



An
Bord
Pleanála

Inspector's Report

ABP-318424-23

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|--------------------------------|--|--------------------|-------------------------------|
| Development | <i>To erect a 20.70m high multi user monopole structure together with antennas, dishes, and associated telecommunications equipment. The proposed development is within the curtilage of a protected structure</i> | | |
| Location | <i>Car Park of Wicklow Arms, Main Street, Delgany, Co. Wicklow</i> | | |
| Planning Authority Ref. | <i>2360264</i> | | |
| Applicant(s) | <i>Vantage Towers Limited</i> | | |
| Type of Application | <i>Permission</i> | PA Decision | <i>Refuse Permission.</i> |
| Type of Appeal | <i>First</i> | Appellant | <i>Vantage Towers Limited</i> |
| Observer(s) | <i>Colin Acton & Charlotte Byrne Paul Armstrong David Curtis Pauline O'Connell David Sullivan & Eithne Sullivan Vincent Flynn</i> | | |
| Date of Site Inspection | <i>25/01/2024</i> | Inspector | <i>Andrew Hersey</i> |

Context

1. Site Location/ and Description. The site is located in the south western corner of the car park to the rear of the Wicklow Arms, Main Street, Delgany Co. Wicklow. To the south of the site there is a burial ground and to the north of the far side of the car park there is a housing estate Delgany Place. To the east lies the Wicklow Arms with a convenience store to the rear of the same facing onto the car park. There is a restaurant adjacent to the west. I note that the boundary of the burial grounds which comprises of mature evergreen trees forms a backdrop to the mast.

2. Description of development. The proposed development comprises of

- a 20.70m high multi user monopole structure
- together with antennas, dishes, and
- associated telecommunications equipment (cabinet with protective cage around same).

I note with respect of the above that the monopole and cabinet is not proposed to be enclosed by a security fence

3. Planning History.

On site

- ABP 247461 granted permission for a Village Centre development with 22 no. dwellings, retail, office and restaurant. This is the parent permission for the site which comprised of the redevelopment of the Wicklow Arms, the car park, the housing to the north and the restaurant building to the west.
- Planning Reg. Ref 19829 granted for modifications to the above.

In the vicinity

- ABP 303304-18 refused permission for a telecommunications flagpole on a site to the north east of the application site at the Horse & Hound for the following reasons:
 1. The proposed development, by reason of its design, height and location set within the Delgany Village Architectural Conservation Area would form a visually intrusive feature which would adversely impact

upon the character of the Delgany Village Architectural Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. National/Regional/Local Planning Policy

The Wicklow County Development Plan 2022- 2028

- The Wicklow County Development Plan 2022- 2028 is the statutory plan in force at present and came into effect on the 23rd October 2022
- 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.
- Appendix 1 Development Design Standards Telecommunications
 - All applications for new antennae shall be accompanied by adequate information to show that there is a requirement for the new installation. In particular, the following information shall be provided:
 - Map of the area concerned (minimum 10km radius) showing all antennae operated by the applicant and the applicant's existing coverage in that area;
 - Details of antennae operated by other providers in the area;
 - Details of the area to be covered by the proposed antennae and technical explanation of the reasons why coverage cannot be provided by existing antennae.
 - Location: Where it has been proven that there is a need for new / expanded coverage in a particular area, the applicant shall show that all existing masts and support structures in the area have been firstly examined to determine if

the attachment of new antennae to existing support structures can provide the coverage required. This will require the submission of:

1. A map of all existing support structures in the vicinity of the coverage 'gap';
2. A technical evaluation of the capabilities of these masts to take additional antennae and provide the coverage required.

Once it has been determined that new antennae / antennae support structures are required and co-location on an existing support structure is not feasible, permission will be considered for new support structures and associated base stations subject to the following control criteria.

