



An
Bord
Pleanála

Inspector's Report ABP-308814-20

Development

Erect a 30m high telecommunications support structure carrying antenna and dishes, together with associated ground equipment cabinets and equipment, extension to existing access track and site works.

Location

Coillte Forest at Lisnagrough,
Doneraile, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

20/06049

Applicant(s)

Cignal Infrastructure Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 13 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Pat Beirne & Sue Furney
Alice & Jack O'Callaghan
Catherine Murray & Others

Observer(s)

An Taisce

Mark & Julia Lysaght

Date of Site Inspection

19th February 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.3 km to the south of the Main Street in Doneraile and 1.5 km to the south of Doneraile Court in Doneraile Demesne. This site lies in Monadhanna Wood, at a height of c. 109m OD. It is on the northern side of an access track that runs eastwards into the Wood from the L5323. This Wood is surrounded by farmland and several dwelling houses and farmsteads are sited along the local road, which rises in a south eastly direction from its junction to the north-west with the R581.
- 1.2. The site itself is of regular shape and it extends over an area of 0.01 hectares. Several ash trees presently grow on the site.

2.0 Proposed Development

- 2.1. The proposal would entail the siting of a 30m high telecommunications support structure in the northern portion of the site. This structure would support antenna and dishes. It would be accompanied by equipment cabinets that would be installed at ground level.
- 2.2. The proposal would also entail the extension of the existing access track and the formation of a fenced and gated compound within which the support structure and cabinets would be sited.

3.0 Planning Authority Decision

3.1. Decision

Permission granted, subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Aviation Authority: Advises that there is no need for obstacle lighting.

- Cork County Council: Area Engineer: No objection, subject to conditions.

4.0 Planning History

Site: None

19/4945: Previous similar proposal (24m high) for a site on Doneraile Golf Course was refused permission.

5.0 Policy and Context

5.1. National Planning Guidelines

Telecommunications Antennae and Support Structures Guidelines and Circular Letter PL07/12.

5.2. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within Landscape Character Type 5, Fertile Plain with Moorland Ridge, which is deemed to be a landscape of very high value and sensitivity and County importance.

Objective GI 6-1 of the CDP addresses landscape.

Objective ED 7-1 of the CDP addresses telecommunications infrastructure as follows:

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 Telecommunications Antennae and Support Structures Guidelines. Have regard to environmental and visual considerations when assessing largescale telecommunications infrastructure.

Under the Kanturk Mallow Local Area Plan 2017 (LAP), Doneraile is identified as a key village and Monaduhanna Wood is identified as one of several deciduous woodlands which surround this village and which contribute to its character and amenities and need to be protected.

Under the Map of Doneraile in the LAP, Doneraile Court and Demesne (Forest Park) are shown and, under Objective O-01, the Planning Authority undertakes to “Protect the open space and amenity value of these lands (164.9 hectares).”

5.3. **Natural Heritage Designations**

- Blackwater River SAC (002170)
- Awbeg Valley (above Doneraile) pNHA (000075)

6.0 **The Appeal**

6.1. **Grounds of Appeal**

(a) Pat Beirne & Sue Furney of Ballydineen, Doneraile

Landscape impact

- The site is c. 50m from the appellants’ property boundary and c. 75m from the front elevation of their dwelling house. The proposal would be visible for much of the year from within their property and its height would cause this property to be visually blighted.
- The site is in Monaduhanna Wood, which lies within the Doneraile Demesne and which contributes to a formal screen belt to Doneraile Court.
- Section 4.7 of the LAP addresses Doneraile. The Demesne is described as “166 hectares of 18th Century landscaped parkland adjacent to the village” and its role in providing amenity space for passive recreation to residents and visitors is acknowledged. Monaduhanna Wood is cited as one of a number of deciduous woodlands “which contribute to the character and amenities of the village and need to be protected.”
- The LAP acknowledges that Doneraile lies within an area of high landscape value and under Objectives O-01 & 02 it undertakes to protect the open space and amenity value of Doneraile Court and Demesne and to protect the woodlands that contribute to its scenic setting.

