



An
Bord
Pleanála

Inspector's Report ABP 315658-23

Development

To erect a 35m replica pine tree multi-user telecommunications support structure carrying antenna and dishes enclosed within a 2.4 m high palisade fence with associated ground equipment cabinets and associated site works

Location

Lands associated with Holy Faith Convent (Protected Structure), Kilcoole. Co Wicklow.

Planning Authority

Wicklow Co. Council.

Planning Authority Reg. Ref.

22/855

Applicant(s)

Signal Infrastructure Ltd.

Type of Application

Permission.

Planning Authority Decision

To Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Joanne Mc Donagh (Kilcoole Primary School).

David & Emer O' Driscoll.

	Sarah Hansvall & Andrew King
	Darragh Flynn (The Happy Pear)
Observer	Padhraig Ryan
Date of Site Inspection	July13th, 2023.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located c 500 meters northwest of Main Street, Kilcoole. Co Wicklow. It is located within agricultural lands on the outskirts of the village and on lands associated with the former Holy Faith Convent, a Protected Structure which is now used as a residence. The site is located c 370 to the northwest of the Protected Structure on gently undulating ground. It is part of a larger agricultural field and with the exception of the northern boundary, which is formed by a hedgerow, the remaining boundaries are undefined.
- 1.2. The site is accessed via an existing entrance off the R-761 serving the former Holy Faith Convent and adjoining lands and then north by an existing farm access over a distance of c 600m. The site is surrounded by agricultural land and The Happy Pear farm lies immediately to the north.

2.0 Proposed Development

- 2.1. The proposal is to erect a 35m replica pine tree multi-user telecommunications support structure carrying antenna and dishes. It would include ground equipment cabinets within a compound which would be enclosed by a 2.4m high palisade fence and associated site works including an extension to the existing access track.
- 2.2. The application is supported by a number of documents including an Architectural Heritage Impact Assessment Report and Visual Impact Assessment Report.

3.0 Further Information

- 3.1. Further Information was sought on the application on 26/9/22 on the following matters:
 1. Potential conflict with indicative road line of Objective RO8 as shown in the Greystones-Delgany and Kilcoole LAP 2013-2019.
 2. Visual appearance of the proposed cabinets and fencing in the rural area and in proximity to the Holy Faith Convent, a Protected Structure.
- 3.2. The response of 6/12/22 was to the satisfaction of the planning authority. It included revised drawings showing the development site relative to the indicate road line and

revised boundary treatment for the compound replacing the proposed palisade fence with a rendered block wall with access gates.

4.0 **Observers**

4.1. Observations were received by the planning authority from a number of parties and the main issues raised relate to the following:

- Inadequate justification/ need for development
- Contravention of development plan
- Visual impacts
- Proximity to recently granted developments.

5.0 **Planning Authority Decision**

5.1. **Decision**

The planning authority decided to grant permission for the development subject to 3 no. standard type conditions.

5.2. **Planning Authority Reports**

5.2.1. Planning Reports

The **Planning Officer's** report notes the location of the site in open countryside in a rural area. The proposal is considered acceptable in principle in this location subject to compliance with the criteria of the development plan.

Having regard to the height of the structure it will be visible from the surrounding area. Having regard to the replica pine tree design, it is not considered that the proposed development would result in significant negative visual impact. A Visual Impact Appraisal and photomontages have been submitted and it is considered that the proposed development can be assimilated into the landscape. The proposed design is considered acceptable.

The proposed compound will not be visible from public areas or surrounding residential area. Existing hedgerows and trees will screen the compound from the surrounding landscape.

Having regard to the location of the structure c 100m from the nearest potential development to the east and c 150m from the nearest existing dwelling to the north, it is not considered that the proposed development would result in negative impacts on adjacent properties.

Having regard to the design, height and scale of the proposed structure and its distance from the Protected Structure, it is not considered that the proposed development would result in negative impacts on the protected structure.

