



An
Bord
Pleanála

Inspector's Report ABP-315727-23

Development	Permission to erect a 24 m high telecommunications support structure, antennas, dishes and associated equipment
Location	Templetown (Td), Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20221538
Applicant(s)	Vantage Towers Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Vantage Towers Ltd
Observer(s)	Conn and Donna Connelly Friends of the Irish Environment Rita Connolly and Stephen Doyle
Date of Site Inspection	3 rd May 2023
Inspector	L. Gough

1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of c. 0.01 ha. The site is situated at an elevated position overlooking Hook Head and is an existing grassed agriculturally farmed field, accessed up a steep, minor unsurfaced lane, accessed off the eastern side of a county road that runs along the western side of the peninsula and passes through Templetown.
- 1.2. It is situated in the townland of Templetown on the western side of the Hook Head peninsula, c.4km southwest of Fethard-on-Sea village, c.1.5km northwest of Hookless village, and c. 5km south of Duncannon and roughly mid-way between Duncannon and the southern tip of the peninsula, which terminates at Hook Head Lighthouse. Templetown itself, is a small rural settlement characterised by farm holdings and a small scattering of houses.
- 1.3. The entire peninsula is scenic in character with a string of small beaches and bathing places located along each side of the peninsula. In addition to the permanent residents of the peninsula there are a large number of holiday homes.
- 1.4. The lane from which the proposed site will obtain access, is The lane is shared by a few one-off, holiday home, rural dwellings (c. 50m to the immediate south-west of the site) from which 2No observations have been received by the owners, a farmyard including a collection of agricultural sheds (to the north-east), and a number of existing masts within c.150m, also to the north-east.
- 1.5. The lane also provides access to 2No other telecommunications structures and associated equipment – a Cellnex 12m monopole operated by Eir (permission recently granted to extend the height to 18m - PA Ref. 20220412), approx.140m to the northeast and a c.15m high structure approx. 150m distant from the subject appeal site.
- 1.6. The ruins of Templetown Church (established by the Knights Templar) is located to the north-west of the appeal site – on the western side of the county road between the county road and the sea.

2.0 Proposed Development

- 2.1.** Permission is sought to erect a 24m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing, and all associated works and the construction of a site access track.
- 2.2.** The proposed site will be accessed via an already existing steep lane, which is substandard in width and surface condition.

3.0 Planning Authority Decision

3.1. Decision

On the 13th January 2023, Wexford County Council refused permission for the proposed development. The reason for refusal being:

It is considered that the proposed development by reason of its height and open hilltop location would have a detrimental impact on the visual amenities of this highly scenic Hook Head Peninsula. It is the policy of the Council contained in Section 9.10.1 of the Wexford County Development Plan 2022-2028 and Objective TC11, to minimise, and avoid where possible, the development of masts and antennae within such prominent locations such as the proposed which is classified as a Distinctive and Coastal landscape character unit. On the basis of the documentation submitted with the application, it is considered that the applicant has not satisfactorily demonstrated that the potential for the sharing of existing telecommunications masts or the co-location or clustering of the proposed antennae and support structure with existing operators in the vicinity of the site has been fully investigated in accordance with the policy set in Section 9.10.1 and Objective TC11 and the advice contained in the 'Telecommunications Antennae and Support Structures', Guidelines for Planning Authorities (1996). The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report considered the proposed development in terms of the planning history of the area, surrounding land use context, submissions made, national circulars and guidance in respect of telecommunications antennae and support structures and compliance with the Wexford County Development Plan 2022-2028.
- The report identifies that the subject appeal site is located within a Landscape Character Area which is categorised as: Coastal Landscape and Distinctive Landscape.
- It also notes that the justification put forward in support of the proposed development, discounts the existing masts ‘with no real justification’, albeit that the applicant state that they have a ‘facility sharing policy’. Existing masts are identified as relating to Harrylock - 125m away, and Eir – who have been recently granted permission for an extension to 18m in height; both of which provide opportunity for available heights to other operators to co-locate.
- In addition to the above, the planner’s report includes a screenshot of a Comreg 5G coverage map which indicates good coverage for ‘Three’, stating that this suggests that co-location is an option.
- The planner’s report recommended a refusal of permission, largely as set out in the Chief Executive’s Order.

3.2.2. Other Technical Reports

- Water Services: No comment to make on the application.
- Roads Department: No objection subject to compliance with conditions.

