



An
Bord
Pleanála

Inspector's Report ABP 315860-23

Development	To erect a 24m lattice telecommunications structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing, and removal of existing 12m lattice tower.
Location	Eir Exchange, River Lane, Arklow. Co Wicklow.
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	221229.
Applicant(s)	Eircom Ltd.
Type of Application	Permission.
Planning Authority Decision	To Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	Eircom Ltd.
Observer(s)	Friends of the Irish Environment
Date of Inspection	July 13 th , 2023
Inspector	Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located along the River Walk in Arklow, Co Wicklow. It is located within the yard area associated with the eir exchange building, which is located to the rear of the post office that faces onto Main Street (R772). The yard accommodates an existing 12m lattice mast with telecommunications equipment and access is provided by a pedestrian gate. The site is surrounded by a wall fronting the river and adjacent buildings. The roof of the exchange building also accommodates telecommunications equipment.
- 1.2. The site faces north towards the Avoca River and associated riverside walk. There is a public car park further west and St. Mary's Park which contains an attractive bandstand fronts onto Main Street. To the east the pattern of development is more fragmented with some buildings interspersed with gated yard areas facing the river.
- 1.3. Arklow is the largest town in south Co. Wicklow. The Nineteen Arches Bridge to the east connects the northern and southern sides of the town. It affords panoramic views over the Avoca River and the waterfront, which is a key recreational and tourism amenity.

2.0 Proposed Development

- 2.1. The proposal is to remove an existing 12m lattice tower on the site which eir operate and to erect a 24m tower together with antennas, dishes and associated telecommunications equipment. Vodafone which currently operates from the roof of the exchange building will be relocated to the new structure.

3.0 Planning Authority Decision

3.1. Decision

In deciding to refuse permission for the development the planning authority considered the following:

- a) The prominent location of the site adjacent to the river walk public amenity space, its visibility from Arklow bridge and the river walk,

- b) The height of the structure which would be substantially taller than adjacent buildings and structures on the riverfront,
- c) The utilitarian appearance of the structure,
- d) The lack of any landscape visual impact assessment, and
- e) The lack of consideration of alternative sites in accordance with section 2.4 of the County Development and Design Standards.

and concluded that the proposed development would appear visually intrusive in short range views along the riverfront and wider views of the town from Arklow bridge resulting in significant impacts on the visual amenity of the area. It concluded that the proposed development would be contrary to the provisions of the development plan and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report (Supplementary Report) of 23/1/23 notes that the site is located directly adjacent to the existing River Walk public amenity area to the north. The existing lattice tower (12m) site is visible along the route, particularly from the west where there is limited tree cover and it is taller than neighbouring structures on the river front. The top of the tower is visible in views from Arklow Bridge.

The report refers to Arklow Flood Relief Scheme, which bounds the site to the north and was approved by An Bord Pleanála in 2022 (ABP 310368-21). It is noted that it would provide additional public realm space and new landscaping along the River Walk directly adjacent to the site.

The Town Centre zoning objective seeks to deliver a quality urban environment, provide for recreational uses as part of a mix and enhance the urban fabric. The Council's Development and Design Standards advises that the visual intrusion of telecommunications structures should be kept to a minimum, referring in particular to their height and width.

Having regard to the height of the proposed structure which would break the treeline and roofscape along the River Walk and to the utilitarian appearance of the

structure, it is considered that the development would be visually intrusive and harmful to the amenity of the River Walk and views of the town from Arklow Bridge. Having regard to the sequential approach set out in Section 2.4 of the Development and Design Guidelines, clustering with the existing Vodafone installation on the roof of the eir exchange should have been considered. In light of the additional tower height proposed, industrial estates/zoned lands and other rooftop locations should have been considered in accordance with the sequential approach.

3.2.2. Other Technical Reports

Arklow Area Engineer -no comment.

4.0 Planning History

No details of any relevant planning history have been forwarded by the planning authority.

