



An
Bord
Pleanála

Inspector's Report ABP-308534-20

Development

Extend the existing 12m high telecommunications structure (overall height 14.5m) to 20m and to add antenna and dishes together with ground-based equipment and to widen the internal access track.

Location

Eir Exchange, Ballinure Road, Mahon, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

20/39461

Applicant(s)

Vodafone Ireland Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 4 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Derry and Alice Collins

Observer(s)

None

Date of Site Inspection

17th February 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in Mahon/Blackrock, some 4.7km to the east of Cork city centre. This site lies within a predominantly residential area, which is composed of detached bungalows and semi-detached dormer bungalows to the west and two-storey terraced dwelling houses to the north, east, and south. Other uses are present to the east, e.g. Holy Cross Catholic Church, Nagle Community College, and Mahon Gaelscoil.
- 1.2. The site extends over an area of 0.05 hectares and it overlaps in part with the Eir Exchange, i.e. the access lane from Ballinure Road, part of the yard, and the site of the existing lattice tower structure. This Exchange is housed in a single storey building beside the lattice tower structure. The surrounding walled/gated compound lies in a backland position. It is bound by the rear gardens of two bungalows to the west, the front/side /rear gardens to the end of terrace two-storey dwelling house at No. 23 Mahon Crescent and an incidental strip of public open space to the north, the side/rear garden to the end of terrace two-storey dwelling house at No. 22 Mahon Crescent and the grounds of the Holy Cross Presbyteries to the east, and the rear gardens to the two-storey terraced dwelling houses at Nos. 1 – 13 (inclusive) Ballinure Crescent to the south.

2.0 Proposed Development

- 2.1. The proposal would entail the vertical extension of the existing 12m high lattice tower telecommunications structure (overall height 14.5m) by 8m to 20m (plus 1.5m high lightening finials). Additional antenna and dishes would be installed on the higher tower.
- 2.2. The proposal would also entail the widening of the existing concrete foundation to the lattice tower, the installation of 4 operations ground-based equipment cabins with cable ladders and gantry poles. The on-site access lane would be extended to serve the lattice tower the immediate surrounds to which would be enclosed by means of 2.4m high palisade gates and fences.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to four conditions, the fourth of which addresses noise and caps any exceedance of background levels to 5dB(A) between 0800 and 2200 and 3dB(A) at any other time, when measured externally at a noise sensitive premises, in the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner interacted with the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996), which identify visual amenity as an important consideration and which state that residential locations should be regarded as a last resort and support structures should be monopole rather than lattice tripod or square structures. He recommended refusal of the proposal on the grounds of visual obtrusion/loss of amenity and devaluation of property. He was supported by his senior planner, but overruled by Director of Services on the following grounds:

- *It is national policy to support the rollout of broadband infrastructure,*
- *This is not a significant additional impact to what is already there, and*
- *It is possible that the outcome of a redesign may not yield a more suitable alternative.*

3.2.2. Other Technical Reports

- Irish Water: No objection: Standard observations.
- Cork City Council:
 - Contributions: No objection.
 - Environment: Further information requested with respect to noise.
 - Drainage: No objection.

4.0 Planning History

None

5.0 Policy and Context

5.1. National Policy

National Development Plan 2018 – 2027 (NDP): Under heading of Context in the Overview of the NDP, it is stated that “A fundamental underlying objective of the NDP is, therefore, to focus on continued investment to yield a public infrastructure that facilitates priorities such as high-speed broadband and public transport in better cities and better communities.”

5.2. National Planning Guidelines

Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07/12 of October 2012

5.3. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as being zoned ZO 4 wherein the objective is “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.”

Paragraph 16.101 of the CDP addresses telecommunications as follows:

In evaluating applications for telecommunications installations, Cork City Council will have regard to “Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996)”. Co-location of such facilities on the same mast or cabinets by different operators is favoured to discourage a proliferation.

Under the Mahon Local Area Plan 2014 (LAP), the site is shown as lying within Sub-Area 6: Avenue De Rennes. In Table 2.6, telecommunications are cited, along with the following commentary on their sensitivity and significance: “Existing network extensive. Some enhancement may be required. Telecom masts may need to be

relocated due to proximity to proposed residential development.” The implication for the Bessboro lands is that one mast, which is highly conspicuous, would need to be relocated in conjunction with adjacent proposed residential development.

5.4. **Natural Heritage Designations**

- Cork Harbour SPA (004030)
- Great Island Channel (001058)

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appellants reside at “Alder”, one of two bungalows that lie to the west of the site. They cite the following grounds of appeal:

Attention is drawn to the case planner’s report/recommendation and the justification for the Planning Authority’s decision, which overruled the recommendation made.

