



An
Bord
Pleanála

Inspector's Report ABP-318310-23

Development	Section 254 Licence for Telecommunications mast and associated works.
Location	Clonea Road, Skehacrine (Humble), Dungarvan, Co. Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	23/227
Applicant(s)	Emerald Tower Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse Licence
Type of Appeal	First Party
Appellant(s)	Emerald Tower Ltd.
Observer(s)	1. Yvonne Sheehan and others 2. David Walker
Date of Site Inspection	11 th October 2024
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located on a grass verge adjacent to the Clonea Road in Abbeyside, approximately 1.5km to the east of Dungarvan town centre. The Waterford greenway travels directly adjacent to the site and on the day of inspection, this route was extremely busy with walkers and cyclists. The site is located on a small area of open space which is bounded on three sides by residential properties. There are a large number of mature trees in the area.

2.0 Proposed Development

- 2.1. Permission is sought for a Section 254 Licence for the installation of a 18m dual operator pole, with EIR's antennas to be housed within the top of the pole and space for a second operators antennas below, a cabinet for EIR and provision for a second cabinet in future, and all associated site development at Clonea Road, Dungarvan, Co. Waterford.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the development for one reason as follows:

It is considered that the granting of a licence under Section 254 of the Planning and Development Act, 2000 (as amended), for the erection of an eighteen metre high telecommunications structure and associated infrastructure, having regard to the scale and nature of the proposed development in close proximity to the designated scenic route R675, the Waterford Greenway and residential properties along the Clonea Road, that the proposed development would constitute a highly obtrusive development in the receiving landscape, it would have a significant adverse visual impact on adjoining residential properties and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report notes that the Waterford Greenway is highlighted in the Development Plan as an important tourist amenity and considers that it is important that it is protected. The report does not concur with the findings of the Visual Statement submitted by the applicant and considers that the proposed development would impact negatively on the visual and residential amenities of the area.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

3.3.1. None.

4.0 Planning History

4.1.1. PA 19/725

Permission refused to Cignal Infrastructure for 15m high monopole on adjacent site.

5.0 Policy Context

5.1. National Guidelines

- 5.1.1. National Broadband Plan, DCENR, 2012. Sets out a strategy to deliver high speed broadband across the State.
- 5.1.2. Circular Letter PL07/12 – This circular updates the guidance document and specifically refers to temporary permissions, removal of separation distances from houses and schools, bonds and contributions, planning considerations related to location and design and health and safety matters, and the establishment of a register/database.

- 5.1.3. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DoE, 1996. Provide guidance on, amongst other things, siting of masts. This includes, in city suburbs, to co-locate telecommunications where possible and to locate new telecommunication masts in industrial or in industrially zoned land or commercial or retail areas. The guidance states that only as a last resort, if these alternatives are not available, should free-standing masts be located in a residential area or beside schools. Further, if such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location, with the support structure to be kept to the minimum height consistent with effective operation.

5.2. Development Plan

- 5.2.1. Under the Waterford City and County Development Plan 2022 – 2028 (CDP), the site is shown as lying within the Dungarvan and Ballinroad Settlement boundary in an area zoned “open space and recreation”.
- 5.2.2. Appendix 8- Landscape and Seascape Character Assessment classifies the site as ‘Urbanising Landscapes’ with ‘least sensitivity’. Dungarvan Environs come within Category 7C.
- 5.2.3. Section 10.3.1 recognises the importance of Greenways to the County. The challenge is to maintain a high quality standard of visitor attraction whilst avoiding over tourism and degradation of the natural environment consistent with the National Greenway Strategy. Objective BGI 06 supports the enhancement of the existing Waterford Greenway.
- 5.2.4. The site is located adjacent to Scenic Route 13 – these routes are identified on Map 5 of the Development Plan Maps – Landscape and Character Assessment.
- 5.2.5. Utilities Objective UTL 16 of the CDP addresses telecommunications masts and related matters. It states the following:

We will work in collaboration with service providers to deliver a more enhanced connectivity service experience in a way that protects our footway and road surfaces and delivers the economic and community benefits of technology. We will facilitate the continued provision of communication networks, smart infrastructure, broadband and appropriate telecommunications infrastructure and services, subject to

environmental considerations, in order to contribute to economic growth, development, resilience and competitiveness. In considering proposals for such infrastructure and associated equipment, the following will be taken into account:

The installation of the smallest suitable equipment to meet the technological requirements,

Solutions to deliver shared telecommunication physical infrastructure in new development to facilitate multiple service providers at a non-exclusive basis and at economically sustainable cost to service providers and end users,

Concealing or disguising masts, antennas, equipment housing and cable runs through design or camouflage techniques; or

A description of the siting and design options explored and the reason for the chosen solution, details of the design, including height, materials and all components of the proposals,

A landscaping and screen planting plan (if appropriate),

An assessment of the cumulative effects of the development in combination with existing equipment in the area; and a visual impact assessment (if relevant).