- Locations in settlements:

The applicant shall be required to follow a 'sequential' approach to site location i.e. in accordance with the order of priority set out to follow, the applicant must show that the preferred locations have been examined in the first instance and rejected for specified reasons (commercial competition in this instance will not be acceptable as a reason) and only then, can locations further down in the hierarchy be considered:

1. Clustering with existing support structures.
2. In industrial estates or on industrial zoned lands;
3. Rooftop locations in commercial / retail zones;
4. In parks / open space areas ('disguised' masts may be requested in such areas). New support structures shall not be permitted within or in the immediate surrounds of a residential area or beside schools. Impacts on protected structures, Architectural Conservation Areas, National Monuments, or other building / sites of heritage value shall be considered.

Greystones Delganey- Kilcoole Local Area Plan 2013-2019

- The site is zoned as 'Village Centre' in the above plan the objective of which is to *'Protect, provide for and improve a mix of village centre services and facilities which provide for the day to day needs of the local community'*

- The site is located within an Architectural Conservation Area
- Policy BH19: The design of any development in Architectural Conservation Areas, including any changes of use of on existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted.
- Policy HER12: To preserve the character of Architectural Conservation Area's (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs:
 - Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
 - The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
 - The design of any development in an ACA, including any changes of use of an existing building, shall preserve and or enhance the character and appearance of the ACA as a whole.
 - Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
 - The character and appearance of the urban public domain within an ACA shall be protected enhanced. The Council will seek to work in partnership with local community and business groups to implement environmental improvements within ACAs.
 - Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking, will not normally be permitted.
 - Historic items of street furniture and paving within ACAs shall be retained, restored and repaired. All electricity, telephone and television cables within ACAs shall be placed underground where possible.

- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.
- The site is located adjacent to Delganey Old Graveyard which is listed as a Protected Structure RPS No. 08-08. The graveyard is also a National Monument WI00588

Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)

- These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a high- quality telecommunications service. At 4.3 it is stated that “the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. 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. The support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12

- Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not

include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

The Regional Spatial and Economic Strategy for the Eastern and Midlands Region includes the following regional planning objectives

- RPO 8.25 Communications Networks and Digital Infrastructure: Local authorities shall:
 - Support and facilitate delivery of the National Broadband Plan.
 - Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland. Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.
 - Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.
 - Promote Dublin as a demonstrator of 5G information and communication technology.

5. Natural Heritage Designations

- The nearest designated site is the Glen of the Downs SAC (Site Code 000719) which is 970m to the west of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was refused permission for the following reason:

Having Regard to:

- The location of the proposed structure within the immediate surrounds of a residential area,*
- The location of the proposed structure on a prominent site within the Delganey Village Architectural Conservation Area and in proximity to a number of protected structures,*
- The failure of the applicants to adequately demonstrate that there is not a more appropriate location for this development, d The failure of the applicants to submit a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health, Physics, Vol. 54, No. 1(Jan) 1988) or the equivalent European pretender 50166-2,*

It is considered that the proposed development would be contrary to the development standards for mast and telecommunications structures as set out in the Wicklow County Development Plan 2022-2028 in particular CPO 16.37 and Appendix 1, Section 2.4. Telecommunications. The proposed development therefore has the potential to impact upon the residential amenities of the area and to detract from the character of the Delganey Village Architectural Conservation area and the setting of nearby protected structures. To permit this development would therefore be contrary to the proper planning and sustainable development of the area.

7. Internal Reports

None received

8. External Reports

Department of Housing, Local Government Heritage (9th October 2023) - archaeological monitoring is required by way of planning condition

9. Submissions

There are 21 submissions which in summary raise the following issues

- The proposal would negatively impact on the character of the village and the Architectural Conservation Area.
- The proposal is located beside an ancient burial ground, protected structures, and national monuments.
- Health risks, the proposed development site is not an appropriate location in the centre of a village.
- The structure will be the tallest structure in the village and totally out of place.
- The applicant has not demonstrated that there is not a more appropriate location for the mast. There is already adequate fibre broadband in the village.
- Potential Impact upon Tourism and Wildlife
- That permission was refused previously for a mast under Planning Reg. Ref. 181106 to the rear of the Horse & Hound
- That the proposal contravenes policies with respect to Telecommunications Infrastructure as set out in the Wicklow County Development Plan 2021-2027
- That there is already good 5G coverage in the village.
- The loss of car parking spaces

