



An
Bord
Pleanála

Inspector's Report

ABP-309019-20

Development	To erect an 18m high monopole telecommunications support structure together with antennas, dishes & associated equipment & remove the existing 10m high timber pole with antenna.
Location	Eir Exchange, Bothar Na Sop, Farnahoe, Innishannon, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	206182
Applicant(s)	Vodafone Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Vodafone Ireland Ltd.
Observer(s)	Friends of Inishannon. Margaret Van der Zwan.
Date of Site Inspection	4 th March 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to the site of the existing Eir exchange located within the village of Inishannon approximately 6km east of Bandon in West Cork. The N71 National Secondary Road runs through the Main Street of Inishannon and the River Bandon flows to the immediate south of the village with the topography of the village rising steeply to the north of the village. Bóthar na Sop runs north from the N71 and the exchange building is located to the rear of the existing Garda Station which fronts onto the main street.
- 1.2. The appeal site is occupied by the exchange building and an existing timber pole telecommunications structure measuring 10m with an overall height 13m including antenna. The exchange building lies under the level of the public road and is accessed by means of steps. There are a number of residential dwellings in the immediate vicinity with a terrace of three dwellings of recent construction facing the site on the opposite side of Bothar na Sop and a dwelling within 7m of the site to the east. Retail and commercial uses are focussed on the Main Street N71 to the south.

2.0 Proposed Development

- 2.1. The application involves permission to erect an 18m high monopole telecommunications support structure together with antennas, dishes and associated equipment and remove the existing 10m high timber pole with antenna.
- 2.2. I note that within the grounds of appeal the first party proposes that that an alternative 15m high structure could be provided which while not ideal from a coverage perspective is proposed as a compromise situation.

3.0 Planning Authority Decision

3.1. Decision

By order dated 24th November 2020 Cork County Council issued notification of the decision to refuse permission for the following reason:

“The proposed development, by reason of its location, height and modern appearance located within the heritage village of Inishannon and in very close

proximity to existing residential properties, would seriously injure the residential amenities of nearby properties in the vicinity, by reason of visual intrusion and would, not be sufficiently sympathetic to the historic townscape and its immediate surrounds where there are a collection of buildings of recognised heritage importance. The proposal would therefore be contrary to the proper planning and sustainable development of the area and conflict with Policy Objective ED 7-1 in the County Development Plan 2014 and Para, 4.6.29 in the Bandon Kinsale Electoral Area Local Area Plan 2017 which seeks to maintain and enhance the villages rural character, architectural heritage, and its other heritage.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Executive Planner’s report countersigned by the Senior Executive Planner outlines concern regarding visual obtrusiveness and direct residential amenity impacts. Refusal recommended consistent with the subsequent decision.

3.2.2. Other Technical Reports

Area Engineer requests further information regarding method statement for construction, traffic management plan. Prevention of storm water runoff to public road.

3.3. Prescribed Bodies

Irish Aviation Authority IAA – no requirement for obstacle lighting.

3.4. Third Party Observations

Submission from a number of local residents and representative groups as follows:

- Margaret van de Zwan Bóthar na Sop
- Sam Nicholson, 2 Bóthar na Sop
- Mary O Connor Sleavean Inishannon
- Michael O Sullivan, Ballymountain South
- Wendy Keating and Eoin Gallagher 8 Main Street Inishannon.

- Friends of Inishannon
- Tidy Towns Association.

The submissions raise common objections to the proposal which I have summarised as follows:

- Negative visual impact. Visual Eyesore
- Impact on residential amenity. Overshadowing and loss of light.
- Health effects.
- Question assertion that there is poor coverage within the village.
- Siting of the mast within the lowest point of the valley is questionable.
- Traffic congestion and disruption during construction.

4.0 Planning History

I am not advised of the planning history on the appeal site.

5.0 Policy Context

5.1.1. Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)

These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service.

At 4.3 it is stated that “the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should

become necessary sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

5.1.2. Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12

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

Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of

telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

5.2. Development Plan

The Cork County Development Plan 2014-2020 and Bandon Kinsale Municipal District Local Area Plan 2017 refer. Within the County Development Plan I note Objective ED 7-1 Telecommunications Infrastructure

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

Objective ED 7-2 Information and Communication Technology.

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

Inishannon is designated as a Key Village within Bandon Kinsale Municipal District. At 4.6.29 It is noted that there is scope for development within Inishannon; however, it is important that the village’s rural character, architectural heritage and its other heritage and natural amenities are maintained and enhanced.

The Plan notes the attractive townscape within the village and that there are 14 protected structures within the village.

5.3. Natural Heritage Designations

The site is not within a designated area. The nearest such sites are Courmacsherry Bay SPA (Site Code 004219) and Courmacsherry Estuary SAC (Site Code 001230) Circa 10.5km to the south.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The appeal submission by Towercom on behalf of the applicant is summarised as follows:

- Inishannon is a known 4G coverage weakspot for Vodafone.
- Alternative locations considered include at Barna Td (discounted on basis of need for new structure) and Kilpatrick Td (discounted on basis would not meet technical requirements).
- The proposal to upgrade the Existing Eir Exchange rather than introduce a new telecommunications structure is consistent with the guidelines.
- Regarding impact on protected structures St Mary's Church 00628 is 150m distant and Market House 00630 is 50m distant. Screening by intervening buildings, topography and vegetation provide for intermittent visibility.
- The proposed structure is a typical telecommunications equipment in similar towns to Inishannon.
- Equipment will be positioned above the level of the nearby housing and not in the direct line of sight of nearby windows.
- Existing telecommunications structure would remain in situ in the event of refusal
- Visibility in the townscape is not in itself objectionable. The visual impact is negligible
- Guidelines advise that where telecommunications structures are to be developed within towns sites development for utilities should be used and structures adapted to

the specific location. Proposal provides a more robust replacement structure measuring 25% higher than the structure to be replaced.