- Attention is drawn to the absence of a landscape and visual assessment of the proposal to the relevant standard and to the prospect that the proposal would be visible from within much of the Demesne and it would have a significant, permanent, and negative impact upon Demesne Court.
- The case planner's discussion of the visual impact of the proposal is critiqued as being inadequate, especially insofar as it does not comment on the impact upon Demesne Court, a protected structure of national importance.

Habitats Directive

- The case planner's preliminary AA screening is critiqued on the grounds that this screening, including a site visit, should have been undertaken by someone with an ecological qualification.
- The appellants contend that the manner in which the screening was completed indicates that no one with an ecological qualification was consulted.
- The screening undertaken is incorrect insofar as there is a surface water link between the Monaduhanna Wood and the SAC via the Glounagot Stream. Consequently, the potential, during the construction phase, for pollutants to reach this SAC and the white-clawed crayfish which would be susceptible to them, exists.
- In the light of these circumstances, the Planning Authority acted *ultra vires* in granting permission.

(b) Alice & Jack O'Callaghan of Ballydineen, Doneraile

Location

Generally, the proposal would be sited on the outskirts of Doneraile, a heritage village, and close to dwelling houses. Consequently, it would be an eyesore.

Specifically:

- The site is c. 300m from the appellants' family farmhouse.
- The closest dwelling house is 80m away and there are other dwelling houses within 250 – 500m away. A 30m mast would tower over these dwelling houses.

- The resulting visual intrusion would devalue property.
- Such masts are normally sited in remote upland conifer forests.
- By contrast the site is in Monaduhanna Wood, an ash woodland of biodiversity importance. The proposal should have been the subject of an ecological impact assessment.
- Monaduhanna Wood is on a tributary of the Awbeg River and so Appropriate Assessment of the proposal should have been undertaken.
- While the applicant states that the proposal would be well-screened, this would not be the case, e.g. to the west it would be screened by ash trees that are only 10 – 12m high causing it to be visible from dwelling houses in the vicinity and a public road.
- The submitted location plan fails to indicate that the land slopes downwards from the site to the west, so heightening the visibility that would arise from the proposal.
- The proposal is incomplete insofar as the type of technology that would be installed on the mast has not been disclosed.
- The siting of the proposal would fail to reflect the advice of the Telecommunications Antennae and Support Structures Guidelines, which state that every effort should be made to distance sites from residential buildings and only as a last resort should they be within the immediate surrounds of smaller towns and villages.

Health and safety

- Ten County Councils have passed motions drawing attention to health concerns over 5G and calling for a halt to the rollout of this technology.
- Many County Councils have set minimum distances between 5G masts and dwelling houses and schools.
- An Oireachtas Report has critiqued the adequacy of the Telecommunications Antennae and Support Structures Guidelines and called for a precautionary approach to be taken to the siting of masts.

Historical considerations – Doneraile Demesne

- The site lies within the original Doneraile Demesne.
- Monaduhanna Wood was planted as a screen woodland to the Demesne.
- The planned vista of Doneraile Court from North Park would be disrupted by the presence of the proposal in the background.
- Doneraile Court is a protected structure (RPS ref. no. 00064) and the site would come within its demesne and hence curtilage (cf. RPS's description from the North County Development Plan 1996 as "18th Century, Doneraile Court and Demesne").
- The LAP seeks to protect the scenic setting of Doneraile.
- Paragraph 3.3.5 of the Architectural Heritage Protection Guidelines acknowledges the importance that can be attendant upon the historic layout of a place for an appreciation of a protected structure within its setting. The proposal would be disruptive in this respect.
- The proposal would contravene a number of objectives in past and current DPs which seek to protect the setting of Doneraile and the approach roads to it.

Planning history

- Attention is drawn to a proposal (03/2781) for a dwelling house in the same vista as the current site, which was refused at appeal on the grounds that it would be obtrusive within a scenic landscape. How much more so could that be said of the proposed mast.

