited
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Vantage Towers Limited
Observer(s)	<ol style="list-style-type: none">1. Fia O Caoimh/O Chaoimh Architects2. Bethan Stephens3. Mark and Pauline Crowley.
Date of Site Inspection	26 th March 2022.
Inspector	Hugh Mannion.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.043ha and is located to the rear of commercial buildings in Holfield Business Park on the eastern side of the N11 in Kilmacanogue, County Wicklow. The site is part of a pasture field and is approached between two commercial buildings that face to N11. There is an existing concert bridge over a stream before the field of which the application site forms part. There is housing within 150/160m of the application site and Kilmacanogue national school is about 440m to the southwest.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a 27m high telecommunications support structure together with antennae, dishes and associated telecommunications equipment, all enclosed with security fencing and an access track at Kilmacanogue North, Kilmacanogue, County Wicklow

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

1. Having regard to the design, scale and height in a rural area of outstanding natural beauty, the absence of a visual impact statement, the lack of justification for the structure the proposed development would contravene Development Plan objective T2 in relation to telecommunications structures, and to objective NH50 in relation to areas of outstanding natural beauty, would negatively impact on visual amenity and be contrary to the proper planning and sustainable development of the area.
2. The applicant has failed to submit a statement of compliance with the International Radiation Protection Association.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.3. The planner's report recommended refusal as set out in the manager's order.

3.3.1. Other Technical Reports

3.3.2. The **Bray Engineer** reported that there were three concurrent mast applications in the area and queried why there was not a proposed shared single facility. The proposed mast may impact on the proposed Kilmacanogue/Bray greenway. If permission is granted a condition should be attached ensuring that the mast and equipment be removed by the developer when obsolete.

3.3.3. **Transport Section** reported that the location/design of the access to the proposed Kilmacanogue/Bray greenway should be agreed with the planning authority.

3.3.4. **Transport Infrastructure Ireland** reported no objections.

4.0 **Planning History**

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**

5.6. **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.

5.7. **Landscape Impact Assessment**

NH50 Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled

thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.

NH52 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

5.8. Natural Heritage Designations

Not relevant.

5.9. EIA Screening

5.10. 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

- Most of the residential development in Kilmacanogue village is located to the west and southwest of the application site and on the opposite side of the N11. On the application site side of the N11 are commercial premises including warehouses and a service station. In the immediate area there are many streetlamps, powerlines, electricity poles, commercial signs, and a bridge over the N11.
- At present mobile telephone coverage is poor in Kilmacanogue and the height of the mast is dictated by the local topography which rises on both sides of the N11 in the area negatively affecting reception. The site was chosen for its proximity to existing commercial developments thereby limiting its visual impact.

- The applicant was unable to provide a visual impact assessment. Nonetheless the mast is about 65m from the rear of existing commercial buildings and will be screened by these and other existing elements (signs, lampposts, bridges) in the landscape.
- The applicant owns 1,300 telecoms masts in Ireland. Mobile phone coverage is only one element of modern telecommunications which includes wearable technology, artificial intelligence, business to business communications, and new uses for the internet. All these elements require updated, high speed and high-quality telecoms infrastructure.
- The proposed development will not impact on protected view 39 or prospect 12 listed in the County Development Plan.
- ComReg is the statutory agency responsible for issuing licences to telecommunications infrastructure operators. This is not a planning matter, and the applicant will operate under the appropriate licence.
- A separate application by Emerald Tower 21/1277 was refused permission and Cignal Infrastructure 21/1412 was due for decision in January 2022 are sufficiently distance from the village to draw into doubt their ability to improve telecoms service in the village.
- National and local policy supports the provision/improvement of the telecoms infrastructure.

6.2. Planning Authority Response

- No submission.

6.3. Observations

6.4. Observations were received from Mark & Pauline Crowley, Bethan Stephens and Fia O Caoimh/O Chaoimh Architects

- The proposed development is in an area of special amenity value where it will unacceptably impact on views of the surrounding landscape.

- The proposed development will negatively impact on human beings and the ecology of the area including bees, bats and birds.
- There have been several applications for telecoms masts in the area related to the commercial interest of rival companies.
- The proposed development will negatively impact on walking trails in the area.
- The mast is unnecessary.

6.5. Further Responses

- None

7.0 Assessment

7.1. First Refusal Reason.

7.2. The site is just outside the eastern settlement boundary for Kilmacanogue village which is illustrated on the Kilmacanogue Settlement Plan attached to the current Wicklow County Development Plan. The site is within an area of outstanding natural beauty - Northern Hills illustrated on figure 4.11 of Volume 3 Appendix 5 of the County Development Plan. Objective NH50 of the County Development Plan requires that any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment. This assessment should include photos or photomontages of the site and an evaluation of impacts on any listed views/prospects and demonstrate that the landscape impacts have been anticipated and avoided consistent with the sensitivity of the landscape. The planning authority refused, in part, for the absence of such an assessment from the application. The applicant states in the grounds of appeal that it was not possible to provide such an assessment.

