



An
Bord
Pleanála

Inspector's Report

ABP-307515-20

Development	To erect a 20m lattice mast together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing and remove the existing 12m lattice mast with antennas (overall height 14.7m)
Location	Eir Exchange, Aherla More, Aherla, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	204496
Applicant(s)	Vodafone Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Ger Ahern.
Observer(s)	None.
Date of Site Inspection	31 st August 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site comprises part of an established telecommunications utilities site, the Eir Exchange, located to the east of the village of Aherla in County Cork. The Eir Exchange site is within a line of individual dwellings on the southern side of the road circa 0.7 kilometres east of the village. The appeal site extends to 0.08 hectares and comprises an area of ground to the west of the red brick Eir Exchange Building which is currently occupied by an existing 12m high lattice tower incorporating various antennas and lightning finials extending to an overall height of 14.7m. The site is elevated over road level and is accessed by way of concrete steps from a parking bay at the roadside boundary. Boundary treatment around the overall site includes concrete wall at roadside and chain link fence.

2.0 Proposed Development

2.1. The proposal involves permission to erect a 20m lattice mast tower together with antennas, dishes and associated telecommunications equipment enclosed in security fencing. The proposal will include or the removal of an existing 12m lattice mast with antennas (overall height 14.7m) . Application details indicate that the proposal will involve the removal of an existing pole outside the appeal site boundary with the adjacent dwelling site (appellant's dwelling site).

3.0 Planning Authority Decision

3.1. Decision

By order dated 15th June 2020 Cork County Council issued notification of the decision to grant permission and nine conditions were attached including the following:

Condition 2 Landscaping scheme to be submitted. Screen planting to be provided along the western and northern sides of the property.

Condition 3 Palisade fencing along the western boundary to be replaced with superior quality dark green wire mesh fencing / palladin fencing.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planner's report considers that the proposed height increase would equate to 6.8m. and notes that the neighbouring dwelling will benefit from the removal of a pole. The proposed palisade fencing will extend over the timber fence by 1m and an alternative security type fence should be considered (paladin or mesh type). Planting along western boundary and front boundary is desirable. Permission recommended subject to conditions.

Senior Executive Planner's report concurs with the recommendations of the Area Planner

3.2.2. Other Technical Reports

Area Engineer's report indicates no objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Aviation Authority no observations on the application

3.4. **Third Party Observations**

3.4.1 Submission by McCutcheon Halley Chartered Planning Consultants on behalf of Ger Ahern, neighbour to the west, objects to the proposal on the following grounds:

No pre-planning consultation contrary to guidelines.

Negative visual impact. Site is unsuitable given location in a residential area on the outskirts of the village.

Precedent case 244704. Board refused permission on basis of proximity to residential dwellings.

Separation distance of 11m from the adjoining dwelling to the west would result in adverse impact on the visual character and residential amenity of the adjoining dwelling contrary to section 4.3 of the Guidelines for Planning Authorities on

Telecommunications Antennae and Support Structures 1995 as amended by circular PL07/12 and objective ED 7-1 of the Cork County Development Plan.

- 3.4.2 Submission by William Aherne. Opposed the erection of the original mast which is within 12m of his dwellinghouse. Proposed mast will be obtrusive and out of character and an eyesore on the landscape.
- 3.4.3 Submission by Gerald Ahern objects on grounds of health and safety concerns arising from levels of radiation, visual impact. Alternative locations away from dwellinghouses more appropriate
- 3.4.4 Submission by Calm Deirdre, Kevin, Michelle and John Deasy. Object on grounds of health and safety concerns, negative visual impact. No convincing evidence provided by Vodafone with regard to alternative site at Knockawaddra.

4.0 Planning History

No Planning History on the appeal site.

5.0 Policy Context

5.1. NATIONAL POLICY

5.1.1. Telecommunications Antennae and Support Structures - Guidelines for 5.1.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.

5.1.2. Telecommunications Antennae and Support Structures and DoECLG

5.2.Circular Letter PL07/12

The 2012 Circular letter set out to revise sections 2.2. to 2.7 of the 1996 Guidelines. The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply, and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites beside schools. While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools, e.g. up to 1km. Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

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.

5.2. **Development Plan**

5.2.1 The Cork County Development Plan 2014 refers.

Objective ED 7-1 Telecommunications Infrastructure

“Support the provision of telecommunications infrastructure that improves Cork County’s international connectivity. Facilitate the provision of telecommunications services at appropriate locations within the County having regard to the DoEHLG “Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities” Have regard to environmental and visual considerations when assessing large-scale telecommunications infrastructure.”

Objective ED 7-2 Information and Communication Technology.

Facilitate the delivery of a high capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County. Support a programme of improved high-speed broadband connectivity throughout the County and implement the National Broadband Strategy in conjunction with the Department of Communications, Marine & Natural Resources.

5.3. **Natural Heritage Designations**

The site is not within a designated area. The nearest such site is Cork Harbour SPA is circa 20km to the east. The Gearagh SAC and The Gearagh SPA 17km to the west.

5.4. **EIA Screening**

5.4.1 Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by McCutcheon Halley Chartered Planning Consultants on behalf of Mr Ger Ahern, Aherla More who lives in the dwelling immediately to the west of the site within 11m of the proposed mast. Objection on the following grounds.