The submitted justification for the proposal is considered acceptable.

There will be impacts associated with construction, but it is not considered that this will give rise to any long-lasting adverse impacts.

5.2.2. Other Technical Reports

The **Road's Section** stated that the response to further information was adequate, noting that there is no current route identified for the road but there should be sufficient space to meet the RO8 Objective.

Senior Executive Chemist report notes that the facility will be regulated by ComReg and will adhere to ICNIRP guidelines. A Construction and Environmental plan shall be implemented to ensure that best practices are followed to mitigate impact of dust, noise and emissions to water.

6.0 Planning History

There is no relevant planning history relating to the site.

Adjoining sites:

22/921 – The planning authority's decision to grant permission for a three-storey nursing home and associated development including amendments to the existing access on lands to the southeast of the proposed development is the subject of a current appeal (ABP 316137-23). The site is located on lands associated with the former Holy Faith Convent.

21/469 (ABP 311747-21): Permission granted for a two-storey Administration Centre, single storey Adult Day Centre, Gym, Respite Centre incorporating 4 no. accommodation units and a wastewater pumping station on land associated with the Holy Faith Convent. Kilcoole. The application includes for a new access road from the R761, main Kilcoole road, opposite the intersection with Lott Lane, car park and associated works. The site is located on lands to the east of the appeal site.

20/537(ABP 308754-20): Permission granted for three years for temporary single storey modular structures comprising 600 square meters approximately, to provide temporary Adult Day Care facilities on lands attached to the old Holy Faith Convent, Kilcoole. The application includes for a new access road from the R761, main Kilcoole Road, opposite the interception with Lott Lane, a temporary wastewater plant, car park and associated works. The site is located on land to the east of the appeal site.

Wider area:

21/1220: Permission refused for the erection of a 21.05m telecommunications structure to the northeast of the site on the opposite side of the regional road (R761) in the area of St. Anthony's FC on the grounds that it would be visually obtrusive which would negatively impact on the character and amenities of the area.

7.0 Policy and Context

7.1. Development Plan

The **Wicklow County Development Plan 2022-2028** came into effect on 23 October 2022. Under the Core Strategy Kilcoole is designated as a Level 4 Self-Sustaining Town. These are defined as *towns 'with high levels of population growth and a weak employment and/or services and which require targeted 'catch up' investment to become self-sustaining.*

Chapter 17 of the Plan (Natural Heritage and Biodiversity) states that the landscape assessment undertaken for the previous plan remains robust and was not updated for the purposes of the new plan. The site is located within the Corridor Area (Eastern Corridor).

The following key development considerations for Corridor Area (Eastern Corridor) are identified:

1. To protect views and prospects from the corridor area towards the surrounding landscape areas from development that would either obstruct the views/prospect from the identified vantage point or form an obtrusive or incongruous feature in the 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.
2. Development proposals within this area should aim to locate within existing clusters of structures/tree stands and avoid locating development in open fields.

Chapter 16 of the Plan is dedicated to Energy Infrastructure & Communications. The following objectives are relevant.

COP 16.35: To facilitate and support the rollout 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.

CPO 16.37: The development of new masts and antennae shall be in accordance with Appendix 1 of this plan.

Appendix 1 of the Plan (Development and Design Standards) sets out the standards in relation to telecommunications infrastructure (Section 2.4). It sets out a sequential approach to site location as follows

1. Clustering with existing support structures.
 2. In industrial estates or on industrial zoned lands.
 3. Rooftop locations in commercial/retail zones.
 4. In parks/open space areas (disguised mast may be requested in such area).
- 7.2. New support structures shall not be permitted within or in the immediate surrounds of a residential area or beside school.

The site is located outside the development boundary of the **Greystones-Delgany & Kilcoole LAP 2013-2019** and is unzoned.