5.0 Policy and Context

5.1. Development Plan

The **Wicklow County Development Plan 2022-2028** came into effect on 23rd October 2022. Under the Core Strategy Arklow is designated as a Level 3 Self Sustaining Growth Town defined as *'towns with a moderate level of jobs and services which includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.*

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.

Under the **Arklow and Environs LAP 2018-2024**, the site is located in an area which is zoned Town Centre with the following objective:

‘To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential development.

‘Utility installations’ is included as a typical use for the Town Centre area.

Under the Development Strategy (Infrastructure) the plan seeks to:

‘Facilitate and promote the delivery of reliable and effective water, drainage, energy, waste management and communications infrastructure to service the existing and future development needs of the settlement’.

5.2. **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.

5.3. **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.

5.4.

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

This Circular was issued to Planning Authorities in 2012 and updated some of the 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.

5.6. **Natural Heritage Designations**

The site is not located within or adjacent to any European sites.

5.7. **EIA Screening**

5.8. 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- In terms of the justification for the site, Arklow is designated a Level 3 Self-Sustaining Town within the Core Region. It is therefore an important town with substantial potential within Co. Wicklow. Without the benefit of high-quality communications, the amenities, desired growth and investment will be hindered. The proposed development is therefore a key factor in the development of the town and its economy.
- The proposal is not contrary to national policy, guidelines or the county development plan. Government policy from the top down promotes improved access to digital and broadband communications. The proposal accords with the development plan zoning objective for the site. While the guidelines state that only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns and villages, due to new technology,

since the guidelines were written, it is now necessary for free standing masts to be located within or in the immediate surrounds of towns and villages to provide the services required.

- Each generation of service (2G,3G, 4G, 5G) has resulted in a smaller catchment area, especially in populated areas like Arklow. 3G services are being turned off over the coming year and hence the focus is to provide quality 4G and 5G. As demand increases for these services, coverage areas reduce.
- Due to the nature of telecommunication services, particularly 5G services within a populated area, it is a requirement to be within close proximity of the demand. The site is within an established communications exchange with associated utilities already in place which enables sites further away to secure otherwise unavailable services.
- The Exchange is a Point of Collection (PoC) on Vodafone's national fibre network which allows aggregation of surrounding sites via radio link transmission network to a high-capacity fibre access point in the exchange. This fibre connectivity allows Vodafone to provide enhanced 4G and new 5G services on sites connected to the network. The proposed sites to be connected by Vodafone are shown in Fig 5.
- The rooftop of the exchange is not capable of securing upgraded or additional equipment to the same benefits for multiple operators. It also suffers from blocking from other buildings. The increase in height provided by the proposed mast will also enable line of sight and enhanced coverage services. The enhanced coverage area from the new structure is shown in Fig 7 and indicates a vast improvement in coverage of 4G and 5G services could also be provided.
- The unique nature of the exchange and its utilities provide the essential locational advantages for the proposed development. Alternative sites are unsuitable and the proposal is in line with the sequential approach as referred to in the refusal.
- There is a mixture of free-standing structures and rooftop installations in the area (Fig 4). This is due to the large and dense population of the town and its

topography, which slopes from the river towards the southwest. The existing sites are unable to secure the necessary links or enhanced services, which the proposed 24m tower can provide.

- The structure is designed for immediate use by both eir and Vodafone but space will be available for an additional operator.
- The proposed structure will not create a significant harmful impact on the amenity of the area as stated in the reason for refusal.
- The new structure will have a much narrower base frame and tapering at the top over a height of 24m. The larger dishes (some of which are up to 2m in diameter) on the existing tower will be replaced with smaller dishes and operators will potentially remove their equipment from the rooftop of the exchange building and secure upgraded 4G and modern 5G equipment comprising antennas and dishes to the new structure.
- The height of the new structure is proposed to meet requirements for improved coverage, provide modern services and secure the necessary line of sight to the installations in the vicinity for multiple operators, which the existing 12 m lattice tower and exchange rooftop cannot facilitate.
- The proposed development will assimilate into its environs with associated buildings, trees and other masts and lampposts in this particular setting. as shown in the attached photomontages (Appendix B). In order to secure propagation of signal it is necessary for the equipment to be located on the proposed structure above the buildings and trees.
- It is acknowledged that there will be an element of visual impact, but the site is the only realistic option due to the critical nature of the services to be provided and to secure established utilities gained from the exchange.