10. Grounds of Appeal

A First Party appeal c/o Charterhouse Infrastructure Consultants was received by on the 9th November 2023. In summary the appeal states that:

- That there are no restrictions with respect to distances to residential properties in national guidelines.
- That the development plan recognises that telecommunications is an essential service
- That there is not a more appropriate location for proposed development and the proposal meets the development plan including the provisions as set out in Appendix 1.

- The photomontages submitted prove that the proposal mast will not impact upon the Delgany Village ACA
- That the proposed development will not impact upon adjacent protected structures and national monuments. Any impacted views will be partial and intermittent.
- There will not be any security fencing around the proposed mast.
- That there are only 3 masts in the surrounding area operated by Eir, Vodafone and Three. Eir has two more in the surround area on a rooftop and on a pylon. Vodafone also has a rooftop installation in the area.
- These are too low to provide for good coverage to Delgany due to the topography. The capacity and quality of voice and data services are therefore limited.
- Comreg Maps for the area clearly indicate that there is poor coverage in Delgany.
- There is very poor indoor coverage in the area
- That the only alternative location would be on the roof of the Horse and Hound pub which already has been subject to an application for a mast which has already been refused.
- There is no option to cluster with other operators
- The proposed mast is the lowest possible for site propagation and can be shared with other operators.

11. PA Response

None received

12. Observations

Colin Acton & Charlotte Byrne (13/12/23)

- That a mast in such close proximity to residential areas is not appropriate contrary to the appellants claim that it is impossible to do otherwise

- That the proposed development is located in the immediate environs of Bellview Court, Bellview Lawns and Valley View.
- That the comreg maps show their house as located within an area designated with a 'fair' coverage yet they have 4G inside and outside of their house.
- There is fibre broadband in the area.
- That the mast refused at the Horse and Hound is further from the centre of the village than the proposed development site and on the margins of the ACA designation. This is contrary to what is stated in the appeal which indicates that the Horse and Hound is *'deeper into the heart of the ACA and due to its location the impact on the ACA is greater'*.
- That the Wicklow Arms is a protected structure and the proposed mast is located within the curtilage of the same
- CPO 8.2 states that 'No development in the vicinity of a feature included in the Record of Monuments and Places or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.'
- The proposed mast is just 7 metres from the old graveyard (a national monument and will be visible from within the same. The proposal is therefore contrary to CPO8.2
- That the applicant has not demonstrated sufficiently that there are alternative locations for the proposed development:
- They are aware that a separate application is being prepared for a mast within Delgany Golf Club to the west of the site which it felt is a more *appropriate* location for a mast.
- Section 2.4 of CDP Appendix 1 states the following in relation to safety criteria: "As part of their planning application, applicants will be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1(Jan) 1988) or the equivalent European Directive 50166-2 which has been conditioned by the licensing arrangements with the Departments of Transport,

Communications, Energy & Natural Resources and to furnish evidence that an installation of the type applied for complies with the above Guidelines." The applicant has not provided such a statement. In their appeal they simply say that they "forgot to request it from the client."

Paul Armstrong obo Delgany Community Council (5/12/23) raises concerns as follows

- That the said mast is located within the Delgany ACA and as such the proposal contravenes objectives of the development plan
- That the said mast is located within the curtilage of a protected structure and in close proximity to other protected structures.
- Failure to consider alternative sites.
- Failure to prove a need for the said mast
- Vantage Towers (the applicants) have been granted a mast 1.5km from Delgany at Rockfield, Prieststown Delgany which is located on farmland away from houses (Planning Reg. Ref. 23725). There are therefore other viable sites available
- That a mast on the Delgany Golf Club would be more acceptable.