There is an objective (RO8) in the LAP to provide for the development of a Western Distributor Road to by-pass Kilcoole. The indicative route is shown to the west of the site on Map A.

7.3. **National Planning Guidance**

National Planning Framework – Project Ireland 2040

Objective 24: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.

7.4. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. It is recognised that visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. Care should be taken when dealing with fragile or sensitive landscapes. It is also stated that an applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters etc. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

7.5. **DoECLG Circular Letter PL07/12**

This Circular was issued to Planning Authorities in 2012 and updated some sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also includes further advice on the issue of health and safety and reiterates that this is regulated by other codes of practice and is not a matter for the planning process.

7.6. **Natural Heritage Designations**

None in proximity to the site.

7.7. EIA Screening

7.8. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

8.0 The Appeal

8.1. Third party appeals were received from four parties and the issues raised are summarised as follows:

- The development is contrary to the provisions of Appendix 1 of the development plan which states that new structures will not be permitted within, or, in the immediate surrounds of a residential area of school. The development would be between 100 - 400m from existing/planned schools and residences.
- Kilcoole Primary School is in the vicinity and there is planning permission for further schools and community facilities for St Catherine's Association in the grounds of the former convent (21/469 & ABP 311747-21). There are also proposals for a special needs school and campus (Pre-planning 21/36) and a nursing home application (22/921).
- Wicklow Co. Council refused planning permission for a 15m structure on the grounds that it would be proximate to a school in Greystones (20/528). It failed to consider the precedent set in its decision on the current application.
- The closest neighbour to the proposed mast would be the proposed Adult Day Centre (with accommodation units) approximately 60m away on lands directly adjacent to the proposed site. This facility, together with the proposed St Catherine's Special School should be considered a 'school' for the purposes of interpreting the development plan and the 1996 Guidelines.
- The planning authority failed to consider the precedent established by its refusal of a 21m structure at St. Anthony's FC. Kilcoole (21/1220) proximate to the site.

- The applicant states that there are no industrial estates or zoned lands located within the target coverage area in North Kilcoole. It is unclear why the Bromley Business Park at the intersection of N11 and the R 774 was not explored.
- The cement silos at the Kilsaran site in the Bromley Business Park benefits from the correct zoning and from a good elevation. It lies 2 km from the proposed site. The Kilsaran Concrete Products in Tallagh has a mast on top of the plant buildings.
- The alleged large coverage gap on the R761 and its immediate environs is not identifiable on the ComReg coverage maps, with coverage being fair at worst.
- It is stated in the application that a site is required in the locality to facilitate eir and the roll out of 3G, 4G and 5G network, improve the eir customer experience of existing coverage in the area and facilitate technology upgrades that may be required in the future. All residences in the area are well served with fixed broadband.
- The proposed tower will be a prominent obtrusive feature and seriously injurious to the residential and visual amenities of the area.
- The visual impacts appraisal presented with the application is misleading and presents the least intrusive views. The development will be a prominent obtrusive feature on the approach to Kilcoole. It would be an overwhelming and obtrusive feature from both the R761 and from the new road linking Kilcoole to the proposed Western Distributor Road (RO8 Objective).
- The choice of location and lack of surrounding trees of similar stature ensures that the mast cannot be considered as disguised when it is three times the height of existing trees. It breaks the skyline from the adjacent R761 (Fig 8-10) and is contrary to Appendix 1 of the development plan.
- The proposed development would negatively impact on the character and visual amenity of the Kilcoole Historic Mass Path.
- There are issues with the photographs (VP1, VP4, VP6 and VP13) and all the photographs were taken mid-summer with the benefit of trees with full foliage.