- Significant detrimental impact on the visual character and residential amenity of the appellant's property. Conditions imposed do not offer effective mitigation.
- No planning history on the site and it is assumed that existing structures were constructed in accordance with exemption under Class 31 of Part 1 of Schedule 2. Issues raised in regard to the alleged weakness of the existing structure could be addressed under Class 31 by providing replacement mast up to 12 metres.
- No assessment of the planning status of the existing structure.
- Application documents imply that increased height is essential for Vodafone to provide proper 3G and 4G service, however upper parts of the 20m tower are allocated to other operators and no additional coverage achieved by Vodafone as equipment is at similar height above ground level to the current arrangement.
- No evidence of co-location agreement.
- The only alternative site considered was the existing mast site at Knockawaddra which was discounted on basis of distance from Aherla (1.9km) which is questionable as 3G and 4G transmitters have a typical catchment of 15km to 30km.
- Fact that there is an exempted mast on the site should not automatically confer acceptability in principle.
- No pre planning consultation as is recommended in section 4.1 of the Guidelines.
- Site is unsuitable as it is located within a cluster of dwellings on the outskirts of Aherla Village contrary to advice in the guidelines.
- Visual impact not given due consideration. Increase in height may be considered minor in distant views however impact on adjoining properties is significant.

- Precedent case 244704 permission refused having regard to Circular PL07/12 where separation distance to dwelling was 25m.
- Need for a sequential test has been demonstrated.

6.2. Applicant Response

The first party did not respond to the grounds of appeal.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1 Having reviewed the grounds of appeal I consider that it is appropriate to address the appeal under the following broad headings.

- Principle of development - Need for the development and assessment of alternatives
- Visual impact, impact on residential amenity and impact on the amenities of the area
- Appropriate Assessment

7.2 Principle of Development – Need for the Development and Assessment of alternatives

7.2.1 Having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the development plan, it is noted that the provision of a telecommunications mast at the site should be considered to be open for consideration subject to detailed proper planning and sustainable development

considerations. As regards the issue of the established mast on the site, I am inclined to concur with the third-party appellant that the established use of the site should not automatically confer the suitability of the site for a replacement mast structure. I note that no details are provided with regard to the planning status of the existing structure. I consider that it is appropriate to consider the suitability of the site for a telecommunications structure de novo in accordance with the national guidelines and policies of the development plan.

7.2.2 As regards questions in relation to the need for the replacement mast and the assessment of alternatives, I note that the first party refers to the existing mast site at Knocakwaddra however discounts this on the basis of the distance (1.9km) from the village. I note that the third-party appeal submission has questioned this on the basis of an understanding that 3G and 4G services typically have catchment of 15-30km. The first party did not respond to the grounds of appeal and therefore has not addressed this matter. It is further outlined within the third-party appeal that there has been no demonstration of consultation with other operators with regard to their needs for additional infrastructure and technical requirements with regard to same. Furthermore, the justification for increase in height is questioned on the basis that the submitted plans demonstrate the replacement Vodafone equipment at the same height as on the current structure. The matters raised are relevant issues in the context of the policy requirement to set out a justification for the structure and demonstrate a reasonable consideration of alternatives. I cannot verify the technical circumstances and requirements in these matters, however, I consider that in light of the questions raised and the failure of the first party to address these questions the evidence provided to the Board is deficient in terms of demonstrating an approach which seeks to optimise the location and siting of the structure and to maximise the potential for future mast sharing and co-location.

7.3. Visual impact, impact on residential amenity and impact on the amenities of the area

7.3.1 The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 as noted, state that visual impact is one of the more important considerations which

have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations. The Guidelines recommend that great care be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

7.3.2 The Guidelines recommend that 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. The support structure 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. I consider that the location of the site on the outskirts of the village of Aherla is at odds with the guidelines. Having visited and reviewed the site context I note that whilst the existing 12m high structure does not have a significant visual impact from a distance it is locally prominent and is particularly prominent from the adjacent dwellings. I consider that the proposed new structure of 21.5m would be entirely obtrusive and visually dominant thereby detracting significantly from established residential amenity. I further note that given the constricted nature of the utilities site and siting of the proposed structure within 11m of the nearest dwelling there is little opportunity in terms of visual mitigation. I note the restricted size of the redline boundary which negates potential for landscaping and visual buffer. In my view the proposal by reason of the scale gives rise to an entirely unacceptable visual impact as to warrant a refusal. The proposed development is clearly at odds with national and local policy with regard to siting, would give rise to an obtrusive feature in the landscape thereby significantly detracting from residential amenity and would be contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

7.4.1 As regards Appropriate Assessment having regard to the 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 any other plans or projects on a European site.

8.0 RECOMMENDATION

Having regard to the foregoing I recommend that permission be refused for the proposed development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

1. Having regard to visually prominent location of the site on the in close proximity to a number of private residences, it is considered that the proposed development would conflict with the '*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996*' as updated by PL07/12 of 2012 with regard to siting and would be contrary to the objectives of the planning authority, ED 7-1 as set out in the current Cork County Development Plan 2014. The proposed development would, therefore, seriously injure the visual amenities of the area, and would seriously injure the residential amenities of the area and of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell,
Planning Inspector

25th September 2020