3.3. **Prescribed Bodies**

No consultations noted on file.

3.4. **Third Party Observations**

Observations which are largely similar, have been received from the owners of two of the closest houses, Conn and Donna Connolly and Rita Connolly and Stephan Doyle, with separate correspondence addresses in Wicklow Town and

Naas respectively. Their concerns have been noted in the Planner's Report and in the context of the subsequent Grounds of Appeal and the Assessment below. In summary these include the following:

- Area already well served by masts and coverage is good
- Proposal contravenes Development Plan provisions
- Proposed Mast will be only c.50m away from existing dwelling and c. 150m away from existing masts – it would cast shadow and affect light, 'overloom' existing dwelling, negatively impacting residential amenity
- Impact on health
- Visual impact on the landscape
- Proximity to NIAH ref. 1570491 Connolly homeplace
- Proximity to SAC (Bannow Bay; Hook Head; River Barrow and River Nore) and impact on migrating birds
- Roads and access are unsuitable

4.0 Planning History

None on the site.

Relevant planning history within proximity of the subject appeal site, relates to a number of planning applications for similar telecommunications structures. These include:

Approx. 125m to the northeast

- PA Ref. 20220412: Permission granted to install a 6m extension to an existing 12 meter monopole carrying telecommunications and broadband equipment (used by Eir), together with associated equipment and cabinets enclosed within a 2.4m palisade fence compound.
- PL26.233388 (PA Ref. 20090070): Permission refused for a 24m lattice support structure carrying 6 no. panels antennae and 3 no. radio link dishes 600mm diameter with 2 no. ancillary equipment containers.

- PA Ref. 20082043: Permission refused to erect a 24m high antenna support structure carrying 3No. panel antennas and 2No radio link dishes 600mm diameter, with 2No ancillary equipment containers and palisade fencing using existing track.

Approx. 140m to the northeast:

- PA Ref. 20002579: Permission granted to erect a small low power repeater transmitter station including 15m aerial (used by Three and Southeast Broadcasting).

5.0 Policy and Context

5.1. National Policy and Relevant Government Guidelines

National Planning Framework – Project Ireland 2040

This is broadly supportive of the national rollout of broadband communications.

National Policy 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.

- NSO 3 Strengthened rural economies and communities – notes the National Broadband Plan, and states that this will take 5-7 years for completion of the network, serving 1.1 million people.
- NSO 6 A Strong economy supported by enterprise, innovation and skills.
- National Policy Objective 14: *Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape that make Ireland’s rural areas authentic and attractive as places to live, work and visit...*

National Broadband Plan

The plan applies to 23% of the population, which receive internet speeds of less than 30Mbps. When I checked the National Broadband Plan (NBP) website on 08.06.2023, it stated that the ‘Network build (is) in Progress within the area of the subject site (Fethard). At present, the NBP website indicates that the closest

broadband connection points are at Hook Head Visitor Centre (6.14km away), and the Stella Maris Community Centre, approximately 20.58km away.

Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996

- These Guidelines set out the criteria for the assessment of telecommunications structures, and also refers to the fact that higher masts are usually required in rural areas. Relevant provisions include:

Section 4.2 (Design and Siting) which notes that *“The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design”*.

Section 4.3 (Visual Impact), states that visual impact is among the more important considerations which should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development, and the following considerations may need to be taken into account:

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental*
- *Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect*
- *There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.*

Section 4.3 also highlights the fact that *In upland/mountainous areas hilltops will be favoured by operators as offering the best location from the point of view of radio coverage. Masts on hilltops will by definition remain visible. Yet, if an authority were*

to rule out every hilltop as a possible location, the consequence would be that the operator might not be able to service the area or that a number of structures might be required to provide the same level of service. In the latter case visual intrusion might be increased rather than diminished. Where there is an existing mast every effort should be made to share it provided the shared mast is not itself unduly obtrusive. If this is the case, clustering may be more acceptable. However, for transmission reasons, clustering on hilltops may not always provide a solution.

Section 4.5 (Sharing Facilities and Clustering) notes that *the potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage, and that where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered. On hill tops clustering may not offer any improvement from the point of view of visual intrusion.*

Circular Letter PL07/12 This Circular Letter revised the Telecommunication Antenna and Support Structures Guidelines, 1996. (October 2012)

The circular advises that Planning Authorities should cease attaching time limit conditions to telecommunications masts, except in exceptional circumstances. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Future development contribution schemes to include waivers for broadband infrastructure provision.