6.2. **Planning Authority Response**

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

6.3. **Observations**

An observation was received from FP LOGUE Solicitors on behalf of Friends of the Irish Environment, which is summarised as follows:

Friends of the Irish Environment are concerned at the pattern of decision making by the Board in respect of telecommunications masts and at the apparent policy to disapply planning policy in the form of the 1996 Telecommunications Planning Guidelines and the provisions of development plans.

The integrity of the planning system requires An Bord Pleanála apply such policy and provisions and without undue regard to the views of others as to the appropriateness of such policy or provisions.

The Planning and Development Act provides for the determination of planning policy and does not allow for An Bord Pleanála to determine such policy.

The planning authority in its decision to refuse permission has correctly applied the relevant planning policies and the provisions of the development plan and concluded that the proposed development would be a material contravention of the development plan.

7.0 Assessment

7.1. Introduction

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

- Principle of Development
- Justification for the development
- Visual Impact
- Appropriate Assessment

7.2. Principle of Development

7.2.1. 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. Arklow is identified in the development plan as a town that has

significant potential for growth, which could be curtailed by inadequate high-quality communications infrastructure.

7.2.2. The development accords with the development plan zoning objective for the site. The site is located within an established communications exchange with has an established telecommunications structure on the site and is located within an area zoned Town Centre, where 'utility installations' are accepted as a typical use under the provisions of the Arklow & Environs LAP.

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

7.3. **Justification for the development**

7.3.1. Section 2.4 of Appendix 1 of the county development plan sets out the applicable standards for telecommunications installations. In general terms it requires that the need for a new installation must be adequately demonstrated (including existing coverage maps and technical data) and that all existing masts and support structures have been examined to determine if they can provide the coverage required. Once it has been determined that a new structure is required, permission will be considered subject to certain control criteria, including location, site layout and design. It requires that a 'sequential approach' be adopted to site location.

7.3.2. The stated purpose of the proposed structure is to improve telecommunication services within the town of Arklow. The grounds of appeal refer to significant changes and growth in the communications market which coupled with advancements in technology (4G and roll out of 5G) have resulted in reductions in coverage areas and a need for equipment upgrades to meet both current and forecast service demands.

7.3.3. The ComReg coverage maps submitted in support of the application indicate inadequate 4G coverage in the outskirts of Arklow with no 5G coverage within the town. The existing structure on the site is too low to provide coverage to the town centre or secure line of sight to other more remote sites. A taller structure is therefore required and the Com Reg maps submitted with the appeal show the increased coverage that will be provided by the new structure.

7.3.4. On the basis of the information presented in the application and in the appeal, I accept that the need for the development has been established and that the

proposed development is justified in terms of addressing identified coverage issues and to meet both current and forecast demand for services.

7.3.5. The grounds of refusal cited by the planning authority raise the issue of the lack of consideration of alternative sites in line with the sequential approach set out in the development plan. The application shows freestanding structures and rooftop installations in the Arklow area. (Fig4). All of these sites were discounted (including Bridgewater Centre and Arklow Garda Station) due to their inability to secure the necessary links and provide enhanced services. The use of the existing mast on the application site was also discounted due to its overall height and lack of adequate to more remote masts.

7.3.6. While I accept that a more in-depth analysis of other masts on the locality would have been useful in terms of the justification of the development, I would point out to the Board that in terms of the sequential approach, this is not a new site. It already accommodates an established telecommunication structure which has been demonstrated is no longer fit for purpose in terms of providing Arklow and its environs with the level of service required to meet both current and future demand for services and to ensure its future growth and better facilities for businesses, residents and other sectors.