Proposed development will be required to have regard to the “Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, 1996 and Circular Letter PL07/12” issued by the Department of the Environment Heritage and Local Government and to any subsequent amendments as may be issued.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 site is located c. 0.3km to the east and comprises Dungarvan Harbour SPA.

5.4. EIA Screening

- 5.4.1. The development is not of a class for EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- Technical justification submitted illustrating deficiencies in the eastern part of Dungarvan.
- Height of 18m is the lowest possible having regard to the requirement to share a pole between 2 operators and existing residences and trees in the area.
- Considered that PA has overstated the policies regarding landscape protection in the area having regard to the urban location of the site.
- There is a functional necessity to ensure good quality coverage along the greenway to safeguard pedestrian and cyclist safety.
- Visual assessment from 4 viewpoints in the local area indicates the level of effect as moderate/low.

6.2. Planning Authority Response

- Having reviewed the appeal, it is the opinion of the Planning Authority that no new information has been submitted to alter the decision to refuse permission.

6.3. Observations

6.3.1. Yvonne Sheehan and others

- Concern regarding visual impact and proximity to designated scenic route, greenway and residential properties.
- Previous similar application refused by the PA – PA Reg. Ref. 19/725.
- No consultation with local residents due to the nature of the Section 254 application.
- Already good quality mobile phone and broadband services in the area.

- Large number of industrial estates in the area which would provide more appropriate locations for this development.

6.3.2. David Walker

- Previous similar application refused by the PA – PA Reg. Ref. 19/725.
- This application is 3m higher than previous refusal.
- There is considerable public opposition to the use of Section 254 applications for these types of developments.
- There is considerable public opposition to the proposed development adjacent to the Greenway.
- Concern regarding devaluation of property values.

6.4. **Further Responses**

6.4.1. None submitted.

7.0 **Assessment**

7.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). In their consideration of the development, under section 254(5) of the Act, the Board is required to have regard to:

- a. the proper planning and sustainable development of the area,
- b. any relevant provisions of the development plan, or a local area plan,
- c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d. the convenience and safety of road users including pedestrians.

7.2. Having regard to these requirements, local and national planning policy, the application details, all other documentation on file and my inspection of the site, I consider that the main issues for this appeal relate to:

- Principal of Development

- Impact on Visual and Residential Amenities
- Appropriate Assessment

7.3. Principal of Development

- 7.3.1. National policy and the Development Plan support appropriate telecommunications infrastructure, including broadband. The proposed development is located within zoning objective 'OS' – preserve and provide for open space and recreational amenities'. Within this zoning objective 'Utilities' are deemed 'Open to Consideration'.
- 7.3.2. I note that concerns are raised within the grounds of appeal in relation to justification of the proposed development. I draw the Boards attention to the Technical Justification submitted by the applicant which outlines ongoing deficiencies in coverage in the area together with maps of existing coverage ratings in the area by EIR, Vodafone and Three. It is stated that the maps indicate that the eastern part of Dungarvan is significantly underserved by existing operators and there are some 'blackspots' in the area where there is no coverage at all. It is proposed to co-locate the equipment of two different operators on this pole. This is in line with National Guidelines which encourage co-location. In addition, the applicant stated in the appeal response that there is a functional necessity to ensure good quality coverage along the greenway to safeguard pedestrian and cyclist safety having regard to the proximity of the Waterford Greenway to the site.
- 7.4. Having regard to the information submitted, I am satisfied that the applicant has provided sufficient information to justify the need for the proposal. I consider that the applicant's agent has clearly established the acceptability of the application under the provisions of section 254. Given national and local policy I consider the development as proposed to be acceptable in principle at this location.

7.5. Impact on Visual and Residential Amenities

- 7.5.1. The proposal is for a 18m high street pole and an accompanying cabinet at ground level. This street pole would be a galvanised and painted pole, which would have the EIR antennas inside the top of the pole with space for a second operator's antennae

below the EIR antennas in future and provision for a second cabinet for a subsequent operator.

