



An
Bord
Pleanála

Inspector's Report PL88.249402

Development	18 metre high multi-user telecommunications structure carrying associated antennae and link dishes and associated site works.
Location	Raheen Td., Unionhall, Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/316
Applicant	Vodafone Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Timothy & Mary Harrington
Observers	(1) An Taisce (2) Patrick Hallihan & Ellen Harrington
Date of Site Inspection	10/01/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.0054 hectares, is within the townland of Raheen c. 3 km to the south of Unionhall and c. 1.6 km to the north-east of Castletownsend in west Cork. The site is located c. 500 metres to the south of Lough Cluhir. It is accessed from a local road that terminates in the vicinity of Blind Harbour to the south. The League is c. 850 metres to the south-west

The site constitutes part of a larger field currently in agricultural use which slopes up from the road. There are farm buildings on the lands adjacent to the road served by an existing agricultural entrance. The site is at the highest point c.380 metres from the local road and is afforded panoramic views of Castletownsend to the south-west and Lough Cluhir to the north-east.

The nearest dwelling is c. 260 metres to the south-west (as the crow flies) accessed via a long driveway from the local road. One off housing along the local road network is evident in the vicinity.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 24/05/17 with further plans and details received 22/08/17 (copies of revised public notices received 30/08/17) following a further information request dated 13/07/17.

Permission is sought for an 8 metre high telecommunications structure carrying associated antennae and link dishes with an associated equipment cabinet within a fenced compound. A new access track from the local road is proposed.

The mast will form a component part of the applicant's 3G network and 4G Next Generation Broadband Network. The area has little or no service levels and does not have 3G and 4G voice and data services. It will allow for improved coverage to the regional road R596, the local road network and many parts of the Castletownsend and Castlehaven peninsula and townlands.

The mast is to facilitate multi-users.

The application is accompanied by:

- Letter of consent from landowner

- Report on Electromagnetic Fields
- Details on existing coverage and letter expressing potential interest from Meteor.
- Technical Justification and details of alternative sites considered
- Photomontages

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 7 conditions addressing standard planning and engineering requirements. Condition 7 requires the co-sharing of the infrastructure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Executive Planner's report dated 13/07/17 states that it is not possible to erect an 18 metre mast without some adverse impact resulting. As the dependency on telecommunications is so great such a gap in service may be more difficult to justify at the expense of visual impact although there will still be exceptions in some highly selected cases. Views from the north-west and north-east are filtered and intermittent. There are few concerns from the scenic route and/or from The League or from Castletownsend due to a number of factors including local landform, intervening topography, the absence of a focal point of attention and distances from any given vantage point. The greatest impact will be along Local Road L-4224 at Myross that links Blind harbour and Squince Harbour. It is not a scenic route. The impact from same has not been demonstrated. No information has been provided on alternative sites considered. A request for further information is recommended. The report was endorsed by the Senior Executive Planner on 13/07/17.

The 2nd Executive Planner's report dated 15/09/17 following further information states that whilst alternative site selection is limited a plausible explanation has been given as to why the subject site has been chosen. Positioning the 18 metre high mast further to the east would have little, if any, perceived visual impact benefit in the

wider landscape. Whilst increasing the setback from some dwellings it would bring it closer to others to the south-east. The additional photomontages are not of the highest quality. They are only a tool in assisting the process. Whilst the mast is not regarded as being terminating from a visual perspective undoubtedly it would have a highly noticeable impact when viewed from the L-4224 at Myross that links Blind Harbour and Squince Harbour and will be visible on the skyline. There are a number of 11kV electricity poles that are noticeable across the ridgeline. The hill side is not without man made interference. Being noticeable must be accepted or perhaps tolerated if the planned improvement to service is to be provided. The impact of the proposed mast would not be so great as to justify a refusal on that basis. A grant of permission subject to conditions is recommended.

The Senior Executive Planner's report dated 18/09/17 endorses the recommendation.

3.2.2. Other Technical Reports

Area Engineer in a report dated 20/06/17 recommends permission subject to conditions.

Environment in reports dated 06/07/17 & 08/09/17 has no objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water has no objection.

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority have been forwarded to the Board for its information. The issues raised relate to proximity to residential property, visual impact, health risks and consideration of alternative sites.

4.0 **Planning History**

Reference is made in the documentation on file to applications for agricultural buildings on the farmholding and applications for residential development on adjoining lands.

5.0 Policy Context

5.1. Cork County Development Plan

Objective ED 7-1 –support the provision of telecommunications infrastructure subject to normal planning considerations.

Facilitate the provision of telecommunications services at appropriate locations within the County having regard to the DoEHLG Telecommunications Antennae and Support Structures, Guidelines for Local Authorities.

Objective ED 7-2 –facilitate the delivery of high capacity ICT infrastructure and high speed broadband and digital broadcasting throughout the County and facilitate the expansion of broadband into more remote rural areas.