This justification is critiqued as follows:

- While it is national policy to roll-out broadband, under the Telecommunications Antennae and Support Structures Guidelines, this is not to the exclusion of other considerations such as visual impact and the type of mast. Thus,
 - The applicant has not demonstrated that tall buildings within the surrounding area of the site have been considered, e.g. the CSO building, in accordance with the advice of the Guidelines. Instead, the site would be developed further and yet within 50m there are 27 single and two storey dwelling houses, the views from which would be dominated by the proposal. Views of the proposal would be available from within the wider area, too, and
 - The Guidelines state that the support structure should be a monopole rather than a lattice structure and yet under the proposal such a structure would not only be used, but it would be extended upwards.

- The reference to “additional adverse impact” infers that the existing structure and antennae have an adverse impact as it is. Within this context, an increase in height from 14.5m to 20m is not considered significant: Would such a view have been taken if the proposal was for a more affluent part of the city?
- The applicant may not have considered alternatives as the current proposal would be the cheapest option available to it. Once extended upwards, other operators may wish to mast share, adding to the eyesore that is in prospect for local residents. The appellants express confidence that alternative sites exist in the surrounding area for the erection of a less visually obtrusive monopole structure.
- The justification for the permission granted states that the proposal would not seriously injure the visual and residential amenities of the area if 4 conditions are complied with. Condition No. 2 relates to the speedy removal of the structure once it becomes obsolete, in the interest of visual amenity, and so it implies that this structure does affect visual amenity. Condition No. 4 relates to noise and it is welcomed on the grounds of residential amenity.
- Attention is drawn to the 16 letters of objection that were lodged at the application stage. Objectors are “outraged” by the Planning Authority’s decision. Some would have appealed, but for the prohibitively high fee.

The appellants’ submission is accompanied by copies of the case planner’s report and their original letter of objection, which includes photographs of the existing mast.

6.2. Applicant Response

- The applicant begins by summarising the grounds of appeal and relevant national and local planning policies. It then refers to a map of Mahon prepared by Comreg, which shows the poor coverage that is presently available to not only its 3G and 4G customers but those of Eir and Three, too.
- The applicant observes that housing near the site dates from the 60s and the 70s and the existing telecommunications structure has been *in-situ* for in excess of 20 years. The view is expressed that this structure is a well-accepted and established presence in the area.

- The importance of the existing telecommunications structure is evidenced by the number of dishes and antennae that are attached to it. Such concentration exemplifies mast sharing rather than a proliferation of masts.
- The proposed additional height may contribute to an amelioration rather than a diminution of visual amenity for the nearest residents, insofar as the existing structure would appear less squat.
- The proposed alternative would be the erection of a monopole elsewhere in the area, which would have an effect upon visual amenity in addition to the existing telecommunications structure.
- The Board is requested to weigh the visual impact of the proposal against the proposed alternative.
- Sections 4.3 and 4.5 of the Telecommunications Antennae and Support Structures Guidelines, support the additional use of existing masts within utilities compounds, as would occur under the proposal.
- Alternative sites for the proposal were discussed by the applicant in its cover letter to the current application: In each case they would be less effective than the proposal.
- The Covid-19 crisis has underlined the importance of good coverage to facilitate home working especially.

6.3. Planning Authority Response

No further comments.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Development Plan 2018 – 2027 (NDP), Telecommunications Antennae and Support Structures Guidelines, Cork City Development Plan 2015 – 2021 (CDP), Mahon Local Area Plan 2014 (LAP), the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) National policy, local need, and alternatives,
- (ii) Visual amenity,
- (iii) Residential amenity, and
- (iv) Appropriate Assessment.

(i) National policy, local need, and alternatives

7.2. The NDP has as a fundamental underlying objective the need to prioritise the provision of high-speed broadband. Likewise, Objective 48 of the National Planning Framework 2040 undertakes to “develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.”

7.3. In the cover letter to the application, the applicant presents extracts from Comreg’s maps, which depict current 3G and 4G coverage in Mahon/Blackrock. These extracts illustrate the need in this locality to boost current coverage.

7.4. In its cover letter, the applicant also presents 3 alternative existing structures that were considered as alternatives to the one selected. These structures would all be too remote to bring about the necessary boost in coverage. By contrast, the proposed vertical extension of the lattice tower on the site would facilitate the provision of such a boost.

7.5. While the Telecommunications Antennae and Support Structures Guidelines encourage mast sharing, this normally involves the use of an existing mast. Under the proposal, a vertical extension to an existing mast would be necessary to enable additional antenna and dishes to be installed at the requisite height. Thus, it would not be a direct instance of mast sharing, but an indirect one via the proposed vertical extension in the existing mast.