(c) Catherine Murray & Others of Doneraile and Mallow

High value landscape

- The proposal would undermine the high value landscape designation of the area.
- The LAP identifies Awbeg Valley as a pNHA.
- The LAP identifies Monaduhanna Wood for protection, as it contributes to the character and amenities of Doneraile Village.

- The Wood also contributes to the country's low tree coverage and it provides a biodiversity habitat.

Inappropriate site

- The siting of the proposal would be contrary to the advice of the Telecommunications Antennae and Support Structures Guidelines, which states that masts should only be sited as a last resort in the immediate surrounds of small towns and villages. Additionally, it would be near to dwelling houses, farms, and a traveller site. Given its height, it would be visually intrusive from these locations and Doneraile Village and Park.
- Objective O-02 of the LAP undertakes to protect the woodlands in the scenic setting of Doneraile.
- Monaduhanna Wood is linked hydraulically to the River Awbeg, which is an SAC and so the need for an Appropriate Assessment of the proposal arises.

6.2. Applicant Response

The applicant begins by outlining its role as a provider of telecommunications infrastructure. The need for such infrastructure generally arises from its critical role in facilitating economic activity, a need that has been heightened by the Covid-19 pandemic and the attendant increase in home-based working. Specifically, the need for it in the locality of Doneraile arises from the poor coverage that presently exists therein and the previous refusal of a similar proposal in this area.

Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines addresses visual impact and it advises that "In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions." The site of the proposal fits this description.

The applicant proceeds to respond to the appellants' grounds of appeal, as follows:

Visual impact

- The proposal lies within an area that is not a designated landscape or one with protected views. Accordingly, it was not the subject of a visual impact assessment. However, a visual appraisal was undertaken using photomontages. These illustrate that the majority of the proposed mast's

height would be screened by trees in the surrounding woodland and that, at 1 km remove from the nearest Doneraile Park boundary, it would not be prominent from within this Park.

- By their nature, telecommunications masts are tall and so they have a visual impact. Such impact needs to be weighed against the benefits that they confer on their localities. Shorter masts could be proposed, but more would then be needed, which would conceivably have a greater aggregate visual impact.
- Mere visibility is insufficient to warrant objection: In addition, a proposal would need to be unduly dominant and/or overbearing. The submitted photomontages illustrate that this would not be so in the current case.

Devaluation of property

- The appellants have not provided evidence in support of their contention that property would be devalued by the proposal. The applicant states that the reverse might be the case as broadband is now considered a utility along with water, gas, and electricity and a UK study indicated that with increases in broadband speeds property values rose.

Principle of masts within forestry

- The case planner confirms that the proposal would, in principle, accord with national guidance and DP policy. The applicant has expertise of developing/managing forestry sites elsewhere.

Environmental impact

- The case planner undertook a Screening Exercise for Appropriate Assessment, which concluded that Stage 2 Appropriate Assessment was not necessary.

Development description, construction works, and mitigation measures

The applicant amplifies the description of the proposal as follows:

- The erection of a 30m lattice support structure off an existing forestry access track, which would be widened over a 65m stretch. Telecommunications for installation would comprise quadband antennas, transmission dishes,

including radio units, and associated cabling and support fixtures. Cabinets and related ancillary equipment would be contained within a compact compound enclosed by means of 2.4m high palisade fencing.

- Surface water run-off from the site would be low and it would be handled by means of trench type soakaways.
- The construction period would last for 6 weeks. Site clearance would be necessary and undertaken in accordance with a construction management plan. Construction vehicle movements are cited, and off-loading would occur on-site. Disruption to local traffic would be negligible.
- During the operational period, the proposal would be monitored remotely and the need for site visits would be limited to several times a year.
- A range of standard construction practice measures is set out to mitigate the risks of pollution posed by the construction works. Likewise, stockpiled materials would be protected and mounded in an appropriate manner and surface water would be managed in accordance with conventional protocols.
- The timing of construction works would be such as to avoid the bird breeding season and habitats to be protected would be fenced off. Restorative landscaping would be undertaken to restore damaged/disturbed habitats.
- Noise and vibration during the construction period would comply with best practice measures as set out in BS 5228 (2009) Parts 1 & 2.