David Curtis (05/12/23) raises the following issues:

- That a mast was refused by the Board on a similar site under Planning Reg. Ref. 181106
- That the appellants are not correct in stating that 'it is not uncommon for such an installation to be located in towns and villages close to housing estates. The observer states that it is not common to see such free standing masts in close proximity to residential areas and in this respect several examples of the are cited.
- The proposal will dominate the landscape in an Architectural Conservation Area and will result in a visual impact upon the Heritage Village of Delgany.

- The appellant fails to demonstrate a need for the mast. The indoor signal map which they say is provided by Vodafone cannot be relied upon as it is not prepared by an independent body.
- There is good fibre broadband in the village. There is no particular push from government to supply high speed internet broadband via wireless transmission.

David & Eithne Sullivan (1st December 2023) raise the following issues

- Precedent - other similar applications refused in the village
- Telecommunications Guidelines 1996 state that '*only as a last resort should free standing masts be located in a residential area*'
- Visual Impact
- The requirement for a mast is not proven

Vincent Flynn (2nd December 2023) raises the following issues

- The proximity of the mast to Bellview Court
- That the site is located within a prominent site in Delgany Village within an ACA
- The mast is not in the interests of the residents of the village
- The appellant has failed to demonstrate that there is not an alternative location.
- That there is a mast to the south of the village on a hill which is in direct line of site with the proposed location for the mast. This existing mast was not examined in the appeal.

Paul O'Connell obo Belleview Court Residents (4th December 2023)

- Precedent - other similar applications refused in the village

- Telecommunications Guidelines 1996 state that *'only as a last resort should free standing masts be located in a residential area'*
- Visual Impact
- The requirement for a mast is not proven

Environmental Screening

13. EIA Screening

Telecommunication mast/antenna is not a class of development designated in Parts 1 or 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. Therefore, the requirement for submission of an EIAR and carrying out of an environmental impact assessment may be set aside at a preliminary stage.

14. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this First Party Appeal relate to the following matters-
- Development Plan Policy
 - Impact upon ACA, Protected Structures, National Monuments
 - Health Implications

2.2. Development Plan Policy

- 2.2.1. The subject site is located in the car park of the Wicklow Arms, Convent Delgany, Co. Wicklow and is zoned Objective 'VC' which aims 'to protect, provide for, and improve a mix of village centre services and facilities, which provide for the day to day needs of the local community'.
- 2.2.2. The provision of masts is generally supported in CPO 16.35 of the Wicklow County Development Plan 2021-2027 which seeks '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'
- 2.2.3. CPO 16.37 states that 'The development of new masts and antennae shall be in accordance with the development standards set out in Appendix 1. Appendix 1 sets out development design standards with respect of telecommunications. The standard state that all applications for new antennae should be accompanied by adequate information to show that there is a requirement for the new installation and in particular, the following information shall be provided:
- Map of the area concerned (minimum 10km radius) showing all antennae operated by the applicant and the applicant's existing coverage in that area.
 - Details of antennae operated by other providers in the area.
 - Details of the area to be covered by the proposed antennae and technical explanation of the reasons why coverage cannot be provided by existing antennae'.
- 2.2.4. The appeal goes into great detail as to why a mast is required at this location and in particular that Vodafone coverage in the area with respect of internal coverage (coverage within existing buildings) is inadequate and hence the requirement for improved coverage. I understand that the principal operator of the mast is to be Vodafone. The Comreg maps for the area show that 5G Vodafone coverage in the area has a 'Fair' rating but to the west at Bellview Hill & estates the rating is described

as 'Fringe' with a few spots having 'No Coverage'. On the basis of this, there is little doubt that Vodafone requires better 5G coverage in the area.