Circular PL03/2018 - Revisions to Development Contributions Guidelines in respect of Telecommunications Infrastructure

This includes a requirement that Local Authority Development Contribution Schemes include waivers and reductions for broadband infrastructure (masts and antennae).

The waiver applies to any telecommunications infrastructure both mobile and broadband. This includes masts, antennae, dishes and other apparatus or equipment being installed for such communications purposes.

5.2. Regional Policy

Regional Spatial & Economic Strategy for the Southern Region

Section 6.2 deals with Digital Connectivity and states that '*Enhanced quality and provision of digital and mobile telecommunications infrastructure is critical for the revitalisation of cities, towns, villages and rural areas. Developments in information and communications technology (ICT) continues to fundamentally change how our society and economy functions.*'

The policies in the RSES are structured under Regional Policy Objectives (RPOs). RPO 137 deals with Mobile Infrastructure and states that '*It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.*'

5.3. Wexford County Development Plan 2022-2028

- Volume 1, Chapter 9 – Infrastructure Strategy

Section 9.4.2: The Development Plan Infrastructure Strategy includes facilitating the development of high-speed telecommunications and ICT infrastructure throughout the county in order to grow and develop economic activity, to enhance learning and education facilities and contribute to the social wellbeing of residents, particularly in rural areas in the county.

- Objective IS07 seeks: *To support the development of high speed, high capacity digital and mobile infrastructure in the towns, villages and rural areas across the*

county in order to provide high quality digital connectivity to support the social and economic growth of the county and the region.

- Section 9.10 relates to Telecommunications and Information and Communication Technology, with Section 9.10.1 referring specifically to Communication Masts and Antennae. This notes that the location of masts remains a contentious issue having regard to urban and rural areas. Relative to the latter, it states that:

In rural areas they will not generally be favourably considered in Uplands, Distinctive, River Valley and Coastal landscape character units except in accordance with Objective TC11.

The sharing of masts with other telecommunications operators will be encouraged as means of maximising investment and reducing the visual impacts associated with this type of development. Where it is not possible to share a support structure, applicants will be encouraged to share a site or to site adjacently so that masts and antenna may be clustered.

- Section 9.10.2 supports the availability of high-quality, high speed broadband network to all businesses and households as being very important for the economic and social progress of the county.
- Telecommunications and ICT Objectives TC01 to TC15 are also of note; with TC09 requiring the *co-location and clustering of new masts and support structures on existing sites, unless a fully documented case is submitted explaining the precise circumstances against co-location and clustering. Where it is not possible to share a support structure, the applicant should, where possible, share the site or an adjacent site so that the antennae may be clustered.* TC11 seeks *To minimise, and avoid where possible, the development of masts and antennae within the following areas:*
 - *Prominent locations in the Distinctive, Uplands, River Valley and Coastal landscape character units.*
 - *Locations which impede or detract from existing public view points to/from Distinctive, Uplands, River Valley and Coastal landscape character units, and rivers, estuaries or the sea.*
 - *Historic landscapes and battlefields.*

- *Areas within or adjoining the curtilage of protected structures.*
- *Areas on or within the setting of archaeological sites.*
- *Within or adjacent to Natura 2000 sites.*

The Council may consider an exemption to this objective where:

- *An overriding technical need for the equipment has been demonstrated and which cannot be met by the sharing of existing authorised equipment in the area, and*
 - *The equipment is of a scale and is sited, designed and landscaped in a manner which minimises adverse visual impacts on the subject landscape unit.*
- Volume 2 – Development Management Manual
 Section 7.4.3 – Landscape and Visual Impact Assessment. This section highlights that proposals for significant development (eg...telecommunications infrastructure...), should be accompanied by a LVIA which includes Zones of Theoretical Visibility (ZTV), which indicate the areas over which the proposed development may be seen. Representative assessment viewpoints should also be identified.
 - Section 8.1 - Information and Communications Technology. This requires that planning applications relating to the erection of antennae and support structures shall be accompanied by specified details, including:
 - a reasoned justification regarding the need for the particular development at the proposed location in the context of the operators' overall plans for the county having regard to coverage;
 - justification shall demonstrate that existing masts and support structures have been examined to determine if the attachment of new antennae to existing structures can provide the coverage required – 1:50,000 map indicating the location of all telecommunication structures within 1km radius of the proposed site to be provided and the existing coverage provided, including technical evaluation of the capabilities of these masts to take additional antennae

- detailed proposals to mitigate the visual impact of the proposed development, within the landscape, including the construction of access roads, additional poles and structures.