Health and safety

- The applicant's equipment is "Safe by Design" and its base stations operate within the limits defined by the International Commission on Non-Ionizing Radiation Protection and checked by the Communications Regulator in Ireland.
- Circular Letter PL 07/12 makes clear that Planning Authorities should not concern themselves with the health and safety aspects of telecommunications infrastructure.

6.3. **Planning Authority Response**

None

6.4. **Observations**

(a) An Taisce

- The applicant has not demonstrated that mast sharing would not be an option.
- The site is within Monaduhanna Wood, which is near to Doneraile Village and part of the historic Doneraile Demesne. The proposal would impact upon this setting and landscape and it would be visually intrusive.
- Monaduhanna Wood is close to a SAC and it is linked via the Glounagot Stream to protected fish ponds in the Awbeg River. The proposal would negatively impact upon the ecology of this broadleaf woodland.

(b) Mark & Julia Lysaght of Mallow

- Guidelines for the siting of masts state that they should be sited in remote areas and not within small towns and villages.
- The description of the proposal refers to the site as being “within a Coillte forest”, which implies remoteness, while it is actually in a small woodland with dwelling houses nearby.
- If the Guidelines were to be interpreted loosely, then the site could be said to be in a village. The proposal would contravene them.

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), the National Planning Framework 2020 – 2040 (NPF), national planning guidelines, the Cork County Development Plan 2014 – 2020 (CDP), the Fermoy Municipal District Local Area Plan 2017 (LAP), relevant planning history, the

submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/ appeal should be assessed under the following headings:

- (i) National and local telecommunications policy,
- (ii) Landscape and visual impact,
- (iii) Ecology,
- (iv) Amenity,
- (v) Health and safety,
- (vi) Traffic and access,
- (vii) Water, and
- (viii) Appropriate Assessment.

(i) National and local telecommunications policy

- 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 NPF undertakes to “develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.”
- 7.3. Under Objective ED 7-1 of the CDP, the Planning Authority supports the provision of telecommunications infrastructure and it undertakes to facilitate its provision in accordance with the Telecommunications Antennae and Support Structures Guidelines and environmental and visual considerations.
- 7.4. The applicant outlines in its letter of support to the application that Doneraile and its environs is experiencing difficulties with 3G and 4G coverage. A previous application for a similar proposal to the current one, which would have been sited within the Doneraile Golf Course, was refused permission, and so these difficulties are persisting. The current proposal would remedy them.
- 7.5. As there are no existing telecommunications infrastructure within Doneraile, observer (a)’s reference to the possibility of mast sharing would not present an alternative to the proposal.

- 7.6. I conclude that the proposal would accord with national and local telecommunications policies that promote the provision of telecommunications infrastructure.
- 7.7. **(ii) Landscape and visual impact**
- 7.8. Under the CDP, the Doneraile and its environs, which include the site, is shown as lying within Landscape Character Type 5, Fertile Plain with Moorland Ridge, which is deemed to be a landscape of very high value and sensitivity and County importance.
- 7.9. The site is located in Monaduhanna Wood, which lies to the south of the village of Doneraile and Doneraile Court and Demesne. Under the LAP, this Wood is one of several deciduous woodlands which contribute to the character and amenities of Doneraile and which the Planning Authority undertakes to protect.
- 7.10. Appellant (a) draws attention to Doneraile Demesne. Appellant (b) and Observer (a) state that Monaduhanna Wood formed part of the original/historic demesne. The present-day extent of this Demesne is shown in the LAP. It does not include Monaduhanna Wood, although this Wood is one of several that affect the setting of Doneraile and so are to be protected.
- 7.11. Appellant (a) draws attention to the absence of a formal landscape and visual assessment of the proposal and to the failure to assess its landscape and visual impacts upon Doneraile Court, which is a protected structure and one that the NIAH identifies as being of national importance (reg. no. 20808027). In this respect, they have submitted a photograph of Doneraile Court taken from North Park, upon which the proposal is super-imposed indicatively. (North Park lies within the northern portion of the Doneraile Demesne and it comprises land that slopes upwards from 90m to 130m OD).
- 7.12. The applicant has responded by stating that, as Monaduhanna Wood is neither within a designated landscape nor a protected view, the need for a formal landscape and visual assessment does not arise. It did, however, undertake a visual impact survey of the site/proposal from 14 view points on the surrounding public road network to the west/south-west of Doneraile Demesne. These view points illustrate that the proposal would either be obscured by roadside walls/vegetation or, where visible, partially screened by Monaduhanna Wood. The applicant contends that the mere fact that the proposal would be visible within the landscape is insufficient to

