



An
Bord
Pleanála

Inspector's Report

ABP-304757-19

Development	Retention of 2 no. 10m high timber poles with associated dishes, antenna, ground-based equipment and fencing and permission to erect a 20m lattice tower with associated antennas, dishes, equipment cabin and security fencing.
Location	Mount Gabriel, Schull, Co. Cork .
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	19/230
Applicant(s)	Hibernian Cellular Networks Ireland
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party V. Split Decision
Appellant(s)	Hibernian Cellular Networks Ireland
Observer(s)	None

Date of Site Inspection

23rd September 2019

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located at the slope of Mount Gabriel on the Mizen Head peninsula, approx. 3km north of Schull and approx. 5.6km west of Ballydehob. The area is mountainous and characterised by agricultural lands.
- 1.2. The site currently accommodates 2 no. 10m high timber poles with associated dishes and antenna and ground-based equipment and fencing. There are additional telecommunications infrastructure in the vicinity of the site including the Irish Aviation Authorities radar domes.
- 1.3. Access to the site is from a private road via the L-8420-28. The access road is approx. 3.5m in width. Due to the topography of the area the access road is circuitous and steep.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of 2 no. existing 10m high timber poles together with associated dishes and antenna and ground-based equipment and fencing, partly previously approved under 1091/84.
- 2.2. It is also proposed to erect a 20m lattice tower together with associated antennas, dishes, equipment cabin and 2.4m high security fencing.

3.0 Planning Authority Decision

3.1. Decision

Split Decision:

Retention permission was granted for 2 no. 10m high timber poles together with associated dishes and antenna and ground based equipment and fencing subject to 2 no. standard conditions.

Permission was refused for the erection of a 20m lattice tower with associated antennas, dishes, equipment cabin and security fencing for the following reason:

1. *The proposed development of a 20 meter high utilitarian type communications mast on a prominent mountain side, listed as a high value landscape of national importance, would form a domineering feature when viewed from the surrounding locality, would have a significant effect on the prospects and views of special amenity value in the area, would seriously injure the visual amenities and create an undesirable precedent for similar development in the vicinity of the site. Notwithstanding the presence of existing telecommunications infrastructure in the vicinity of the proposal, it is considered that the proposal due to its height, scale and location would interfere with the character of the landscape and have a significant effect on the scenic amenity of the area and would contravene materially Objectives GI 6-1, GI 7-1 and GI 7-2 in the Cork County Development Plan 2014 which generally seeks to protect the scenic amenity of upland and coastal sites. It is therefore considered that the proposal to erect a 20 meter high communications tower would be contrary to the proper planning and sustainable development of the area.*

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The reports by the Area Planner and Senior Executive Planner raised some concerns regarding the erection of the 20m high lattice tower and recommended a split decision be issued as outlined above.

3.2.2. **Other Technical Reports**

Environment report: No objection subject to conditions

Area Engineers report: No objection

3.3. **Prescribed Bodies**

Irish Aviation Authority: Raised concerns regarding the height of the tower and its impact on radars coverage and performance at their station on Mount Gabriel.

RTE Transmission Networks DAC (2RN): Raised concerns that the proposed development has the potential to disrupt the operation of Saorview broadcast transmission station at the IAA radar station by obstructing incoming source signal.

3.4. **Third Party Observations**

A third-party submission was received from Stuart Wilde. The concerns raised are noted below: -

- There is no requirement for an additional mast as there is capacity on existing structures.
- The original permission was for 1 no 6m high pole. The development would have a negative impact on the existing visual amenities of the area and the scenic route. The proposal would contravene the development place.
- Concerns regarding the impact on the Irish Aviation Authority

4.0 **Planning History**

Subject Site

Reg. Ref. 1091/84: Permission was granted in 1984 for the erection of a mast and building to house transmitting apparatus.

Surrounding Sites

Reg. Ref. 17/465: Retention permission was granted in 2017 for a 15m high pole with associated telecommunications equipment on a site to the east of the subject site.