- There is no proposed planting along the northern perimeter of the site and the existing hedgerow is of varying density. It is unclear if the proposed planting set out in the further information will be completed before the mast is constructed and maintained.
- The proposed development would be an unacceptable derogation from Objective HER 10 and the overall Development Strategy (Section 2.2 of the LAP), which seeks the retention of a suitable agricultural/greenbelt buffer between Greystones-Delgany and Kilcoole, to protect the open nature and landscape quality and to protect and enhance biodiversity and to maintain the primary use of the land for agricultural purposes.
- Red Kites and Buzzards are frequently observed in the environs of the proposed mast. It is unclear what measures are in place to protect their habitats.
- Bats roost in nearby trees and are often observed at nightfall. Electromagnetic waves may impact on their ability to navigate using magnetoreception.
- The planning authority did not include a condition limiting the duration of the permission. The development plan refers to a limit of 5 years for such structures. The development plan was adopted after Circular Letter PL 07/12 issued. It is considered that the proposed development falls within the 'exceptional circumstances' provided for under the Circular Letter due to its location beside what would be considered a world class campus for children and adults with intellectual difficulties.
- Requests that the Board overturns the decision to grant permission or as an alternative seek a restrictive covenant on the land to ensure other such structures are not permitted, reduce the height of the mast, limit the duration of the permission to 5 years.
- The proposed mast is located within 100m from a Class 9 structure and given the rural location this contravenes directives given in the Planning Regulations 2001.
- Health risks for employees who work on The Happy Pear farm. Threat to business viability and reputational damage.

- Potential damage to biodiversity.

8.2. Observer

The submission is summarised as follows:

- The Irish regulatory system for 5G technology is not fit for purpose and does not safeguard human health.
- More stringent radiation limits have been applied in other countries.
- Irish policy on 5G ignores increasing evidence of adverse health effects from electromagnetic radiation.
- The mast is proposed c 350m from Kilcoole Primary School and poses a risk to the health of children attending the school.
- An Bord Pleanála should refrain from all approvals of 5G technology until a credible regulatory system is in force.

8.3. Applicant Response

The main issues raised in the appeals are addressed under the following headings.

Technical justification of new site not demonstrated.

- A technical justification was included in the cover letter which identified the North of Kilcoole and its immediate environs currently experiencing deficient 3G and 4G coverage in terms of wireless telecoms infrastructure services.
- A letter of support was provided by Eircom Limited which confirms that a new site is required to provide a significant improvement in indoor coverage to the northern area of Kilcoole and the townlands of Knockroe and Priestsnewtown. The proposal will also close a large coverage gap on the R761 and its immediate environs.
- This is the second application to secure a new site in the north Kilcoole area for the operator eir following a refusal by Wicklow Co. Council on the adjacent St Anthony's FC Finn Park (Ref 21/1220).
- The current site is within agricultural lands just outside the Kilcoole development boundary and away from the immediate surrounds of the residents of the Kilcoole area.

- The new site is considered a suitable compromise to meet the infrastructural requirements of the network operators in the area and address the main reasons for refusal on the previous application.
- Three Ireland Ltd have indicated that they are interested in co-locating equipment onto the new structure (letter attached).
- The appellants refer to the Comreg Coverage checker which clearly refers to Outdoor Mobile Coverage. Eircom's radio engineers are seeking to improve indoor coverage as well as outdoor services which covers the entirety of the services for customers.
- The Comreg Coverage Map indicates a general coverage deficit from Good to Fair for 4G coverage in the residential areas to the west of the R761 (Fig 1 & 2) for the Operators of eir and Three. This demonstrates that at the very least there is inadequate outdoor service quality for the Operators to a large number of homes in north Kilcoole area.
- The function of the new structure, in line with commercial and planning policy is to enable co-location of multiple operators and this was made clear in the documents provided.
- The applicant (as an infrastructure provider) and the Operators themselves would not deploy unnecessary duplicate infrastructure in areas where there is already sufficient infrastructure. There are substantial costs associated with delivering sites.
- The proposed development is designed to meet the aims and objectives of national, regional and local planning policy as detailed in the planning application documentation.
- The proposed new tower will extend voice and data services over a wider coverage footprint than currently exists and will provide viable co-location space for planned future technology upgrades by Operators eir and Three Ireland and add significant capacity to wireless mobile broadband services in the wider Kilcoole Area.