establish that harm would result. It also contends that the proposal would not be visually dominant within longer distant views of it from within Doneraile Demesne.

7.13. During my site visit, I observed, from North Park, Doneraile Court within its context. I also observed that, due to the undulating topography of Doneraile Demesne and its mature vegetation, views of Doneraile Court together with Monaduhanna Wood, are relatively few. In this respect, I consider that appellant (a)'s photograph is of assistance in assessing the likely landscape and visual impacts of the proposal. Clearly, from the point at which this photograph was taken, the proposal would be visible, and its top would break the skyline. I anticipate that, from higher ground, its presence on the skyline would reduce progressively and from lower ground its actual visibility would reduce progressively, too, due to the aforementioned topography and vegetation. Insofar as the proposal would be visible together with Doneraile Court in view points, it would be 1.5 km away and part of a horizontal landscape of gently rolling countryside that comprises fields and woodlands with more prominent trees in the foreground introducing a vertical theme, which would be replicated by the proposal.

7.14. I, therefore, conclude that the landscape and visual impacts of the proposal would be compatible with the character of the existing landscape and the visual amenities of the area.

(iii) Ecology

7.15. The proposal would entail the removal of several ash trees from the site. Each of the appellants and observers draws attention to the LAP's undertaking to protect Monaduhanna Wood and, in addition, Appellant (b) considers that the proposal should have been the subject of an ecological impact assessment.

7.16. The applicant has responded by outlining the measures that would be taken to avoid/reduce ecological impacts arising from the proposal. Thus, the timing of the construction period would avoid the bird breeding season, fencing would be erected to protect habitats surrounding the site, and restorative landscaping would be undertaken to habitats that are damaged/disturbed as a result of construction works. During the operational period, ecological impacts would be negligible.

7.17. I note that Monaduhanna Wood is not the subject of any ecological designation and so I do not consider that a formal ecological impact assessment is essential. I note,

too, that this Wood is not the subject of a Tree Preservation Order, but that the LAP does undertake to protect it, due to its contribution to the setting of Doneraile. In these circumstances, I consider that the minor tree loss envisaged by the proposal would be compatible with this objection, as discussed under the second heading of my assessment. Such loss should be compensated for by means of replacement planting.

7.18. I conclude that the proposal would be capable of being compatible with the ecology of Monaduhanna Wood.

(iv) Amenity

7.19. The site lies within Monaduhanna Wood some 50m to the east of the L5323. Appellants and observers draw attention to the nature and extent of this Wood which comprises ash trees that grow to a height of c.12m and which spreads over a relatively small area near to Doneraile. They contrast it with other Coillte woodlands, which comprise large coniferous plantations in areas that are more remote from settlements. Appellants and observers, also, draw attention to the proximity of dwelling houses along the L5323 to the site. The proposal would be 30m high and so it would protrude above the profile of Monaduhanna Wood to be visible from these dwelling houses and their grounds. The nearest such dwelling house would be 75m to the west. Appellants (a) reside in this dwelling house and they express concern that the proposal would visually blight their property and lead to its devaluation.

7.20. The applicant has responded by drawing attention to the partial screen that Monaduhanna Wood would provide for the proposal. It questions Appellant (a)'s contention that the visual impact would dominate and so blight their property. It also questions their devaluation prediction, on the basis that a UK study has shown that improved broadband connectivity increases property values.

7.21. The Telecommunications Antennae and Support Structures Guidelines advise on location and visual amenity. They state that "only as a last resort should free-standing masts be located within or in the immediate surrounds of small towns or villages." They also state that "in rural areas towers and masts can be placed in forestry plantations" and they recognise the potential of such locations for reduced visual intrusion.