- 7.5.2. The Planning Authority had one reason for refusal which considered that the proposed development would be visually obtrusive at this location in close proximity to the scenic route R675, the Waterford Greenway, and residential properties, and would constitute a highly obtrusive development in the receiving landscape and have a significant adverse impact on adjoining residential properties.
- 7.5.3. I have reviewed that plans and particulars on file, including the Visual Impact Assessment (VIA), and have undertaken a physical inspection of the appeal site and its surrounding area. The site is located in an urban area on open space adjacent to the Clonea Road, Dungarvan. The area is residential in nature and the Waterford Greenway is adjacent to the site.
- 7.5.4. I note that the appeal site is not directly in front of any existing dwelling with the nearest dwellings being at No. 2 Sea Park Avenue, No. 13 Ashcroft and No. 2 Park Lane Avenue, all with side elevations facing the site. I also note that the PA refused permission for a 15m pole in very close proximity to the site under PA Reg. Ref. 19/725. The objectors consider that as the proposed development is 3m higher than the previous refusal, it should not be permitted.
- 7.5.5. The subject site is classified as 'Urbanising Landscapes' – Dungarvan Environs (7C) in the Landscape and Seascape Character Assessment in Appendix 8 of the Development Plan. These lands are located in an area within the Dungarvan Environs which is designated as being least sensitive to landscape change. The overall aim for these areas is to ensure that the inherent character of city/town environs is maintained.
- 7.5.6. The appeal response makes the case that the location of the site is in an already urbanised area which is setback from the public road and makes use of existing trees for screening. It also points out that whilst the site now forms part of a scenic route, it is in an urban environment, with no coastal views and that this section of the Clonea Road not form part of a scenic route in the previous development plan.
- 7.5.7. I am of the view that the proposed structure is not out of context at this urban location and I would concur with applicant that the existing mature trees will provide for some screening. I also concur with the applicant that whilst the site is in proximity

to a designated scenic route – No. 13, Map No. 5 Natural Heritage Map of the Development Plan, the landscape in the environment is essentially urban in character. I do note the proximity to the greenway which I would point out to the Board was extremely busy in the month of October when I visited the site. I also have examined viewpoints in the photomontage report. I consider that the pole will be visible and there are limited opportunities to directly screen the pole other than the existing mature trees. However, I note that the character of the surrounding area is suburban residential and that the wider receiving environment comprises various types of infrastructure and street fixtures, including streetlight, utility poles with overhead powerlines and several types of road signage. The proposed development would take up a small footprint at the edge of a green space. Whilst the views are not going to be screened out completely, the impact of many views would be reduced by the existing mature trees in the area. As such, I consider that the visual impact assessment submitted with the application demonstrates that the visual impact would be satisfactory.

- 7.5.8. The telecommunications pole itself is nondescript in character and design and not dissimilar in scale or design of a lamp standard or traffic light pole. It is not accepted that any material undue adverse impacts, from a planning perspective would arise should the license be granted. The streetpole is no more impactful on the amenity of an area than adjacent light posts and traffic signage in my view. I conclude that the proposal would be compatible with the existing visual and residential amenities of the area.

7.6. Appropriate Assessment

- 7.6.1. The site is not in or beside any European site. This site is located in a grass verge in close proximity to the Clonea Road in the town of Dungarvan and its development to provide a telecommunications streetpole would raise no Appropriate Assessment issues for any European site.
- 7.6.2. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not

be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. It is recommended that the Board directs the Planning Authority to Grant the licence subject to the following condition

9.0 Reasons and Considerations

Having regard to:

The provisions of Section 254 of the Planning and Development Act, 2000 (as amended),

The National Development Plan 2018 – 2027,

Objective 48 of the National Planning Framework 2020 – 2040,

The Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, and

Objective UTL 16 of the Waterford City & County Development Plan 2022 – 2028,

it is considered that, subject to conditions, the proposal would contribute to the roll out of broadband services in accordance with national and local objectives. This proposal would be consistent with the convenience and safety of road users, including pedestrians, and it would be compatible with the visual and residential amenities of the area. No water or Appropriate Assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the licence 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

Reason: In the interest of clarity.

2. The licence shall be valid for five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed, and the lands reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without written approval.

Reason: In the interest of the visual amenities of the area.

4. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

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.

Emer Doyle
Planning Inspector

31st October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Section 254 Licence for telecommunications mast		
Development Address	Clonea Road, Dungarvan, Co. Waterford.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
		Screening Determination required

Inspector: Emer Doyle

Date: 30th October 2024