Support a programme of improved high speed broadband connectivity throughout the County and implement the National Broadband Strategy.

The site is within a designated High Value Landscape area.

Objective GI 6-1 – Landscape

(c) ensure that new development meets high standards of siting and design

(d) protect skyline and ridgelines from development.

The road from which access is proposed is a designated scenic route S84 which covers local roads between Unionhall and Reen, views of Blind Harbour, Castlehaven Inlet, Lough Clughir and sloping hillsides.

Objective GI 7-2 – protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan

Objective GI 7-3 (a) requires those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout and landscaping of the proposed development must be

demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.

5.2. **Natural Heritage Designations**

Castletownsend SAC (site code 001547) c. 1km to the west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The 3rd party appeal against the planning authority's notification of decision to grant permission, which is accompanied by photographs, can be summarised as follows:

6.1.1. Procedural

- The entire landholding of the owner was not disclosed in this application as required by Article 22 (2)(ii) of the Planning and Development Regulations. Further information should have been sought on same.

6.1.2. Visual Impact

- The site is on an exposed, elevated hillside within a designated High Value Landscape. A previous application for permission for an agricultural building on the lands noted the site sensitivities.
- The entire mast including the base equipment, fencing and cabinets will be visible.
- The site will not be afforded any backdrop and will break the skyline. It will be visible from multiple vantage points. It will be visually obtrusive.
- Whilst photomontages were submitted they are not considered to present an accurate reflection of how the development will look in the landscape. They do not demonstrate that there would be no adverse degradation of views. The site is highly visible from large portions of Scenic Route S84.
- There is precedent for refusal on visual grounds (PL31.239698 in Waterford).

6.1.3. Policy Considerations

- The proposal would contravene development plan objectives GI 6-1 & GI 6-2 landscape and landscape strategy, GI 7-1 views and prospects and GI 7-2 - GI 7 -3 with respect to scenic routes.
- The Green Infrastructure policy objectives set out in the County Development Plan should be considered given the site location within an exposed coastal hilltop with a high value landscape designation.
- The site does not satisfy the requirements of the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities in terms of visual impact or Circular Letter PL07/12 which requires planning authorities to be primarily concerned with the appropriate location and design of telecommunications structures.

6.1.4. Alternative Sites

- The proposed site is not comparable to the sites developed at Tragumna, Glannageel Skibbereen and Listarkin Unionhall.
- Limited alternative sites were assessed.

6.2. Residential Amenity

- The structure will be unduly close to their daughter's dwelling c. 265 metres distant. They are permanent residents. The site is virtually level with their residence on the same plane with a clear line of sight.
- The absence of any screening and the scale of the structure will result in a dominant feature when viewed from their dwelling.
- There are unknown health risks.

6.3. Applicant Response

The applicant's response can be summarised as follows:

6.3.1. Procedural

- The extent of the relevant field subject of the application was outlined in blue.

- The blue outline does not have to be the same as the lands edged in blue on previous applications.
- The planning authority noted that lands in the immediate vicinity would not provide any more suitable options.

6.3.2. Alternative Sites

- The nearest mast at Unionhall, due to the intervening distance of c.3km and undulating nature of the land in between, is unsuitable due to the lack of coverage and line of sight availability.
- The proposal is required to provide improved 2G/3G broadband services and introduce 4G services to the area. It currently suffers from poor coverage. The proposal would provide the required minimum mast height for operational purposes.
- Details were provided with the application supplemented by further information, which detailed 4 locations assessed (reiterated in the appeal submission). There is no suitable alternative site location in order to provide the required coverage.

6.3.3. Visual Impact

- The installation of a low level, multi-user lattice mast would reduce the requirement for additional masts and so negate their potential visual impact.
- Whilst located in a designated high value landscape the open nature of the lattice mast construction against the topography/skyline would result in minimal visual impact. Coupled with the minimum height required from a technical operational point, it is in accordance with Section 4.2 Design and Siting of the Guidelines for Telecommunications Structures.
- The visual impact assessment and additional information show that the proposal will not have an adverse impact from the majority of locations. It will be visible from some locations on the surrounding road network. Views of the mast would not be terminating and would be in compliance with the guidelines.

6.3.4. Health Concerns

- The mast would be located c.260 away from the nearest dwelling and would be built and operated in accordance with the International Commission on Non-Ionizing Protection Guidelines. ComReg is responsible for monitoring and enforcing compliance.

6.3.5. Policy

- The proposal is in accordance with the National Telecommunications Guidelines, National Broadband Plan 2012 and 2015, the Report of the Mobile Phone and Broadband Taskforce 2016 and the Cork County Development Plan.