- An alternative facility would not benefit the synergies that can be achieved by developing the structure at this site .
- Photomontage provides a visual representation of the application structure form a number of locations within Inishannon.
- As a compromise Vodafone is prepared to reduce the overall height of the structure to 15m. The structure will be identical in all other respects.

6.2. **Planning Authority Response**

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

6.3. **Observations**

6.3.1 Observations were submitted by the following:

- Friends of Inishannon.
- Margaret van der Zwan.

6.3.2 Observers raise common concerns regarding the development which I have summarised as follows:

- The proposal would be visually obtrusive and not sympathetic to the historic streetscape of Inishannon.
- Significantly detrimental to residential amenity.
- Health and safety impacts
- Inishannon is well served with high-speed broadband.
- Alternative locations are more appropriate. Question the suitability of the proposed siting at the lowest level in the valley.
- Traffic congestion, access issues and disruption on Bóthar na Sop.

7.0 Assessment

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

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

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

7.2.1 Having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the development plan including ED7-1 Telecommunications Infrastructure and ED 7-2 Information and Communication Technology, it is considered that the provision of a telecommunications mast at the site should be considered to be acceptable in principle subject to detailed proper planning and sustainable development considerations.

7.2.2 As regards issues raised with respect to the need for the mast and the assessment of alternatives, I note that the third parties observers question the need for additional mast and assert that the area is well served. The first party outlines that the existing structure is too low to propagate current generation Vodafone signal over the village and the proposed structure is necessary to ensure 4G coverage. Reference is made to Comreg maps which demonstrate certain localised deficiencies for Vodafone in

terms of 4G coverage. I consider that in light of the submissions by the first party the need for upgrade has been demonstrated.

7.2.3 As regards mast sharing and co-location I note that the cover letter submitted with the application indicates that the proposed new structure may accommodate site sharing however provides no demonstration of discussions with other operators with regard to their needs or any firm commitment in this regard. I note that maximising the potential for mast sharing and co-location remains a significant pillar of national and local planning policy and a clear demonstration in this regard would be required.

7.2.4 As regards alternative structures considered it is outlined that *Three* and *Eir* transmit from a group of wall mounted structures on an agricultural premises 0.9km from Inishannon. This structure is incapable of accommodating further telecommunications equipment and on account of a restrictive height of less than 10m it offers no improvement over the current application structure and therefore a new telecommunications structure would be required. As regards the existing 24m high *Meteor* owned telecommunications structure at Kilpatrick which is currently used by all major operators this is discounted for technical reasons on the basis that *“It is not possible for Vodafone to modify the aforementioned structure nor its antenna configuration. For this reason, it cannot satisfy the applicant’s technical objectives for Inishannon and must be discounted.”*

7.3 Visual impact, impact on archaeology and impact on the amenities of the area

7.3.1 The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 as noted, state that visual impact is one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations. The Guidelines recommend that great care be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

- 7.3.2 I note that the Guidelines recommend that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.
- 7.3.3 I note that the decision of the local authority referred to the impact on the townscape and its heritage. The first party discounts significant negative impact on heritage and the protected structures in the vicinity on the basis of intermittent visibility arising from the local topography, established intervening development and landscaping. I would accept the assertion of the first party that visibility per se is not in itself objectionable and the provision of a slimline monopole structure would not be out of character within a village setting and these have become a customary type of infrastructure within any given settlement. The question is whether the structure would be visually dominant and obtrusive.
- 7.3.4 Having considered the matter I consider that the visual impact of the proposed mast structure would be a locally prominent feature and would give rise to a significant negative visual impact in the immediate vicinity, particularly from Main Street to the south from Bothar na Sop Road and the proximate dwellings immediately adjacent which overlook the site. The constricted nature of the site and the character of the landscape provides little opportunity in terms of visual mitigation. In my view the proposal gives rise to an unacceptable visual impact as to warrant a refusal. I consider that a reduction in height to 15m would not address this issue. The proposed development is clearly at odds with national and local policy with regard to siting, would give rise to an obtrusive feature in the landscape thereby significantly detracting from visual and residential amenity and would be contrary to the proper planning and sustainable development of the area.
- 7.3.5 On the issue of health and safety, notwithstanding the debate and the issue of proximity to homes, schools, workplaces or public access, the current national

Guidelines provide that an installation is considered safe where it complies with the appropriate international standard ICNIRP Guidelines. ComReg has the primary responsibility for the monitoring and enforcement of health and safety issues. The DoEHLG Guidelines require submission of a statement of compliance with planning applications as a link to the planning system.

7.3.6 As regards traffic safety I acknowledge the narrow nature of Bóthar na Sop however I consider that in light of the nature of the development significant traffic would not arise. As regards construction traffic a suitably designed traffic management plan would address this issue.

7.4 Appropriate Assessment

7.4.1 On the matter of Appropriate Assessment having regard to the nature of the development and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with any other plans or projects on a European site.

8.0 RECOMMENDATION

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

REASONS AND CONSIDERATIONS

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

amenities of the area and of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
12th March 2021