



An
Bord
Pleanála

Inspector's Report

ABP-318423-23

Development

27 metre monopole mobile and broadband tower with headframe carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4m palisade fence compound with access track.

Location

Killadreenan, Newtownmountkennedy, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

23482

Applicant(s)

Tower Ireland LTD

Type of Application

Permission

Planning Authority Decision

Granted

Type of Appeal

Third Party

Appellant(s)

Caroline Condell & Matthias John

Observer(s)

None

Date of Site Inspection

17th February 2024

Inspector

Sarah Lynch

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History	5
5.0 Policy Context	6
5.1. Development Plan	6
5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996	6
5.3. Circular Letter PL07/12	7
5.4. Natural Heritage Designations	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	8
6.3. Planning Authority Response	8
6.4. Observations	8
7.0 Assessment	8
8.0 Recommendation	10
9.0 Reasons and Considerations	10
10.0 Conditions	11
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The site is located within undeveloped agricultural lands to the east of the main developed area of New Mount Kennedy. The agricultural field in which the proposed development is to be located is to the east of the R772 and is accessed off a private laneway associated with an agricultural landholding and farmyard.
- 1.2. Electricity pylons traverse the lands further east of the proposed mast and the lands are in an elevated position with views into the urban area.

2.0 Proposed Development

- 2.1. It is proposed to construct a 27 metres monopole and broadband tower with headframe and associated equipment and cabinets within a 2.4 m palisade fence compound with access track

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council determined to grant permission for the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report is consistent with the decision of the Planning Authority.
- Further information was requested in relation to the following:
 - Statement of compliance with the IRPA Guidelines 1988
 - Details of landscaping.
 - Technical report that coverage improvement can not be achieved by co-location.

3.2.2. Other Technical Reports

3.2.3. Senior Executive Chemist – no objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

10 submissions were received, issues raised relate to:

- Impacts to Visual Amenity of the area
- Devalue properties within the vicinity.
- There is no justification for the need of the development, in terms of a lack of capacity in the area.
- A similar development within 1km was refused permission.
- No compliance with the International radiation Protection Compliance Association.
- Development is too close to residential development.
- Noise impacts
- Health and safety
- Impacts to wild life and natura 2000 sites.

4.0 Planning History

There is no recently recorded history for this site.

Other sites accessed off the lane

- Wicklow County Council Ref: 22893 Permission was granted for a new dwelling, new garage, new entrance from existing farmyard, access from existing farm lane which leads to public road, connection to public water mains, connection to public sewage network and associate works.
- Wicklow County Council Ref: 16846 permission was granted for a dormer 3 bedroom bungalow dwelling (157 sqm) including habitable accommodation in attic roof space, right of way entrance to site via existing farm lane, effluent treatment unit and bored well to serve proposed dwelling, ancillary site works

necessary to complete development, all on lands, containing trees considered for preservation at Warblebank (protected structure)

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2022

The widespread availability of a high quality telecommunications network throughout County Wicklow will be critical to the development of a knowledge based economy. It will contribute to sustained macro-economic growth and competitiveness, by ensuring that the County is best placed to avail of the emerging opportunities provided by the information and knowledge society and supporting new and innovative forms of distance working including working from home and the development of co-working hubs.

- **CPO 16.35** - To facilitate and support the roll out 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 the development standards set out in Appendix 1 of this plan.

New mount Kennedy Town Plan 2022-2028

- 3.7 Service Infrastructure Adequate - service infrastructure is essential to meet the needs of the existing and future population of Newtownmountkenedy; including water services, effective road and public transport networks, energy, telecommunications, waste management etc.

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

- 5.2.1. These Guidelines set out the criteria for the assessment of telecommunications structures. The relevant points to this case are summarised below.

- An authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions (Section 4.3).
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such 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 (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.3. Circular Letter PL07/12

- 5.3.1. This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and instead advises that a condition be included stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

5.4. Natural Heritage Designations

The closest Natura 2000 site is located 3.4km to the east of the proposed site and comprises of the Murrough SPA.