6.4. **Planning Authority Response**

The response can be summarised as follows:

- Issues of scenic amenity, high value landscape and scenic routes were considered.
- Procedural matters were addressed. There is no obvious breach of Article 22 (2) of the Planning and Development Regulations as the developer has indicated that it does not own other lands in the area.
- Photomontages are an aid in terms of assessment of impact.
- The proposal will result in some limited damage to amenity. The L-4224 road at Myross that links Blind Harbour and Squince Harbour is not a scenic route. The impact was found to be acceptable. The hillside is not without man made interference with a number of electricity poles noticeable across the ridgeline.
- The mast can be tolerated since its impact would not be so as great to justify refusal.

6.5. Observations

Observations have been received from

1. An Taisce
2. Patrick Hallihan & Ellen Harrington (submission by Harrington & Co. Solicitors on their behalf)

The submissions can be summarised as follows:

6.5.1. Policy Compliance

- The application should be determined have regard to Circular Letter PL07/12: Telecommunications Antennae and Support Structures Guidelines.
- It would be contrary to the County Development Plan which seeks to safeguard the rural and scenic environment of this High Value Landscape Area.
- The proposal has not demonstrated compliance with the Guidelines for Telecommunications Antennae and Support services in terms of visual impact, and sharing of facilities and clustering. The permitting of standalone facilities for each operator is contrary to the guidelines.
- The assessment of alternative sites is deficient.
- The decision would appear to permit the mast in perpetuity with specific regard had to condition 7.

6.5.2. Visual Impact

- The development in this coastal landscape will have an adverse visual impact in a High Value Landscape Area as it will be overbearing and visually intrusive. The visual impact will intensify over time if it becomes a base for other operators to co-locate.

6.5.3. Residential Amenity and Health Considerations

- The proposal would impact adversely on the visual amenities of the nearest dwelling and would impact immensely on their quality of life.
- It would be dominant structure in the landscape. The residential character and feel of the area would be altered significantly.

- There are risks of constant exposure to high energy electromagnetic radiation. There is a major lack of studies on whether such radiation is carcinogenic.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings.

- Need for Development and Consideration of Alternatives
- Visual Impact
- Residential Amenity
- Appropriate Assessment
- Procedural Issues

7.1. Need for Development and Consideration of Alternatives

The need for the proposal in the context of national and regional policy is set out in the application and the grounds of appeal. The proposal is so as to advance the availability of 2G/3G and provide 4G broadband services to the immediate area of Raheen townland, the wider Castletownsend area and village, Castlehaven, Myross Island, Farrandau West and Forthill townlands. It will also provide for increased coverage and improved 3G and 4G services to regional road R596 and the local road network. The site has a cell radius of 2km to 5km. The mast height at 18 metres is kept as low as possible whilst meeting the necessary technical requirements.

Taking into consideration the emphasis placed in national and regional policy documents on the provision of adequate telecommunications including broadband and the fact that the policies of the current Cork County Development plan reflect this priority (objectives ED 7-1 and ED 7-2) I consider that the principle of the proposal is acceptable.

In terms of alternatives the details accompanying the application were supplemented by the details provided by way of further information. The nearest site in the ownership of the applicant is located at Unionhall which, at a distance of over 3km, when coupled with the undulating nature of the land in between, is not suitable to

cover the required areas due to the lack of coverage and lack of line of sight availability. Four alternative sites were assessed in terms of both new facilities and co-sharing and are detailed in the further information request with the reasons for their unsuitability outlined therein. Whilst the appellants and observers may not concur with the conclusions the fact remains that the applicant, in providing this detail, has met its requirements in this regard. Therefore it is my opinion that sufficient detail as to the technical justification for the proposed site and absence of viable alternatives has been provided.

7.2. Visual Impact

The site is located on elevated agricultural ground accessed from a local road to the north and affords panoramic views to the north and south. The general area has an undulating topography characterised by one off housing along the local road network with agriculture the dominant land use. The nearest dwelling is c. 260 metres to the south-west accessed via a long track from the said local road and which is occupied by observers to the appeal.

As per the current Development Plan the site is within a High Value Landscape. The entire coastline of the County is covered by the designation and, in the vicinity of the appeal site, the designation extends inland for approx. 3km. Objective GI 6-1 requires the protection of the visual and scenic amenity, ensuring that new development meets high standards of siting and design whilst protecting skylines and ridgelines from development. In addition, the site is in the vicinity of scenic route S84 which covers local roads between Unionhall and Reen, views of Blind harbour, Castlehaven Inlet, Lough Cluhir and sloping hillsides.

I would concur with the appellants that the photomontages that accompany the application are somewhat limited in their use by reason of their size and quality of production and I submit that they do not fully reflect the potential impact as when viewed on site. However as noted by the Council planner the said photomontages are a tool, only, to assist in the assessment.