Visual Impact

- The application documents provide an assessment of the potential impacts on the landscape and visual amenities of the area.
- The landscape in the area is rated low-medium sensitivity in the development plan while adjoining it is an area of Outstanding Natural Beauty with very high sensitivity, and a protected Scenic Route.
- The visual environment within the study area has been assessed to be of medium quality. The view types within the local landscape are largely tight vistas controlled by enclosing hedgerows along the roads which meander through the area.
- There are some limited areas where open views are afforded from elevated points to the northwest and from the Scenic Route to the east. The visual receptors are road users, Kilcoole Village, the scenic route and the protected structure.
- While the proposed fake tree is somewhat discordant in scale and form within its surroundings, collectively mitigation measures would help to visually blend it with its surroundings.
- Following mitigation, the predicted effects in the long term would be moderate for the most affected (Holy Faith Convent). Mitigation measures will be adopted as appropriate and are included in the re-design as part of the further information response.
- The visual impact on this rural landscape is considered to be acceptable as demonstrated by the photomontages that were provided in the planning application documentation and confirmed by the assessment of the planning authority.

Contrary to relevant Local and Government Planning Policy

- The application was assessed under the provisions of the development plan and relevant planning guidance. The need for the site with a technical justification has been demonstrated and other structures in the locality have been ruled out for co-location.

- A specific requirement to install a new site at the northern environs of Kilcoole has been demonstrated.
- With regard to the sequential approach referred to in the appeals, it is important to make clear that the site selection process is determined by coverage requirements of Operator's within a particular geographical area as acknowledged by local and national planning policy.
- This new application demonstrates that the applicant is committed to finding a suitable site in the local area.

Health Concerns

- The 1996 Guidelines as updated by Circular Letter PL 07/12 state that planning authorities 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.

RO8 (Western Road)

- In relation to the RO8 (Western Road) objective in the Kilcoole LAP, Wicklow Co. Council have stated that a route has not been identified. It is the opinion of the Road's Engineer that the development could proceed, and that adequate space is available to meet the RO8 objective.

Temporary Permission'

- The request to impose a 5-year temporary permission is also considered unreasonable as there are no exceptional circumstances to the site or the local environment that would warrant it.

Conclusion

- There are many positives to be gained by the level of service that will be provided by the proposed structure. It will make a positive contribution to the area by enhancing the social and economic life of the local community through the provision of mobile and broadband services infrastructure and assist in attracting new investment into the area in line with the aims and objectives of the county development plan.

- The proposed development has been assessed to ensure that it provides for the needs of residents and businesses in the area. It was also assessed in terms of its impacts on local heritage, ICNIRP compliance and its visual impact.

8.4. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

9.0 Assessment

9.1. Introduction

I consider that the main issues that arise for determination by the Board in this appeal relate to the following:

- Principle of the development.
- Justification for proposed development.
- Location of proposed mast
- Visual impact.
- Health.
- Appropriate Assessment.

9.2. Principle of the development

- 9.2.1. The proposed development accords with national and local planning policy which broadly supports the provision and enhancement of broadband and telecommunications infrastructure in appropriate locations and subject to planning requirements. The development is consistent with the provisions of the county development plan which acknowledges the importance of a high-quality telecommunications network throughout the county which is critical for the economy and society generally.
- 9.2.2. Kilcoole is identified in the development plan as a town that requires investment to become self-sustaining. The development of adequate high-quality communications infrastructure will support both existing and future developments within the

settlement and facilitate the expansion of its economic and social infrastructure in line with the provisions of the plan.

- 9.2.3. I would therefore accept that the proposed development is acceptable in principle in this location, subject to normal planning considerations.

