



An
Bord
Pleanála

Inspector's Report ABP-315015-22

Development	Erection of a 30m high telecommunications lattice structure.
Location	Stradbally More, Stradbally, Co. Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	22305
Applicant(s)	Vantage Towers Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Vantage Towers Ltd
Observer(s)	1) Yvette & Stephen Lawlor 2) Paul Leacy
Date of Site Inspection	11 th June 2023
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.02ha is located north of Stradbally Village which is approx. 11km northeast of Dungarvan and 27km southwest of Waterford City. This site is located in a greenfield, agricultural land, set back approx. 305m from the nearest public road. The predominant land use in the immediate vicinity of the site is agricultural, educational, community and residential. Our Lady's National School is approx. 140m to the northwest of the site. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.
- 1.2. The application was accompanied by the following:
- Cover Letter where it states inter alia:
 - Letter from Vodafone stating that they will commit to installing equipment on the tower subject to obtaining planning permission.
 - Letter of consent from the landowner to make planning application.

2.0 Proposed Development

- 2.1. Planning permission was sought on the 13th April 2022 for the erection of a 30m high telecommunications lattice structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing and extend existing access track.
- 2.2. **Further information** was submitted on 12th September 2022 and may be summarised as follows:
- The nearest existing site is highlighted in the first map. It is an Eir exchange located in Stradbally village centre. Vodafone is already present and further equipment at this site would not improve coverage levels in the target area. While an application was made to upgrade this site from the existing timber pole to an 18m monopole, this was refused by Waterford City & County Council on the 17th June 2021 (planning reference number 21347). As a result of this refusal, the site cannot be upgraded and coverage in the area cannot be improved. In order to provide reliable high-speed coverage, the application structure is required.

- To address the concerns the Planning Authority has regarding height, the applicant is satisfied to reduce the height to 24m. Verified Views Montages attached. It will be seen that from this selection of photographs, that the structure is visible from some locations, partially visible from other locations and not at all visible from other locations. The effect of the reduction in height from 30m to 24m will further reduce the visibility of the structure. The lattice structure is better suited to site sharing and it is anticipated that this will avoid the need for further telecommunications infrastructure in the area.
- Conclusion – The structure will significantly improve Vodafone's coverage, it shall help eliminate coverage blackspots and shall make a significant positive contribution to the benefit of residents, businesses, and social enterprises in Stradbally, as well as to the local road network, which includes busy tourist routes.

2.3. Revised public notices were submitted on 19th September 2022.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford County Council issued a notification of decision to refuse permission for the following single reason:

Having regard to the "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities", Department of the Environment and Local Government 1996, and the locally elevated location, design, scale and height of the structure within the immediate surrounds of Stradbally village, it is considered that a 24m high lattice mast would represent a significant and visually discordant feature in the landscape, and constitute an inappropriate and undesirable form of development in the immediate environs of Stradbally village. The proposed development would therefore contravene National guidelines and the Waterford City and County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner in their first report requested further information relation to justification as to why alternative site locations or co-location has been discounted, revised proposal for a monopole structure, revised proposal providing for a structure of reduced height, Visual Impact Assessment and revised site layout indicating spot levels on the public road.
- The Case Planner in their second report and having considered the further information recommended that permission be refused. The notification of decision to refuse permission issued by Waterford City and County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

Planning Application

- 3.4.1. There are 8 no observations recorded on the planning file from (1) Delia Smith, (2) Christine King, (3) Anthony King, (4) Alan Darcy, (5) Stephen & Yvette Darcy, (6) Ken Bennett, (7) Helen Carey and (8) Patrick Joseph & Peggy Carey.
- 3.4.2. The issues raised relate to health implications, proximity to schools and childrens playground, visual impact, misleading and incorrect statements in the application, negative impact on the value of property and negative impact on the heritage of the village.

Further Information

- 3.4.3. There are 5 no observations recorded on the planning file from (1) Christine King, (2) Tony King, (3) Stephen & Yvette Darcy, (4) D Smith and (5) Paul & Emer Leacy.

- 3.4.4. The issues raised relate to visual impact, close proximity to three schools and community areas, health and wellbeing, environmental impact, site location, negative impact on the value of property and negative impact on the heritage of the village

4.0 Planning History

- 4.1. There is no evidence of any previous planning appeal at this location. No planning history has been made available with the appeal file.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Waterford City and County Development Plan 2022 – 2028. Objective TL 16 - ICT/ Communications** sets out 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.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by Charter House Infrastructure Consultants and may be summarised as follows:
- Vodafone's coverage in Stradbally is substandard and in need of significant improvement. It has been highlighted why the proposed structure is required and must be emphasised there is no alternative structure or location that will achieve the coverage objectives for the target area of Stradbally.
 - A comprehensive photomontage series was submitted with the planning process which demonstrates the visual impact of the structure at 30m and at the alternative 24m is acceptable.

- The application structure shall integrate into its surroundings and into the skyline and any visual impacts arising it both within the immediate environs and when considered from the context of Stradbally village are negligible and would not have a meaningful negative effect on nearby residences or streetscape or amenities.
- A grant of permission will allow the much-needed technological advancements to be completed in Stradbally. The structure will significantly improve Vodafone's coverage, it shall help eliminate coverage blackspots and shall make a significant positive contribution to the benefit of residents, businesses, and social enterprises in Stradbally, as well as to the local road network.
- Vodafone Ireland in their site selection and infrastructure development aim to provide their customers with a high-quality, high-speed network that can meet both current and future demand. When selecting a site, balance is sought between achieving technical objectives while also ensuring impact on local community is minimised. It is respectfully submitted that the subject application site achieves this.
- Government policy and strategy from the top down promotes improved access to digital and broadband communications in a bid to revitalise rural Ireland, promote competitiveness, facilitate ICT structures, such as the application structure, are multi-decade essential infrastructure and must cater for existing customer needs but also future needs.
- Although the preferred design is for a 30 metre high lattice structure, as submitted within the application, a 24 metre high lattice design was offered during the application process. Bearing in mind the importance of this site to Vodafone, the applicant vantage Towers request An Bord Pleanála to also consider a 24 metre high structure as part of the assessment process.