As evidenced on day of inspection uninterrupted views of the mast would be available from particular stretches of the local roads within the designated scenic route, notably that which runs to the west of Lough Cluhir and the elevated located

road immediately to the north. In terms of the former the views would be intermittent due to the road alignment and existing vegetation. In terms of the latter the mast will be in the terminating view for motorists and pedestrians travelling southwards for a distance. In my opinion Viewpoint No.8 and the associated photomontage submitted with the application is not representative of views available from the southern section of this road where the appeal site is viewed from elevated ground.

In terms of views from the local road when travelling northwards from Reen and The League views would be intermittent arising from the angle of view and the screening afforded from the topography and vegetation.

I note that there is a 2nd scenic route (S83) to the west of the general area which terminates at the harbour in Castletownsend. Due to the limited height of the structure and the intervening distance only distant views would be available from the village and harbour.

Following a further information request photomontages were provided from the south at Myross along the local road linking Blind Harbour and Squince Harbour and certainly the mast will be seen from points along same. However, the views available are not without human intervention both with one off housing and electricity poles evident in same. I also note that this section of the local road does not form part of the designated scenic route.

I consider that a balance needs to be struck between the protection of the visual amenities of the area as enshrined in development plan objectives GI 6-1 and GI 7-1 – GI 7-3 whilst supporting the provision of telecommunications infrastructure as advocated in plan objectives ED 7-1 and ED 7-2 in which specific reference is made to facilitating the expansion of broadband into more remote rural areas. Certainly the proposal will have a visual impact however I submit that the extent of the visual intrusion of such a structure within a landscape modified by human intervention, albeit with a designated high landscape value, is not considered to be to a level as to compromise its visual integrity. I therefore do not consider that the visual impact that would arise would detract to a material degree from this high value landscape as to warrant a refusal of permission especially in view of the fact that the proposal would

advance the realisation on the national strategy on mobile communications infrastructure.

Whilst the principle of co-location is acceptable with provision made in the plans and drawings for antennae and dishes to be erected by another operator(s) additional antennae and structures on the mast over and above same is a matter which could accentuate its visual impact. In order to allow for an assessment of such potential impact I recommend that a condition precluding the exempted development provisions in this regard is considered appropriate.

7.3. Residential Amenity

The nearest dwelling is that c. 260 metres to the south-west occupied by observers to the appeal. The 1996 Guidelines to which regard is had do not detail a minimum separation distance to be maintained to residential property. The County Development Plan reflects this approach and also does not stipulate a minimum setback. Whilst the mast will be visible from the dwelling it will not impinge on the property's panoramic views to the north and south.

The licensing regime for mobile telecommunications operators administered by the Commission for Communications Regulation controls the emission of radiation from telecommunications antennae in light of the available scientific evidence regarding its impact on health. It would not be appropriate for the planning system to attempt to replicate the specific controls established by another legislative code, even if it had the requisite expertise or statutory powers to do so. The concerns regarding health and safety raised in the appeal would not, therefore, justify a refusal of planning permission for the development.

7.4. Procedural Issues

Whilst I note reference made in the appeal to the accuracy of the extent of the landholding of the landowner as delineated on the site location map accompanying the application and compliance with Article 23 of the Planning and Development Regulations 2001, as amended, with mention made to the fact that the extent of the

area differs from that shown on previous planning applications, there is no evidence to suggest that the details as provided are not correct.

The appellants express concern that the permission granted is in perpetuity. As per Circular Letter PL07/12 which noted that mobile telephony with associated ground based antennae and support structures will remain a key feature of telecommunications infrastructure for the foreseeable future and that the roll-out of NGB will tend to increase the importance of the infrastructure, planning authorities are advised that a condition to a permission which limits the life of the telecommunications structure and antennae should not be applied.

7.5. Appropriate Assessment

Having regard to the nature and extent of the development as proposed and the distance to the nearest designated site, namely Castletownsend SAC (site code 001547) c. 1km to the west, 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 Conclusion

Having regard to the documentation on file, the grounds of appeal, the responses thereto, the observations received, a site inspection and the assessment above I recommend that permission for the above described development be grant for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The strategic importance of the National Broadband Service,
- (b) The guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to planning authorities in July, 1995,
- (c) Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,

- (d) The policies and objectives of the Cork County Development Plan 2014,
- (e) The general topography and landscape features in the vicinity of the site, and
- (f) The existing pattern of development in the vicinity.

It is considered that, subject to compliance with the conditions set out below the proposed development would provide a necessary service, including co-location, would not seriously the visual amenities of the area or the amenities of property in the vicinity and would 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 as amended by the further plans and particulars submitted on the 22nd day of August 2017, 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 transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

3. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing 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.

4. When the telecommunications structure and ancillary structures are no longer required they shall be removed and the site shall be reinstated at the operator's expense.

Reason: In the interest of protecting the landscape.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal.

The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2018