9.3. **Justification for proposed development**

- 9.3.1. The stated purpose of the proposed mast is to provide a significant improvement in indoor coverage to the area of Kilcoole (North) and the townlands of Knockroe and Priestsnewtown. It would also close a large coverage gap on the R761 and its environs and provide both 3G, 4G and future 5G coverage.
- 9.3.2. The ComReg coverage maps submitted in support of the application indicate the deficiencies in Eir coverage in these areas (Fig 6) and the improvements in level of service that will result from the proposed mast (Fig 7). I consider that the First Party rebuttal has provided clarity on the level of reliance that can be placed on these maps in terms of calculating service provision and that notwithstanding the appellants arguments, deficits in coverage exist as stated, which will be addressed by the proposed development. I would therefore accept that that a technical justification for the proposed mast has been provided.
- 9.3.3. The appellants contend that the applicant has failed to prove that they have investigated other locations and exhausted all possible alternatives. In terms of the sequential approach clustering with existing support structure was ruled out by the applicant. Existing telecommunications sites within a 3km radius of the site were investigated (Fig 5) and each site was discounted on the basis that no sharing opportunities were available, or there would be no coverage benefit to the blackspot area by adding additional equipment. The applicant states that there are no industrial estates or industrial zoned lands, rooftop locations in commercial/retail zones within the target coverage area and accordingly these locations are not an option in this case.
- 9.3.4. While I would accept that a more in-depth analysis of other locations (including Bromley Business Park as suggested by the appellants) would have been useful in the interests of clarity and in terms of the justification of the proposed structure, I also accept that there is merit in appellant's argument that service providers are best placed to determine whether there is a requirement for a new mast or not and would

not develop additional infrastructure where there is sufficient existing infrastructure to co-locate. This is the second application for a mast in the area, which further demonstrates the need for a site within this particular area to satisfy coverage requirements.

9.3.5. I would therefore conclude that the need for a new mast in this location to meet existing and future demand for telecommunication services has been justified by the applicant. It will address an identified deficit in coverage and will facilitate co-location by other service providers which is in accordance with the provisions of the development plan and current guidelines. It will improve services over a wider area and would not deploy unnecessary duplicate infrastructure where there is already sufficient coverage.

9.3.6. The height of the proposed mast is justified by coverage requirements and to ensure signal propagation over the surrounding area. I am not in a position to comment on the difference in the height of the proposed mast compared to that previously refused (21m refused in Ref 21/1220, 250m away). I accept that each application must be considered on its individual merits and the previous application was on a different site (urban area) with a different mast design and is not directly comparable to the subject proposal which is located outside the settlement.

9.4. Location of proposed mast

9.5. It is contended that the proposed development is contrary to the provisions of the development plan and the Guidelines which state that only as a last resort should new support structures be permitted within or in the immediate surrounds of a settlement, school or residential area. Under the Guidelines (Section 4.3) this requirement is in the context of visual impact.

9.5.1. The proposed development is located in a rural area outside the settlement boundary and is unzoned. It accords with the locational requirements of the development plan for such areas in that it is not located on a hilltop, not in the direct line of any listed view, along a major tourist route or close to any designated site.

9.5.2. Kilcoole Primary School is located c 350m to the south and I note that views between the school and the site are curtailed by the former Holy Faith Convent and intervening vegetation such that significant visual impacts will not arise. Parallels cannot be drawn between the current proposal and that refused on the opposite side

of the R761 (21/1220) and in Greystones (20/528) which were proposed within settlements and in closer proximity to schools and residential property. I note that the current location was considered acceptable to the planning authority and did not raise any issues regarding its proximity to the village.