5.5. EIA Screening

The development is not of a class for EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- The need for the mast has not been demonstrated.
- Coverage in the area will not be improved by the mast and few properties will be impacted in terms of better coverage in the urban area.
- No justification why existing masts and infrastructure can not be used.
- Mast will be visible from a number of protected structures.
- Mast is too high and will be visually obtrusive.

6.2. Applicant Response

- Applicant's response was received late.

6.3. Planning Authority Response

- None

6.4. Observations

- Anne Burgess – objection relates to proximity of property to home
- Sufficient existing communication capacity
- Health implications

7.0 Assessment

7.1. The appeal site is located in a rural area outside of any development boundary and is not subject to any zoning objectives or within a protected landscape area. I have reviewed the contents of the file and the documentation submitted with the planning application and am satisfied that the issues for consideration before the board relate to the grounds of appeal. No new issues arise in this instance.

7.2. The issues to be considered therefore relate to the following:

- Principle of the development
- Visual Impact of the development
- Appropriate Assessment

7.3. I note from the Wicklow County Development Plan 2022-2028 that telecommunications infrastructure is supported, with the development of a high-quality telecommunications network being seen as a central economic driver for the county. Proposals for such development are required to comply with development standards which are outlined within Section 2.4 of Appendix 1 of the County Development Plan. Such standards provide parameters in relation to the need for the installation, location, siting and design, access and safety of telecommunications masts.

7.4. I note that concerns are raised within the grounds of appeal in relation to the justification of the proposed development. It is contended by the appellant that the applicant has not submitted a justification in accordance with the requirements of the County Development Plan. I draw the Boards attention to the 'RF Technical Justification Report' submitted by the applicant which outlines the need for the development in relation to network planning and performance, coverage requirements and service coverage plots.

7.5. The applicant clearly states that there is currently pressure on the system due to the uptake of devices, and the existing mast serving the area can not cater for the additional requirements. The proposed development will replace the current 3 site at New Mount Kennedy. A coverage map is also provided within the documents submitted and a justification outlined in relation to the need for additional masts

7.6. Having regard to the information submitted I am satisfied that the applicant has adequately justified the need for a new mast at this location. Whilst I acknowledge the concerns of the appellant, the provision of improved telecommunications infrastructure is supported by the development plan and the delivery of such infrastructure is necessary to provide for an efficient and modern telecommunications system. The applicant has also

Visual Impact of the development

7.7. It is important to note at the outset that the proposed development is not located within a protected landscape and will not interfere with any protected views. The applicant

has also prepared a visual impact appraisal which includes photomontages. The development will be located c. 300 metres from an existing housing estate within an agricultural field adjacent to the field boundary and whilst the upper sections of the mast will be visible from the surrounding area, the nature of the visual intrusion at this location is not deemed to be significant. Such masts are common within the landscape across the country and given that there are no specific landscape protections relating to this area I am satisfied that the visual impact will not be significant and will not alter the current aspect of the landscape which, (includes a number of large electricity pylons), to such a degree as to warrant a refusal of the development.

- 7.8. Additional it is important to note that existing established development within the vicinity of the R772 will significantly reduce the visibility of the proposed mast from the R772 and development west of this road.
- 7.9. Overall having regard to the information on file and the nature of the proposed development I am satisfied that the proposed telecommunications mast and associated infrastructure complies with the requirements of the Wicklow County Development Plan 2022-2028 and the sustainable development of the area.

Appropriate Assessment

- 7.10. Having regard to the minor nature of the development, and the separation distance to any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to the following conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wicklow County Development Plan 2022-2028, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12 and the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed

development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance 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 application and with the appeal, 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. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

3. Prior to the commencement of development, the developer shall agree in writing with the planning authority, a traffic management plan for the construction phase of the proposed development.

Reason: In the interest of traffic safety.

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

6. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

7. The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Sarah Lynch

Senior Planning Inspector

18th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318423			
Proposed Development Summary	27 metre monopole mobile and broadband tower with headframe carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4m palisade fence compound with access track.			
Development Address	Killadreenan, Newtownmountkennedy, Co. Wicklow			
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	x		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)	Conclusion
No	x	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
Yes		Screening Determination required

Inspector: _____ **Date:** _____