7.3.7. I would also note that there are significant locational advantages associated with the site. It is located close to demand which is identified as important in terms of the provision of telecommunications, particularly of 5G services. It is strategically positioned within the exchange building site, benefiting from established utilities and underground links that can be used through line-of-sight technology to enhance other installations. This enables sites further away to source otherwise unavailable services. I note that the new structure will provide enhanced services to six surrounding site (Fig 5 of response).

7.3.8. As noted in the grounds of appeal:

'The Exchange is a Point of Collection (PoC) on Vodaphones national fibre network which allows aggregation of surrounding sites via radio link transmission network to a high-capacity fibre access point in the exchange. This fibre connectivity allows Vodafone to provide enhanced and new 5G services on sites connected to the network'.

7.3.9. On the basis of the information submitted with the application and the appeal, I consider that the need for a new mast has been established. I consider that there are significant locational advantages associated with the site that it makes strategically important in the local network in terms of securing the enhancement of telecommunication services for Arklow and its environs.

7.4. **Visual Impact**

7.4.1. The visual impact of the proposed development is central to the planning authority's reason for refusal. The grounds of appeal are supported by a number of photomontages comparing existing with proposed views from various locations in the vicinity of the site.

7.4.2. Having inspected the site and its vicinity, I noted that views of the existing 12m high mast are highly localised, restricted largely to areas in the vicinity of the site and the adjacent River Walk. The impact is compounded by the size of the dishes, some of which are c 2m in diameter. Views of the structure from Main Street and the surrounding streets are blocked by existing buildings, except where gaps occur in the streetscape e.g., in the vicinity of St Mary's Park.

7.4.3. Views from The Nineteen Arches Bridge are most prominent in the vicinity of the junction with the River Walk but with increased distance across the bridge, the structure is not perceived as overly obtrusive when viewed against the backdrop of the existing buildings and the skyline. While the view from the bridge across the river is attractive, I note that it is not protected under the provisions of the development plan.

7.4.4. The proposed mast would be double the height of the existing structure and at 24m, is stated to be the minimum required for effective transmission. It would project significantly above existing buildings and trees in the area. It would however have a narrower base frame tapering at the top which coupled with a narrower silhouette, would help to mitigate its overall impact. The impact would be further mitigated by a reduction in the size of the dishes it will support.

7.4.5. The town of Arklow developed with its back towards the river resulting in fragmented and vacant backlands facing the river in the vicinity of the site and the absence of a defined streetscape. While the LAP contains objectives to improve the area generally

and the Planning Officer refers to improvements to public realm associated with the Flood Relief Scheme, views in the area are focused on the river.

- 7.4.6. Having regard to the strategic importance of this site within the existing exchange site and associated utilities, the long established relationship between the existing structure and the streetscape in this location, the overall design of the mast, which despite its overall height has a narrow tapering silhouette, the proposal to reduce the size of associated equipment and its limited visibility from many areas of the town, the ability of the new structure to significantly enhance telecommunications services close to demand and through line of sight to connected sites, I consider that a balance has to be achieved between the significant benefits that will accrue to the economic development of the town from the proposed development and the visual consequences associated with the increased height of the mast. Having considered all of these matters, I consider that the locational advantages associated with the site outweigh the disadvantages associated with its visual impact and I conclude that the proposed development is acceptable in this location.

7.5. Appropriate Assessment Screening

- 7.5.1. 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the established use of the site for utility services, the existing telecommunications structure on the site, the strategic and locational advantages of the site to enhance telecommunications services in the Arklow area and the overall design of the proposed structure, it is considered that the proposed development would be acceptable in this location and would not seriously injure the amenities of

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

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interests of public health</p>
3.	<p>In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense remove the mast, and all ancillary structures and equipment.</p> <p>Reason: In the interest of public health.</p>
4.	<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.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>The applicant shall allow, subject to reasonable terms, other licenced mobile 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>
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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

08 August 2022