- 9.5.3. There are proposals to develop other facilities close to the site as documented in the grounds of appeal and Section 6 above (Planning History). Should these developments progress, in terms of visual impact there is potential for more open views of larger sections of the mast. I accept that the design of the mast which will replicate a tree together with planting around the compound will help to mitigate these impacts. In terms of health effects, no issues arise based on the requirement to operate in accordance with ICNIRP requirements.
- 9.5.4. The site is located outside the area identified as a greenbelt and will not interfere with the potential of surrounding lands to continue to be used for agricultural purposes as contended by the appellants.
- 9.5.5. I would therefore conclude that the location of the mast is acceptable and would not be contrary to the provisions of the development plan.

9.6. Visual Impact

- 9.6.1. The concerns raised in the submissions relate to the scale and height of the telecommunications structure, its prominence from the local road network and approaches to the village and the inadequacy of the mitigation measures proposed. It is contended that the photomontages are misleading, and the visual assessment is inadequate.
- 9.6.2. The site is located within an area of gently rolling topography in a landscape with a low-medium sensitivity rating which is considered to have the capacity to absorb development. It is adjoined to the east by an Area of Outstanding Natural Beauty, which has higher sensitivity and contains a designated Scenic Route that runs along the coastline to the east.
- 9.6.3. The site is slightly elevated and the gradient of the landscape fall gradually towards the sea to the east. The landscape comprises fields enclosed by hedgerows/tree lines, with views towards the site curtailed by vegetation and the build form of the village. The proposed mast will extend to 35.05m (with lightning finial) and will be higher than all structures and vegetation in the area. It is not possible to eliminate the

visual impact of a structure of this height, but the overall design of the structure which replicates a pine tree, helps to disguise the mast. This enables more effective assimilation of the development into this rural landscape and reduces impacts on the visual amenities of the area in accordance with the provisions of the development plan.

- 9.6.4. The Visual Impact Assessment Report submitted with the application, which is supported by a series of photomontages, assesses the impact of the development on the area and on sensitive visual receptors which including road users, Kilcoole village, Holy Faith Convent (Protected Structure), the coastal area and the protected scenic route. While I accept that there are deficiencies associated with some of the photographs as assessment tools, having inspected the site and its surrounds, I would generally accept its conclusions.
- 9.6.5. The main approach route to the village from the north and south is via the R761. It forms the Main Street and rises from south to north through the village. Views of the proposed mast from the road would be largely intermittent, where gaps occur in roadside vegetation or between buildings. There would be more open views at the northern end of the village at higher elevations close to the site. Views from the wider road network would also be intermittent including from the Kilquade Road to the west, with more distant views towards the site from the Woodstock Road to the south.
- 9.6.6. Whilst I accept that the upper sections of the mast would be visible intermittently along the adjoining road network, the experience for road users would be incidental and would not impact significantly on the visual quality of views from roads in the area.
- 9.6.7. The observers refer to Objective RO8 in the LAP which relates to the development of a Western Distributor Road to by-pass Kilcoole. An indicative route is shown in the LAP to the west of the site and the mast could potentially be located c 9.5m from the proposed route, which would mean that it would be highly visible in views from the road.
- 9.6.8. While there may be distant views of the mast from the designated scenic route to the east along the coastline, due to the distance (2km) and the focus of the view which is

likely to be in the opposite direction towards the sea, I do not consider that the impacts will be significant or adverse.