5.0 **Policy Context**

5.1. **Circular Letter: PL 07/12 – Telecommunication Antennae and Support Structures Guidelines.**

This Circular Letter revised the Telecommunication Antenna and Support Structures Guidelines, 1996. The circular advises that Planning Authorities should cease

attaching time limit conditions to telecommunications masts, except in exceptional circumstances. With regard to Health and Safety Aspects it states the following: -

'The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. This Circular Letter reiterates that advice to local planning authorities. 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.'

It is also a requirement that Contribution Schemes include waivers for broadband infrastructure provision.

5.2. Cork County Development Plan, 2014

The subject site is located on unzoned lands. The site is located in an area identified as Rugged Ridge Peninsulas in Appendix E of the Plan. These locations are designated as area of very high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that *'very high sensitivity landscapes (e.g. seascape area with national importance) which are likely to be fragile and susceptible to change.'* The relevant policies are noted below: -

- Objective ED 7-1: Telecommunications Infrastructure
- Objective ED 7-2: Information and Communication Technology
- Objective ZU 3-9: Appropriate Uses in Utilities Areas
- Objective GI 6-1: Landscape
- Objective GI 6-2: Draft Landscape Strategy
- Objective GI 7-1: General Views and Prospects
- Objective GI 7-2 Scenic Routes
- Objective GI 7-3: Development on a Scenic Route

The site is located to the west of scenic route (S69 road between Schull and Mount Gabriel).

5.3. Natural Heritage Designations

The subject site is located approx. 2.6km north west of Derreenatra Bog Natural Heritage Areas (002105) and approx. 3.2km north of Roaringwater Bay and Islands Special Area of Conservation (000101)

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the Planning Authorities decision to refuse planning permission for a 20m high lattice structure with associated equipment. In response to the reason for refusal the applicant submitted a revised proposal with the appeal. It is proposed to remove the tower headframe to ensure the structure has a maximum height of 20m and to remove both of the 10m high existing timber structures within 6 months of construction of the proposed mast. It is also proposed to finish the fencing and cabin equipment in a muted green or grey colour. The proposal would therefore reduce the number of structures.

The applicants submission is summarised below.

- The refusal of permission is contrary to European, national and local planning policy. It is a lost opportunity to consolidate operator requirements on a single

structure and to increase multi-operator coverage and capacity within the Schull environs and across the Mizen head peninsula.

- The proposed development would serve rural populations in the west Cork area. The granting of retention permission for the 2 no. timber status only serve to maintain the existing coverage and capacity. The existing structures do not have any additional capacity.
- Vodafone have a current requirement to affix antenna to the proposed structure. Eir, Three and Imagine all transmit from the existing structures and require improved coverage and capacity. The structure would also facilitate other wireless broadband operators.
- The surrounding area is poorly served by broadband and is categorised as an area for State Intervention in the National Broadband Plan. State intervention would not be required in this area if permission was granted for the structure which would have an economic benefit to the state.
- A telecommunications structure has been located at the subject site since 1984. The location was chosen to achieve maximum coverage and minimise visual impact on the local surroundings. The proposed structure is located 225m north of the apex of Mount Gabriel at an elevation 20m lower than the ridge line. Due to the location the development would have a limited impact on the existing visual amenity of the area.
- The development does not impact on the scenic route (S96) due to the narrow roadway and extensive amount of screening from trees, hedgerows and historic walls and boundary treatments.
- The 20m height is required to ensure effective operation. The applicant is amenable to a condition that the structure be shared with other users.
- The IAA and RTE have advised the applicant that they have no objection subject to the structure having a maximum height of 20m.

6.2. Planning Authority Response

No comment

7.0 Assessment

7.1. In response to the reason for refusal for the 20m high telecommunication mast the applicant has revised the proposal to include the removal of the tower headframe to ensure the structure has a maximum height of 20m and to remove both existing 10m high timber structures within 6 months of construction of the proposed mast. It is also proposed to finish the fencing and cabin equipment in a muted green or grey colour. In my view this is the most appropriate proposal for the site therefore the following assessment focuses on this proposal with reference to the original development, where appropriate.