5.4. Natural Heritage Designations

There are no designations of relevance to the proposed development.

5.5. EIA Screening

- 5.6.** 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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been received. The grounds of appeal can be summarised as follows:

- As provided for under Section 37 (2) b (iii) of the Planning and Development Act 2000 as amended, permission should be granted having regard to the regional spatial and economic strategy for the area, Guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government.
- The Applicants propose, through the appeal, an alternative, smaller monopole structure with a reduction in height from 24m (lattice tower) to 21m (monopole), and request that the Board give consideration to both of these. A 21m height is the minimum height which can achieve the necessary coverage, albeit that 2G, 4G and 5G equipment would be required to be positioned one above the other. A slightly higher lattice structure enables 2G, 4G and 5G equipment to be installed at the same height.

- The proposed development does comply with the provisions of the Wexford County Development Plan 2022-2028, as well as National Policy and Guidance, and would not have a detrimental impact on the visual amenities of the area and would be in accordance with proper planning and sustainable development.
- The surrounding villages are a recognised weak coverage area for Vodafone, particularly for 4G and 5G services. All operators have an obligation to provide coverage.
- Vodafone has weak 2G coverage in the area, 4G coverage of Fair to Good and 5G coverage of Good to No Coverage, in and around Templetown – a ComReg Map is supplied. The existing installation at Hook Head is also unable to accommodate 4G and 5G equipment, similar to the installation at the Fethard site, which cannot accommodate 5G equipment. This area of weak coverage requires improvement and necessary infrastructure. Vodafone also wish to provide 5G coverage.
- Existing structures close by, albeit that a height increase has been granted for one, are occupied and don't meet the technical height requirements to secure the necessary coverage for services.
- The demands for the services provided will impact the economic growth of an area, and will provide a positive contribution to home, office working, retail and tourism generally.
- The investment required to provide a structure is substantial and network operators must provide services in areas identified as weak, in order to meet certain license requirements.
- The proposed development will provide for 5G services, which can only support a smaller area than 4G or 3G - these need to be provided close to the source of demand.
- 3G services will be closing down in the future, and 4G and 5G operators are therefore strategically considering coverage needs at present, as existing infrastructure does not have the capacity to meet future demand. The existing telecommunications network must therefore be expanded and upgraded to ensure high-quality, high-speed service.

- Comreg coverage maps provide outdoor coverage level information – indoor coverage levels will be smaller by comparison and will vary with location and topography.
- Extracts from relevant sections from Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, are highlighted in support of the proposal, with specific reference to section 4.2 (Design and Siting), 4.3 (Visual Impact), 4.5 (Sharing Facilities and Clustering).
- Plans are provided of a 21m high monopole design alternative.
- A series of photomontages are provided and it is submitted that the proposed structure assimilates into views around the road network and is hidden in many places. Any views will be intermittent and essentially of the top section. Where the full structure can be seen, it is viewed in the context of other similar structures eg existing masts, power poles and signage.

6.2. Observations

Observations which are the same in content, have been received from the owners of two of the closest houses, Conn and Donna Connolly and Rita Connolly and Stephan Doyle, with separate correspondence addresses in Wicklow Town and Naas respectively. A third observation is submitted by FP Logue Solicitors, on behalf of 'Friends of the Irish Environment CLG'. The letters of observation raise the following matters:

- Appeal submitted does not alter the reasons for refusal – contravenes Section 9.10.1 and Objectives TC10 and TC11 of the Wexford County Development Plan 2022-2028.
- There are 2No existing communication towers in close proximity, with unused capacity – need to co-locate or cluster.
- Existing Three mast has very good 5G coverage in the area even before the recently permitted height increase – Assume that Vodafone would have similar coverage utilising this monopole – therefore no need for a new tower.

- Mast will be large and visually intrusive, located on a high profile and elevated hillside, in a historic area of natural beauty and highly visible from Hook Lighthouse, a Special Area of Conservation and local tourist hub.
- The observation from FP Logue Solicitors states that An Bord Pleanála should not elect which planning policies it should apply or disapply. It is their view that the Council's decision has correctly applied relevant planning policy and national guidelines, and the development should therefore be refused.