- 7.6. The applicant in its response to the appellant envisages that if the current proposal is refused then another telecommunication structure would be needed within 200m of the site and so a multiplicity of structures would result. It invites the Board to compare the visual impact of the proposal with that of the existing lattice tower and a monopole nearby.
- 7.7. The Planning Authority's Director of Operating Services justified the granting of planning permission partly on the basis that "It is possible that the outcome of a redesign may not yield a more suitable alternative."
- 7.8. The case planner and the appellant draw attention to the Telecommunications Antennae Support Structures Guidelines, which state that freestanding masts should only be located in residential areas or beside schools as a last resort and that support structures should be monopole (or poles) rather than a lattice tripod or square structure. The site is within a residential area with two schools to the east. Given the requirement for the use of a monopole rather than a lattice tower in such locations, these Guidelines point in the direction of either (a) a monopole in addition to the existing tower or (b) the replacement of the existing tower with a monopole(s).
- 7.9. Notwithstanding its invitation to the Board, alternative (a) has not been presented by the applicant as a detailed option that can be assessed and alternative (b) does not appear to have been explored/considered by either the applicant or the Director of Operating Services.
- 7.10. I conclude that national policy prioritises improvements to telecommunications and that there is a clear need to do so in the locality of Mahon/Blackrock. I conclude, too, that, as the relevant national planning guidelines favour the specification of monopoles within residential areas rather than lattice towers, that alternatives to the current proposal involving a monopole(s) should be explored/considered.

(ii) Visual amenity

- 7.11. The existing lattice tower and the antennae and dishes that are installed upon it have an overall height of 14.5m. This tower is visible from within the surrounding residential streets, above roof tops and through the gaps between dwelling houses. It is also visible from publicly accessible spaces such as the car park to Holy Cross Catholic Church to the south-east of the site.

- 7.12. The applicant states that the lattice tower has been *in-situ* for in excess of 20 years and that local residents have become accustomed to its presence over this period of time. It also expresses the view that, as this tower is of squat appearance, the proposed vertical extension of it would cause the extended tower to be better proportioned and so visual amenity would be enhanced thereby.
- 7.13. While I acknowledge the applicant's views, under the proposal the height of the lattice tower would rise by 8m from 12m to 20m, i.e. it would be two-thirds higher again than it is at present. Consequently, the visibility of the extended tower would be considerably greater than at present both in terms of the extent of such visibility and in terms of its intensity. Thus, this tower would be visible from within a wider area than at present and its visibility within existing views would increase significantly. I consider that the resulting visual obtrusion would eclipse any visual gain that may stem from a better proportioned tower that may be discernible from several vantage points, e.g. within Mahon Drive where the height of the lattice tower is most apparent. For the nearest dwelling houses such obtrusion would amount to dominance.
- 7.14. I conclude that the proposed extended lattice tower would be significantly more visually obtrusive than the existing lattice tower and that, consequently, the visual amenities of the surrounding area would be adversely affected.

(iii) Residential amenity

- 7.15. Cork City Council's Environment consultee requested that the proposal be the subject of noise assessment based on the measurement of noise output from existing/proposed items, as recorded on a comparable site. In the event this request was not made the subject of further information. Instead, it was incorporated into Condition No. 2, which, in addition, caps any exceedance of background noise levels to 5dB(A) between 0800 and 2200 and 3dB(A) at any other time, when measured externally at a noise sensitive premises, in the interest of residential amenity.
- 7.16. The appellant has expressed satisfaction with the above cited condition. I note that the stated caps would ensure that any increase in noise would be marginal and so not significant. I note, too, that adherence to these caps may require the introduction of mitigation measures. Residential amenity would be safeguarded thereby.

7.17. I conclude that the proposal would be compatible with the residential amenities of the area.

(iv) Appropriate Assessment

7.18. The site is in an urban area and the proposal is to extend an existing lattice tower within an existing utilities compound. This site is neither in nor near to any Natura 2000 sites and there are no connections between it and such sites in Cork Harbour.

7.19. Having regard to nature, scale, and location of the proposal, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. That permission be refused.

9.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines, the proposal would entail the vertical extension of an existing lattice tower within a residential area, whereas these Guidelines state that monopoles rather than lattice towers should be installed in residential areas. The proposed vertical extension would be visually obtrusive within the surrounding area of the site and it would cause the tower to dominate the immediately adjacent residential properties. In these circumstances, the proposal would contravene the advice of the relevant national planning guidelines and it would be seriously injurious to the amenities of properties in the vicinity of the site. It would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

4th March 2021