



An
Bord
Pleanála

Inspector's Report ABP312846-22

Development	Erect 21m high telecommunications mast.
Location	Kilmacanogue North, Barchcuilla Commons, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	211412
Applicant(s)	Signal Infrastructure
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Signal Infrastructure Limited.
Observer(s)	<ol style="list-style-type: none">1. Keith Robinson,2. Etain E Murphy3. David and Siobhan Donnelly4. Mark & Pauline Crowley.
Date of Site Inspection	17 th April 2022.
Inspector	Hugh Mannion.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.0144ha at Barchcuilla Commons, Kilmacanogue, County Wicklow. The site is part of an agricultural field on the western side of a narrow, poorly surfaced public road on the western slopes of the Little Sugarloaf Mountain east of Kilmacanogue village. West of the site the landform slopes steeply down to the N11 and from the public road in the vicinity of the site there are extensive views over Kilmacaogue village/N11 towards the Dublin/Wicklow mountains.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a 21m high monopole telecommunications support structure, carrying antenna and dishes enclosed within a 2.4m high palisade fence compound with associated ground equipment and associated site works, new entrance and access track at Kilmacanogue North, Barchcuilla Commons, Kilmacanogue, County Wicklow

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

Having regard to the location of the site in rural area of outstanding natural beauty (AONB), the height of the mast on the slopes of the little Sugarloaf Mountain and the visual impact of the proposed development on Prospect 11 and view 39 listed in the County Development Plan it is considered that the proposed development would have significant adverse impact on an AONB, would be contrary to objective 50 of the County Development Plan and the proper planning and sustainable development of the area.

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 permission should be granted subject to conditions relating to the improvement of the access road, , that the mast should be multiuser and that when obsolete it should be removed from the site.

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**

5.8. 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.

5.9. **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.

5.10. Natural Heritage Designations

Not relevant.

5.11. EIA Screening

5.12. 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

- Objective NH50 of the plan requires that an application in an AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment. This application was accompanied by such an assessment.
- The submitted assessment had regard to the local landscape including topography, built forms, settlements, land use, scenic views, local streetscape. Additionally views from the public realm and from houses in the area were considered. Following the refusal reason an amended assessment is submitted addressing the impacts on Prospect 11 and view 39 listed in the County Development Plan.
- Masts have been permitted in areas of outstanding natural beauty previously where necessary to improve telecoms coverage.

6.2. Planning Authority Response

- No submission.

6.3. Observations

6.4. Observations were received from Keith Robinson, Etain E Murphy, David and Siobhan Donnelly, Mark & Pauline Crowley. The points raised may be summarised as follows.

- There are multiple applications for masts in the Kilmacanogue area - ABP312563-22, ABP312607-22, ABP312846-22. There are no compelling reasons for all these masts in the same area. There is no necessity for this mast as confirmed by contacts with Vodafone a telecoms provider in Kilmacanogue.
- The visual impact assessment is deficient in that it does not consider views from the summits of the Little Sugarloaf Mountain or the Great Sugarloaf Mountain. The mast will interfere with view from the public road in Barchcuilla Commons towards the Great Sugarloaf at 12m from the walking trail.
- The site is elevated in an area is an AONB and the proposed development would be contrary to Development Plan policy to protect such areas.
- The dimensions of the mast are unknown. The design is faulty. The mast is excessively high.
- The applicant does not have adequate title to the site to carry out the proposed development.
- The proposed development will negatively impact on human and wildlife health.

6.5. Further Responses

- None

7.0 Assessment

7.1. Refusal Reason.

7.2. The site is located off a very poorly maintained, narrow country lane which it is not clear has been taken in charge by the roads authority. The lane serves 6 to 10 houses and in places has significant hedges of native trees, bracken, furze, and post

and wire fences. In the vicinity of the site the western road boundary is about 2m/3m high. The landform in the area rises sharply up-hill towards the Little Sugarloaf Mountain and there are significant views from the area west across Kilmacanogue village towards the Dublin/Wicklow mountains. The site and surrounding areas are prominent in views from Kilmacanogue village, from the N11 and from the public road network to the west of the N11.

- 7.3. 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. 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. The planning authority refused, in part, because the submitted assessment did not address the impact on Prospect 11 and view 39 listed for protection in the County Development Plan.
- 7.4. Map 2 Heritage Objectives included in Kilmacanogue Settlement Plan attached to the County Development Plan includes prospect 11 which is a prospect to west of Great Sugarloaf, across Kilmacanogue Marsh and Quill Road, and view 39 is from south of the Kilmacanogue Village towards the Little Sugarloaf Mountain.
- 7.5. The montage for Viewpoint 18 in the amended assessment approximates to the position of view 39 in the County Development Plan. Although the photomontage illustrates a low level of visual impact, I consider that the slopes of the Little Sugarloaf would be substantially more prominent in views from the area of designated view 39. Prospect 11 is described in the Table 10.15 in Chapter 10 of the County Development Plan which is a prospect west of Great Sugarloaf, across Kilmacanogue Marsh and Quill Road and prospect 12 is along Bohilla Lane of the Little Sugarloaf and the Coast.

7.6. Notwithstanding the amended visual impact assessment submitted with the appeal I am satisfied that the proposed mast positioned on elevated ground in an area of outstanding natural beauty overlooking Kilmacanogue village, the N11 and the road network west of the N11 (including the R755, Quill Road and other roads) would constitute an obtrusive feature in the landscape to a degree that would seriously injure the visual amenity of an area of outstanding natural beauty sufficient to materially contravene an objective of the planning authority.

7.7. Multiplicity of Applications in the Area.

7.8. The observers make the point that there has been a multiplicity of planning applications in the area. It may be noted that there is no bar on making multiple applications and the onus is on the planning authority and the Board on appeal to properly consider each application on its merits *de novo*.

7.9. Human Health and Ecology

7.10. The observations received by the Board make the point that the proposed development can impact on human health and ecology. It may be noted that the regulator for the emissions from telecommunications infrastructure is ComReg and 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. Additionally, the Development Management Guidelines for Planning Authorities (paragraph 7.8) make 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.

7.11. Having regard to the separation distance between the application site and concentrations of houses or schools (about 500m on the western side of the N11 in Kilmananogue village) I conclude that this matter should not give rise to refusal of permission.

7.12. Title to Land.

7.13. The observations made to the Board make the point that the applicant has insufficient legal interest to carry out the proposed development. The application was

accompanied by letter from two people which describe themselves as the landowner giving consent to the applicant to make the application. The Development Management Guidelines for Planning Authorities make the point that it is not within the scope of the development management system to determine matters of title to land and that a grant of planning permission alone does not confer a right to carry out development if another impediment applies. In the present case, and having regard to the material on file, I am satisfied that the applicant has sufficient legal interest to make a valid application.

7.14. Appropriate Assessment

7.15. 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. The application site is located in an area of outstanding natural beauty and in an area where there are views and prospects designated for protection in the Wicklow County Development Plan 2016 – 2022. Having regard to the nature of the proposed development, including its height, and its location on the slopes of the Little Sugarloaf Mountain it is considered that the proposed development would comprise a prominent and obtrusive feature in the landscape and in designated views and prospects in the area and would, therefore, materially contravene the County Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector
18th April 2022