- 7.22. In the light of the above advice, I note that the applicant previously sought permission for a similar proposal on a site in Doneraile Golf Course, which adjoins the town to the north-west. This site was in the immediate surrounds of the town, whereas the current one is at some remove and in a rural area. I note, too, the current site's woodland location and the corresponding scope for screening.
- 7.23. I note the exchanges between the parties on the question of property values. I note, too, anecdotal evidence in the media concerning influences on property values during the current pandemic that would support the findings of the UK study cited.
- 7.24. I conclude that the proposal would be compatible with the amenities of residential properties in the vicinity of the site.

(v) Health and safety

- 7.25. Appellant (b) draws attention to current concerns over the roll-out of particular 5G infrastructure on sites close to residential properties.
- 7.26. The applicant has responded by stating that its equipment is "Safe by Design" and its base stations operate within the limits defined by the International Commission on Non-Ionizing Radiation Protection and checked by the Communications Regulator in Ireland. The applicant also cites the advice of Circular Letter PL 07/12, which states that health and safety questions are not material planning considerations.
- 7.27. I conclude that health and safety questions are addressed separately from the planning system.

(vi) Traffic and access

- 7.28. The site is accessed by means of an existing woodland track that runs eastwards from the L5323 in the west. Under the proposal, this track would be used, too, and it would be extended into the site.
- 7.29. The construction phase would extend over a 6-week period, with construction vehicles being in attendance over three of these weeks with 4 lorry loads of concrete, 2 of stone, and 2 of the lattice tower sections anticipated. The operational phase would generate only 2 – 8 site visits annually, as the proposal would be capable of being operated/monitored remotely.

- 7.30. The applicant advises that unloading would occur off the local road and it does not envisage any difficulties in either its use of the public road network or that of other road users during the construction phase.
- 7.31. During my site visit, I observed that, due to the alignment of the L5323, the southern sightline available to road users exiting from the woodland track is limited. Any construction phase should, therefore, be accompanied by temporary roadside signage designed to alert other road users of the use of the woodland track. Such signage should be conditioned under a construction traffic management plan.
- 7.32. I conclude that, under the proposal, no insurmountable traffic or access issues would arise.

(vii) Water

- 7.33. During the construction phase, surface water would be managed by means of conventional surface water management techniques that are designed to capture run-off and thereby prevent the dispersion of pollutants.
- 7.34. During the operational phase, surface water run-off from hard surfaces would be routed by means of trenches to soakaways.
- 7.35. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.36. I conclude that, under the proposal, no water issues would arise.

(viii) Appropriate Assessment

- 7.37. The site is neither in nor beside a European site. The nearest such site is the Blackwater River (Cork/Waterford) SAC (002170), which lies c. 1km to the north-east of the site.
- 7.38. Appellant (a) and Observer (a) critiqued the Stage 1 screening exercise that the Planning Authority undertook. They contend that there is a source/pathway/receptor route between the site and the Awbeg River, which forms part of the above cited SAC, via the Glounagot Stream.
- 7.39. The Glounagot Stream runs along the north-eastern edge of Monaduhanna Wood and it flows into the Awbeg River. This Stream is c. 300m away from the site and it lies at a lower level than the same. During my site visit, I observed that the woodland

track that provides access to the site, extends further to the east, but not as far as the Glounagot Stream. Between the end of this track and the Stream, there is heavy ground cover and so any surface water conveyed along the track would be likely to be dispersed in advance of reaching this Stream. Nevertheless, insofar as there is a potential source/pathway/receptor route between the site and it, I will undertake my own Stage 1 screening exercise.

7.40. The question to be answered at Stage 1 is whether the project is likely to have a significant effect either individually or in combination with other plans and projects on a European site(s).

7.41. The project is for the erection within Monaduhanna Wood of a 30m high telecommunications support structure on a concrete base within a fenced and gated compound in which ancillary equipment would be installed.