6.1.2. For the above reasons it is requested that An Bord Pleanála overturns the local authority decision to refuse permission and to grant permission for the application structure.

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

- 6.3.1. There are 2 no observations recorded on the appeal file from (1) Yvette & Stephen Lawlor and (2) Paul Leacy.
- 6.3.2. The issues raised relate to impact on visual amenity of residents of and visitors to Stradbally, proximity to residential locations and schools, need, impact to property value, visual impact, site location, environmental impact, health and well being and negative impact on the value of property.

6.4. Further Responses

- 6.4.1. None

7.0 Assessment

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Impact
- Other Issues
- Appropriate Assessment

8.0 Principle

- 8.1.1. Permission is sought for the erection of a 24-meter-high telecommunications lattice structure (as amended down from 32 metres by way of further information) together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing and extend existing access track. Under the Waterford City & County Development Plan 2022 - 2028 the proposed site is outside the settlement boundary of Stradbally. Under Zoning Matrix, telecommunications is not specifically listed however the matrix states;

'Uses not covered in the Land Use Matrix may be allowed in accordance with the written provisions of the Development Plan'.

- 8.1.2. The application was accompanied by a Planning Report that set out inter alia the technical justification for the proposal. The installation will improve the existing telecommunications in the area and provide a facility for other network operators to use this structure. Existing and predicted coverage maps have also been included with the report (appeal refers).
- 8.1.3. Overall, having examined the location of existing telecommunications structures and the coverage maps submitted with the appeal file, it is considered that there is sufficient technical justification for the provision of a telecommunications structure at this location. Accordingly, I would consider that the principle of the proposed development is acceptable.

9.0 Visual Impact

- 9.1.1. Waterford City and County Council issued a notification of decision to refuse permission as the 24m high lattice mast would represent a significant and visually discordant feature in the landscape and constitute an inappropriate and undesirable form of development in the immediate environs of Stradbally village.
- 9.1.2. I refer to the photomontages submitted with the scheme and in particular the amended photomontages (further information) where a 24-meter-high lattice mast was considered. I agree with the Planning Authority that a 30-metre-high mast is inappropriate at this location given the locally elevated location of the site. However, I disagree with the applicant that this is a “comprehensive” series of photomontages. While they provide some analysis of impact it is noted that no photomontages have been prepared or analysed from the Viewmont Drive Estate, the Comeragh Estate or further east along the High Street road, all of which are located to the south of the appeal site. Site inspection photos from the Viewmont Drive Estate refers where the appeal site can be clearly seen.
- 9.1.3. Having regard to the information submitted together with my site inspection it is evident that there would be a visual impact from the proposed structure within the immediate surrounding area. However, given the reduction in height to 24m views of the structure is likely to be intermittent due to its location. Accordingly, I am satisfied that the

proposal would not have a significant, prominent or negative visual impact and that the height and slender nature of the proposed structure as amended ensure that there would be limited visual impact on the wider area.

- 9.1.4. It is recommended that permission be granted subject to condition including a requirement that the details, plans and particulars of the 24m lattice mast (as amended by further information) together with details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing be submitted and agreed in writing prior to commencement of work on site.

10.0 Other Issues

- 10.1.1. **Health & Safety** - Circular Letter PI07/12 (Telecommunications Antenna & Support Structures Guidelines) sets out 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 infrastructures. These are regulated by other codes and such matters should not be additionally regulated by the planning process. Accordingly, health issues are not a planning consideration in relation to telecommunications structures with such structures required to meet standards in regard to non-ionising radiation as noted previously.
- 10.1.2. **Property Values** - I note the concerns raised in the observations in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 10.1.3. **Development Contribution** – I refer to the Waterford City and County Council Development Contribution Scheme 2023-2029 (adopted 9th February 2023). Section 8 Exemptions of the scheme states that *non-Residential Exemptions 9) TV, Radio, Mobile and Broadband infrastructure (i.e. masts, dishes and antennae)*, shall be exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is **not attached**.

11.0 Appropriate Assessment

- 11.1.1. Having regard to the nature and scale of the proposed development and its distance to the nearest 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.

12.0 Recommendation

- 12.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

13.0 Reasons and Considerations

- 13.1. Having regard to:

- a) the national strategy regarding the provision of mobile communications services,
- b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,
- c) the policy of the planning authority, as set out in the Waterford City and County Development Plan 2022 – 2028, to support the provision of telecommunications infrastructure, and
- d) the nature and scale of the proposed telecommunications support structure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or landscape character of the area, or the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th day of April 2022 as amended by the further plans and particulars submitted on the 12th day of September 2022 19th day of September 2022, 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>Prior to commencement of development the developer shall submit the following for the written agreement of the Planning Authority</p> <p>Details, plans and particulars of the 24m lattice mast together with details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing.</p> <p>Reason: In the interest of clarity, visual amenity and orderly development</p>
3.	<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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

11th June 2023