7.3. The application site is located to the rear of a group of commercial buildings including two long two storey buildings related to the motor trade. These buildings are relatively open to views from the N11. Before (north) of these buildings are residential uses and good screening from roadside hedges/trees. Further on but still within the village core is a 'Circle K' filling station with a large roadside price list sign.

Just beyond the filling station is a pedestrian bridge allowing access to the largely residential uses on the west side of the N11 and further south again is a vehicular bridge over the N11 allowing access to the west of the county off the N11. This area, from before the commercial units to after the vehicular bridge, has public lighting stands, a bus stops, road signage and a raised concrete central median. On the western/northbound side of the N11 there is a further filling station, a health care clinic and offices/commercial uses and several housing developments visible from the N11.

- 7.4. Notwithstanding the absence of a landscape/visual impact assessment from the applicant I conclude that a mast located close to the rear of an existing two storey commercial building and in the midst of a significant amount of visual clutter associated with the residential, commercial uses, public infrastructure in Kilmacanogue village will not noticeably further detract from the visual amenity of the N11 corridor as it passes through the village in a manner as to materially contravene an objective of the County Development Plan.
- 7.5. It is a further objective of the County Development Plan (objective NH52) to protect listed views and prospects from development that would either obstruct the view/prospect from the identified vantage point or form an obtrusive or incongruous feature in that view/prospect. Map 2 Heritage Objectives included in Kilmacanogue Settlement Plan attached to the County Development Plan includes prospect 12 which is a prospect of the Little Sugarloaf Mountain to the east of Kilmacanogue village and the coast and view 39 is from south of the Kilmacanogue Village towards the Little Sugarloaf Mountain. Since the Little Sugarloaf is to the east/right of the N11 as it approaches Kilmacanogue and the route runs along a valley between the Great Sugarloaf Mountain to the west and the Little Sugarloaf Mountain I conclude that the proposed mast will not interfere with either view or prospect in a manner as to materially contravene an objective set out in the County Development Plan.
- 7.6. The planning authority's reason for refusal references objective T2 in relation to the location of masts. The Development Plan states that where proposed masts are located in the open countryside they should avoid hilltops, direct sightlines of listed views or prospects, or major tourist routes, archaeological sites and sites designated

for nature conservation reasons. I consider that the application has met these criteria.

7.7. Having regard to these considerations I conclude that the proposed development accords generally with the provisions of the County Development Plan.

7.8. **Second Refusal Reason.**

7.9. The planning authority also refused permission because the applicant failed to submit a statement of compliance with the International Radiation Protection Association. The applicant makes the point in the appeal that the appropriate regulator for the emissions from telecommunications infrastructure is ComReg and that Circular Letter 07/12 makes the point 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.

7.10. I agree with the applicant on this point and the Development Management Guidelines for Planning Authorities (paragraph 7.8) also makes the point that it is inappropriate in carrying out their development management functions for planning authorities to deal with matters which are the subject of other codes. I conclude that this is not an appropriate reason for refusal.

7.11. **Human Health and Ecology.**

7.12. The observations made to the Board make the point that the proposed development will negatively impact on human health and ecology and specifically will interfere with birds, bees and bats navigation abilities.

7.13. 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.

7.14. 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. Having regard to the foregoing I conclude the the proposed development should not be refused for reason related to human or animal health.

7.16. Walking Trails.

7.17. The observations make the point that the proposed development will interfere with local walking trains and the planning authority's reports reference a proposed Kilmacanogue/Bray greenway. There were no obvious paths/walkways through the application site at the time of my site visit. The current County Development Plan's Green Infrastructure Strategy set out in Volume 3 Appendix 8 does not include a reference to a proposed Kilmacanogue/Bray greenway nor does the draft County Development Plan 2022-2028 although there is an indicative route for a Blessington Lakes greenway included on Map 18.11 in that draft plan. The planning authority has initiated a consultation process in relation to the Kilmacanogue to Southern Cross walking route (brochure/possible route map attached in pouch) and the site is within the Green Route Corridors, one of three potential corridors sketched in the published consultation document. Having regard to the foregoing and in the absence of a defined walking route specified in an objective in a development plan policy I conclude that it would not be reasonable to refuse permission for the proposed development for interference with walking/green ways.

7.18. Need for the Mast

7.19. The observations made to the Board in relation to this application make the point that there is no requirement for this mast. The applicant makes the contrary point that mobile coverage is already poor in the area and that the topography of the area creates challenges when providing good mobile coverage. Furthermore, the applicant makes the point that the level of demand for mobile phone coverage is only one element of modern telecommunications which includes wearable technology,

artificial intelligence, business to business communications, and new uses for the internet. All these elements require updated, high speed and high-quality telecoms infrastructure. I consider that to be a reasonable point and in conjunction with national policy to provide telephone/broadband internet coverage in the Country I conclude the application has established an adequate case for the proposed development.

7.20. Appropriate Assessment

7.21. 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 permission be refused.

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 of the proposed mast within a cluster of commercial/retail and public infrastructure features 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.

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>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>A landscaping scheme for the proposed development submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: 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>Reason: 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>Reason: In the interest of the visual amenities of the area.</p>

Hugh Mannion
Senior Planning Inspector

26th March 2022