- 2.2.5. On the basis of the above, the plan goes on to state that: *Once it has been determined that new antennae / antennae support structures are required and co-location on an existing support structure is not feasible, permission will be considered for new support structures and associated base stations subject to the following control criteria.*
- 2.2.6. I am of the opinion that the appeal does not address to an adequate degree, the option of co-location. The applicant has stated that it is not possible to cluster with other support structures and that six other structures in the vicinity of the site have been examined.
- 2.2.7. I note that Vantage Towers have recently been granted permission for a mast circa 1.5km from the site at Rockfield, Prieststown, Delgany, Planning Reg. Ref. 23725 applies. I note that this mast was granted permission on the 15th November 2023 just after this appeal was lodged. I would consider that it would be important for the applicant to comment on whether or not this mast would provide the additional required coverage in Delgany thereby negating the need for the proposed mast.
- 2.2.8. I further note that a number of the observers state that there is another mast to the south of the site along Blackberry Lane. While it is not clear as to where this mast is or the planning status of the same, it is noted that this mast has not been examined in the first party appeal for potential for clustering.
- 2.2.9. The plan further sets out policy with respect of locations within settlements, and it is stated therein that the applicant is required to follow a 'sequential' approach to site location i.e. in accordance with the order of priority set out to follow, the applicant must show that the preferred locations have been examined in the first instance and rejected for specified reasons and only then, can locations further down in the hierarchy be considered:
1. Clustering with existing support structures.
 2. In industrial estates or on industrial zoned lands;
 3. Rooftop locations in commercial / retail zones;

4. In parks / open space areas ('disguised' masts may be requested in such areas). New support structures shall not be permitted within or in the immediate surrounds of a residential area or beside schools. Impacts on protected structures, Architectural Conservation Areas, National Monuments or other building / sites of heritage value shall be considered.

2.2.10. With respect of item 1 above this has been discussed previously and generally, I am not convinced that this issue has been addressed sufficiently.

2.2.11. With respect of item 2 above, I note that there are no industrial zoned lands or industrial estates in the immediate vicinity of the site. With respect of rooftop sites (item 3), the appellant states that they are all too low to facilitate telecommunications infrastructure. With respect of item 4, the appellant states that there are no parks in the area. I note from the observations submitted however that it is expected that there will be an application for a mast to the west of the site in Delgany Golf Club. It is expected that such a mast will be some distance from the village and from any residential property and that as such it could be less of an impact than the current proposed mast. I note that while an application for a mast has not been lodged as yet, it proves that the appellants have not explored other potential sites in the village and surrounding area to any degree. The only site they appear to have examined was the site for a mast which was subject to a refusal of permission under Planning Reg. Ref. 181106.

2.2.12. Item 4 specifically states that *'New support structures shall not be permitted within or in the immediate surrounds of a residential area or beside schools and that Impacts on protected structures, Architectural Conservation Areas, National Monuments, or other building / sites of heritage value shall be considered'*.

2.2.13. This policy is generally compliant with Telecommunications Guidelines 1996 which state that *'only as a last resort should free standing masts be located in a residential area'*

2.2.14. The proposed mast is located directly adjacent to several residential estates including but not limited to Delgany Court which is located just 50 metres to the north and Bellview Court which is located 45 metres to the north west.

- 2.2.15. With respect to impacts upon protected structures, Architectural Conservation Areas, National Monuments or other building / sites of heritage value this issue shall be addressed later on in this report.
- 2.2.16. On the basis of the above, I consider from the information submitted, and from the available information on the Comreg website that there is a need for Vodafone 5G coverage in the area. I am not convinced however that the applicant has sufficiently explored co-location to any significant degree and has not explored alternative locations which would potentially be suitable. There is no proven requirement therefore to have the proposed mast in such close proximity to residential areas.
- 2.2.17. In this respect, I consider that the proposed development does not meet with the development standards as set out in Appendix 1 of the Wicklow County Development Plan 2022-2028, is contrary to CPO 16.37 of the same plan and is therefore contrary to the proper planning and sustainable development of the area.