- 9.6.9. The former Holy Faith Convent, a Protected Structure lies to the southeast of the site. The protected structure is orientated to face east which together with outbuildings and trees on its northern side reduces the potential for significant adverse effects on the character or setting of the building.
- 9.6.10. The historic mass path runs from the village to the south of the site westwards towards Kilquade and while the impact has not been assessed in the application. I accept that there is potential for intermittent views of the upper section of the mast from locations along the route.
- 9.6.11. Having regard to the height of the proposed structure, I accept that it will be visible at various distances and to varying extents. The greatest potential for impacts will be closer to the site, from the proposed new road and from the farm access close to the site. From these locations the entire mast and ancillary compound would be visible, but the impact will be mitigated through the planting of trees/shrubs around its outer perimeter. With increased distance only the upper sections of the mast would be visible and its design (monopole) which replicates a tree, notwithstanding its height above surrounding vegetation will help to mitigate its impact and its assimilation into the wider landscape.
- 9.6.12. I note that the original palisade fence proposed around the compound was not considered acceptable by the planning authority in a built-up area. In response to further information this was replaced by a 2.4 m high wall with pier and plaster finish. The site is located within a large agricultural field, which is removed from the built-up area of the town and where, in my opinion, a fence would be more in keeping with the rural character of the area.
- 9.6.13. The site is not located in a fragile or sensitive landscape and the design of the mast will mitigate visual impacts that may arise from the more sensitive areas to the east. I accept that notwithstanding the overall height of the mast, its visual impact will not outweigh the wider public benefits which the development is designed to achieve.
- 9.6.14. I conclude that subject to the mitigation measures proposed, the structure can be accommodated on the site without significant adverse impacts on the landscape or

the visual amenities of the area and would not detract from the character or setting of the protected structure.

9.7. Health

- 9.7.1. Issues have been raised by The Happy Pear and the observer regarding the potential impacts of the proposed telecommunication structure on human health and the lack of appropriate regulatory system for 5G technology to safeguard human health.

While I would note that all structures are required to adhere to the guidelines on limits of EMF exposure set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), I draw the attention of the Board to Circular Letter: PL 07/12 published by the Department of the Environment, Community and Local Government in October 2012 which states as follows:

'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.'

The Board has therefore no function in this regard.

9.8. Other matters

- 9.8.1. The relevance of the reference to Class 9 structure in the submission by The Happy Pear is unclear. Under Class 9 of Part 3 of the Third Schedule of the Planning and Development Regulations, 2001 (as amended) exemptions are provided for certain agricultural structures in rural areas subject to certain conditions. Class 9 has no relevance to the proposed development.
- 9.8.2. Regarding the issues raised on the potential harmful effects caused by EMF on plants, the European Parliamentary Research Centre states that studying the actual impact of RF-EMF radiation on the environment is difficult and cross-comparisons in meta studies are at present inconclusive. I am not aware of any evidence of adverse impacts on animals or bats.
- 9.8.3. While the development plan facilitates the granting of temporary permission for telecommunications masts and antennae, Circular Letter PL07/12 advises that this

practice should cease. The planning authority did not consider it necessary to attach such a condition.

- 9.8.4. The request that the Board seek a restrictive covenant on the land to ensure that telecommunications masts are not permitted is outside the scope of the Board and this appeal.

10.0 **Appropriate Assessment Screening**

- 10.1. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

11.0 **Recommendation**

- 11.1. On the basis of the above assessment, I recommend that permission for development be granted for the reasons and considerations set out below.

12.0 **Reasons and Considerations**

Having regard to

- National Planning Framework,
- the current Wicklow County Development Plan 2022-2028
- the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12,
- the Greystones-Delgany & Kilcoole LAP 2013-2019,
- the design of the proposed development,

it is considered that the proposed development is acceptable in terms of location and would not seriously impact on the landscape or the visual or residential amenities of the area, would not be obtrusive in views from the designated scenic route, would not seriously detract from the character or setting of the protected structure and

would, therefore, be in accordance with the proposer planning and sustainable development of the area.

13.0 Conditions

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 6th day of December 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Details of the material finish and colour of the telecommunications support structure and associated equipment shall be submitted to and agreed in writing with the planning authority prior to commencement of development on the site.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Details of the boundary treatment of the proposed compound and perimeter planting which shall consist of native species shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>The applicant shall allow, subject to reasonable terms, other licenced telecommunications operators to co-locate their antenna onto the subject structure.</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the area in the interests of visual amenity</p>
6.	<p>A Traffic Management Plan for the construction phase of the development shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of traffic safety.</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.

Breda Gannon
 Planning Inspector

12th August 2023