7.42. The nearest European site is the River Blackwater (Cork/ Waterford) SAC (002170), which includes the River Awbeg to which the project would be potential connected hydrologically, via the Glounagot Stream. Other European sites are further away and there would be no source/pathway/receptor routes between this project and these sites.

7.43. The Qualifying Interests of the SAC are as follows:

1029 Freshwater Pearl Mussel Margaritifera margaritifera

1092 White-clawed Crayfish Austropotamobius pallipes

1095 Sea Lamprey Petromyzon marinus

1096 Brook Lamprey Lampetra planeri

1099 River Lamprey Lampetra fluviatilis

1103 Twaite Shad Alosa fallax

1106 Atlantic Salmon Salmo salar (only in fresh water)

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1220 Perennial vegetation of stony banks

1310 Salicornia and other annuals colonizing mud and sand

1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)

1355 Otter Lutra lutra

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

1421 Killarney Fern *Trichomanes speciosum*

3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation

91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

91E0 *Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

91J0 **Taxus baccata* woods of the British Isles

7.44. The Conservation Objectives for these Qualifying Interests are as follows:

- To restore the favourable conservation condition of the following Qualifying Interests: 1029, 1095, 1103, 1330, 1355, 91A0 & 91E0,
- To maintain the favourable conservation condition of the following Qualifying Interests: 1012, 1096, 1099, 1106, 1130, 1140, 1220, 1310, 1410, 1421 & 3260, and
- In the case of Qualifying Interest 91J0, its Conservation Objective has yet to be determined.

7.45. Appellant (a) has drawn attention to the Qualifying Interest *1092 White-clawed Crayfish Austropotamobius pallipes* and to its presence in the River Awbeg. This Interest would be susceptible to silt/cement/hydrocarbon pollutants that may be conveyed from the site by surface water run-off during the construction phase.

7.46. The proposal would, during the construction phase, be the subject of conventional surface water management techniques to capture surface water run-off. Furthermore, the applicant states that concrete pouring would not occur during periods of heavy rainfall in order to minimise the risk of surface water run-off from the site.

7.47. The proposal would, during the operational phase, be served by drainage trenches and soakways, which would be laid out within the immediate vicinity of the site.

- 7.48. The above cited construction phase and operational phase measures would be undertaken regardless of the above cited SAC as standard ways of handling surface water run-off to avoid the pollution of watercourses.
- 7.49. In the light of the location of the site in relation to the Glounagot Stream, the nature of the intervening ground and vegetation, and the surface water drainage arrangements that would serve the proposal during its construction and operational phases, I do not consider that the project would be likely to give rise to significant effects upon the Qualifying Interests of the SAC.
- 7.50. I am not aware of any other plans and projects in the area which could, in combination with the currently proposed project, give rise to significant effects upon the Qualifying Interests of the SAC.
- 7.51. The proposal was considered in the light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposal individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002170, or any other European Site, in view of the Site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.52. The determination is based on the following:
- The distance between the site and the nearest European Site,
 - The nature of the intervening ground and vegetation, and
 - The surface water drainage arrangements that would serve the proposal during its construction and operational phases and the protocols that would be followed during the construction phase.
- 7.53. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project of 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 Cork County Development Plan 2014 – 2020, the Kanturk Mallow Municipal District Local Area Plan 2017, and the location of the site in the Monaduhanna Wood, it is considered that, subject to conditions, the proposal reflect the advice of the Guidelines with respect to the siting of telecommunication support structures and it would be compatible with the character of the existing landscape and the visual amenities of the area, including residential properties within it. Access arrangements would be satisfactory and no ecological or water issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures, fencing and gates shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall include replacement ash tree planting,</p>

	<p>which shall be submitted to and agreed in writing with planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, site-specific measures for handling surface water, and traffic management measures, including temporary road signage.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
5.	<p>Tree felling and construction works shall only take place between the months of August and April.</p> <p>Reason: To prevent disturbance to nesting birds and in the interest of nature conservation.</p>
6.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p>

	Reason: To protect trees and planting during the construction period in the interest of visual amenity.
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Hugh D. Morrison
Planning Inspector

12th April 2021