7.2. The main issues in this appeal related to the principle of development and visual amenity. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Visual Amenity
- Appropriate Assessment

7.3. *Principle of Development*

7.3.1. The subject site is located on unzoned lands, approx. 20m from the ridge of Mount Gabriel. Telecommunication infrastructure has been provided on the subject since 1984 and there are additional structure in the immediate vicinity of the subject site.

7.3.2. By reference to the National Broadband Plan, Schull and the surrounding areas are currently poorly served by broadband coverage. The applicant has stated that there is no further capacity on the existing structures. A minimum 20m high tower is required to allow for the consolidation of operators on a single structure and to increase coverage and capacity within the Schull environs and across the Mizen Head peninsula.

7.3.3. The applicant has submitted correspondence from RTE which stated that they have no objection to a 20m tower at the proposed site. The applicant has also confirmed

that they have had discussions with the IAA and that the IAA have no objection to a 20m high tower at the subject site.

7.3.4. Having regard to the provision existing infrastructure in the immediate vicinity of the site, the significant benefits the development would have for the surrounding rural area and the nature and scale of the development it is considered that a telecommunication infrastructure would be appropriate at this location and would be compatible with policy objectives.

7.4. ***Visual Amenity***

7.4.1. The Planning Authority refused permission for the proposed 20m telecommunication tower as it considered that the proposed development would seriously injure the visual amenities and create an undesirable precedent for similar development.

7.4.2. It is acknowledged that the site is located in an area with a landscape of very high value and sensitivity and of national importance. It is also noted that the site is located to the west of a designated scenic route (S69 - road between Schull and Mount Gabriel).

7.4.3. The day of my site visit was overcast, and visibility was poor. Therefore, it was not possible to view the existing structures from the slopes of the mountain. The applicant has stated that due to the topography of the area, mature vegetation and the location of the structure, 20m below the ridge of Mount Gabriel, there would be limited views of the structure and, therefore, it would not negatively impact on the existing visual amenities.

7.4.4. It is noted that there are 2 no. existing 10m high timber telecommunication structures on the site and there are additional telecommunication structures and radar infrastructure for both the Irish Aviation Authority and RTE on Mount Gabriel in close proximity to the subject site. In response to the reason for refusal the applicant proposed as part of the appeal to remove the 2 no. existing 10m high structures. It is also proposed to remove the head of the structure to ensure it has a maximum height of 20m.

7.4.5. It is acknowledged that the proposed structure would have a greater visual impact than the existing structures. However, having regard to the level of screening provided by the topography of the area and existing vegetation and to existing telecommunication structures in the immediate vicinity of the site, it is my view that the proposed development would not have a significant negative impact on the existing visual amenities. Therefore, it is my opinion that the proposed development is acceptable in this instance.

7.4.6. To further reduce the visual impact of the development it is proposed to finish the fencing and cabin equipment in a muted green or grey colour. It is recommended that a condition be attached to any grant of permission that the final external colours be agreed with the planning authority.

7.5. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest 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**

It is recommended that permission be granted subject to conditions

9.0 **Reasons and Considerations**

Having regard to the provisions of the Cork County Development Plan 2014 and Circular Letter PL07/12, the location of the site and the nature and scale of the telecommunication structure it is considered that, subject to compliance with the conditions set out below, the development to be would not seriously injure the amenities of the area. 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 in accordance with the plans and particulars lodged with the appeal on the 25th June 2019, 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. Within 6 months of the final grant of permission the existing 2 no. existing 10m high timber poles together with associated dishes and antenna shall be permanently removed from the site. Details relating to the removal of the structures shall be submitted to and agreed in writing with the planning authority.

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

3. The proposed telecommunication tower shall have a maximum height of 20m.

Reason: In the interest of clarity.

4. Within six months of the cessation of the use all structures on site shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement of the site shall be submitted to and agreed in writing with the planning authority prior. Reinstatement shall be deemed to include the grubbing out of the access track created in association with the development permitted herein.

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

- 4 Prior to commencement of development the applicant shall submit and agree the details of the colour of the fencing and cabin equipment with the Planning Authority.

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

Elaine Power
Planning Inspector

27th September 2019