2.3. Impact upon ACA, Protected Structures, National Monuments

- 2.3.1. The proposed development site is located within the Delgany ACA where it is the policy of the council under Policy BH19 that the design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole.
- 2.3.2. Policy HER 12 also applies which in part states that The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.
- 2.3.3. Notwithstanding the photomontages submitted with the application, the proposed mast will be visible over buildings in the ACA from a wide area which will undoubtedly have a negative impact upon the character of the ACA.
- 2.3.4. The proposed development site is also located adjacent to a number of protected structures as follows:

- Wicklow Arms RPS 08-13 and
- Old Graveyard 08-08.

- 2.3.5. The proposed mast is located directly adjacent to the old graveyard and the said mast will be visible from within the graveyard towering over the mature evergreen trees which delineate the graveyard from the car park where the said proposed mast is located.
- 2.3.6. However, I am of the opinion that the said mast will not have a significant visual impact upon the graveyard itself as an entity but would have a visual impact upon the village in general as a consequence of its height and its visibility from over a wide area.
- 2.3.7. The same equally applies with respect to the fact that the Old Graveyard is protected as a National Monument. Again I do not consider that there will be a visual impact upon the setting of the graveyard as a entity in itself. I note that there is a report from the Department of Housing, Local Government and Heritage on file which states the proposal is acceptable subject to archaeological monitoring. It would seem therefore that the department do not have any concerns with regard to visual impact.
- 2.3.8. The observers state that the said mast is within the curtilage of the Wicklow Arms but I would not agree with the same. The protected building is somewhat distant, circa 60 metres, from the location of the proposed mast and while the site of the mast may have been at one stage within the curtilage, because of the development of the car park this curtilage has been reduced to that to the immediate surrounds of the said protected structure. Having regard to the same I do not consider that there will be a visual impact upon the setting of the Wicklow Arms which is listed as a Protected Structure.
- 2.3.9. In summary therefore and having regard to the height of the proposed telecommunications structure and the extent of the structure which would be visible above the roofs of buildings within the ACA, I consider that it would form a visually intrusive feature which would adversely impact upon the character of Delgany Village Architectural Conservation.

2.4. Health & Safety

- 2.4.1. The observers to the first party appeal have also raised the issue of potential human impacts arising from the proposed development.
- 2.4.2. In relation to these matters I note the provisions of Circular Letter PL07/12 issued by the Minister under section 28 of the Planning and Development Act 2000, as amended, which states that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. The letter further advises that health and safety matters are regulated by other codes and such matters should not be additionally regulated by the planning process. Accordingly, the issue of health and safety will not be considered further within this report.

3.0 Recommendation

- 3.1. I recommend that permission for the development be refused permission for the following reasons:
 1. It is the policy of the council under policy HER12 of the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 *‘to preserve the character of Architectural Conservation Areas’*. The proposed development, by reason of its form, height and location set within Delgany Village Architectural Conservation Area would form a visually intrusive feature which would adversely impact upon the character of this area, would contravene this policy and would be contrary to the proper planning and sustainable development of the area.
 2. CPO 16.37 of the Wicklow County Development Plan 2022-2028 states that the development of new masts and antennae should be in accordance with the development standards set out in Appendix 1 of this plan. The standards set out in Appendix 1, in part states that where a need is proven that such masts should not be permitted within or in the immediate surrounds of a residential area or beside schools and that impacts on Protected Structures, Architectural

Conservation Areas, National Monuments or other building / sites of heritage value shall be considered.

The proposed mast is located in an area which is immediately adjacent to a number of residential estates including Delgany Place and Bellevue Court and is located within the Delgany Architectural Conservation Area.

The proposed development therefore by reason of its location would contravene CPO 16.37 of the Wicklow County Development Plan 2022-2028 and is therefore contrary to the proper planning and sustainable development of the area.

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.

Andrew Hersey
Planning Inspector
6th March 2024