7.0 **Assessment**

7.1. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Principle of the proposed development and compliance with policy
- Design, visual/residential amenity

7.2. **Principle of the proposed development:**

Permission is sought for the construction of a 24m high telecommunications support structure, carrying antennas and transmission dishes with associated equipment units and security fencing. Policy in regards to telecommunications structures is contained under Section 9.3 of the County Development Plan. The proposal is to improve coverage and capacity at a location noted by the applicant/appellant as being deficient as such. The proposal to improve such is consistent with the objectives set out under Section 9.3 of the County Development Plan and the recommendations under national policy as set out under the publication, Telecommunication Antennae and Support Structures-Guidelines for Planning Authorities (1996).

The applicant/appellant has set out the technical justification for the proposal. The applicant/appellant notes that the proposal is to improve coverage and capacity to an area coinciding with Templetown and the surrounding townlands. It is stated that existing telecommunications infrastructure is at capacity and cannot be shared to facilitate the objective of improved coverage and capacity at this location, although

no substantiation of this is provided. The applicant/appellant has included coverage maps.

In terms of technical justification, whilst the information submitted provides further justification, including photomontages, than originally submitted in the planning application lodged, I am nonetheless of the view that it still does not address the potential of options of siting in closer proximity/ adjacent existing masts, nor upgrading of existing masts to better explore co-location options with existing operators. On this basis, I would consider that the applicant/ appellant has not satisfactorily demonstrated that the potential for the sharing of existing telecommunications masts or the co-location or clustering of the proposed antennae and support structure with existing operators in the vicinity of the site has been fully investigated in accordance with the policy set in Section 9.10.1 and Policy/Objectives TC09 and TC11 of Volume 1 and Section 8.1 of Volume 2, of the Wexford County Development Plan, 2022-2028 and the advice contained in Section 4.5 of the 'Telecommunications Antennae and Support Structures', Guidelines for Planning Authorities (1996).

7.3. Design, visual/residential amenity:

The site is located in a rural area northeast of Hook Lighthouse on the Hook Head peninsula. Although the site is elevated relative to the immediate surrounding area and the L4045, which runs to the northwest, west and southwest, the site is not visible over a significant area, and views towards it, are, on the whole, largely intermittent, aside from a relatively short stretch running from just before Templars Inn.

Templars Inn is located almost opposite the historic ruins of Templetown Church (Templars Church) and appears to be a popular stop off point for tourists travelling around Hook Head. Photomontage View 1 in the submitted Visual Impact Assessment, demonstrates the visual impact of the proposed development from a vantage point to the north of the appeal site – the location of Templetown Church is also shown in my site photograph folder. The proposed structure will be clearly visible from sections of the L4045 approach road, and would be considered a 'terminating view' feature from this stretch of the road – ie vantage points to the north and northeast.

Having inspected the site and the surrounding area, I would note that notwithstanding the proposal of a lower monopole structure and the fact that views of such are likely to be partial and intermittent due to topography, existing vegetation and existing structures, the proposal would be likely to have a noticeable and intrusive appearance on the visual amenity of the area, particularly from a popular tourist stop and vantage area, adjacent the Templetown Church ruins and along a road which has a high volume of tourist traffic towards Hook Head lighthouse. From my site visit and also from the photomontages provided, it is considered that this issue would be likely to be addressed by the relocation and/ or clustering/ co-location of the proposed mast closer to existing masts, as per the provisions of Section 4.3 of the Telecommunication Antennae and Support Structures-Guidelines for Planning Authorities (1996).

7.4. Appropriate Assessment Screening

7.5. Having regard to the nature and scale of the proposed development, the absence of emissions therefrom, the distance from any European site and the absence of a pathway between the application site and 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.

8.0 Recommendation

8.1. I recommend that the decision of the planning authority be upheld and that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to:

- (a) 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

(b) the policy and provisions of the planning authority, as set out in the Wexford County Development Plan 2022-2028, which seek to minimise, and avoid where possible, the development of masts and antennae within such prominent locations such as the proposed which is classified as a Distinctive and Coastal landscape character unit,

(c) the location of the proposed telecommunications support structure, together with the failure to justify the selected site in the context of existing mast locations and the potential for co-location or closer proximity to these, it is considered that the proposed development would have a detrimental impact on the visual amenities of this section of the Hook Head Peninsula and would contravene national guidance and is not in accordance with the proper planning and sustainable development of the area.

L. Gough
Planning Inspector

10th June 2023