



An  
Bord  
Pleanála

## Inspector's Report ABP-309359-21.

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| <b>Development</b>                  | 20m telecommunication mast, antennae, dishes, telecommunications equipment and associated infrastructure enclosed in security fencing - to replace existing 15m lattice mast of overall height of 16.5m. |
| <b>Location</b>                     | Eir Exchange, Tinageragh, Watergrasshill, Co. Cork.  |
| <b>Planning Authority</b>           | Cork County Council .  |
| <b>Planning Authority Reg. Ref.</b> | 20/04497.  |
| <b>Applicant</b>                    | Vodafone Ireland Ltd.  |
| <b>Type of Application</b>          | Permission.  |
| <b>Planning Authority Decision</b>  | Refuse permission.   |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant</b>                    | Vodafone Ireland Ltd.  |
| <b>Observers</b>                    | None.  |
| <b>Date of Site Inspection</b>      | 8 November 2021.   |
| <b>Inspector</b>                    | Mairead Kenny.   |

## 1.0 Site Location and Description

- 1.1. The site is located at the northern end of Watergrasshill within an existing telecommunications exchange compound. The site is very close to the commercial centre of this small settlement and just around the corner from a church and a school and the main street.
- 1.2. The site has a frontage of approximately 12.5 m to the public road. There is an existing 15 m lattice tower mast positioned 1.5 m from the edge of the footpath. The overall stated height of the structure is 16.5 m high. The submitted drawings include a drawing showing the existing lattice tower and the antennae which are in position. There are other telecommunications and related infrastructure within the compound. The northern boundary of the site is partly defined by a hedgerow which separates the subject site from a dwelling house to the north.
- 1.3. Photographs taken by me at the time of my inspection are attached.

## 2.0 Proposed Development

- 2.1. Permission is sought to replace the existing mast with a 20 m high lattice tower. The overall height of the structure would be 21.5 m to the top of lightning finials.
- 2.2. The mast would replace the existing mast which is effectively a 16.5 m high lattice tower structure as measured to the top of the existing antennae.
- 2.3. Existing Vodafone equipment would be positioned on the new lattice tower and new antennas, dishes and other equipment also put in place.
- 2.4. The replacement structure which is taller and stronger than the existing would improve coverage and capacity in this area. The operator would make this site available to other telecommunications and broadband operators.
- 2.5. The proposed development includes new cabinets and fencing at ground level.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the following reasons:

- the applicant has not provided sufficient justification for the location of the mast within a residential area and the development is contrary to the objectives of the development plan and national guidance
- applicant has failed to demonstrate that the proposed mast will not have a detrimental impact on adjoining residential properties.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The comments in the final report include:

- Clarification on the planning status of the existing structure is still required in terms of the date of construction and the developer.
- The justification for the proposal in terms of the availability of other greenfield or brownfield sites is inadequate.
- A shadow analysis has not been submitted as requested and given the proximity to residences this request is considered reasonable.
- There should be scope to consider a marginally taller structure at this site, but procedural timelines do not allow the planning authority to seek clarification of further information and there is no choice but to refuse permission.

#### **3.2.2. Other Technical Reports**

None relevant.

### **3.3. Prescribed Bodies**

Irish Aviation Authority - no observations to make.

### **3.4. Third Party Observations**

A submission from Watergrasshill Community Association refers. The replacement mast will carry far more hardware and will be a far more dominant structure. The existing mast is already substantial. The mast is in a residentially zoned area and less than 20m from the nearest house.

## 4.0 Planning History

The existing mast on site is stated to have been developed as exempted development. Outlined below is information relating to other telecommunications related planning history in Watergrasshill.

### **ABP – 305021 – 19 –Watergrasshill**

This relates to a decision by the Board to **refuse permission on foot of a third-party appeal for retention of an existing 30 m high telecommunication support** infrastructure for Three Ireland. The subject site is to the rear of dwellinghouses (stated to be 5 m from the rear back wall of the appellants house) and within the development boundary of Watergrasshill.

The applicant noted the established telecommunications installation at the site and the permission granted in 2011 for a period of seven years to retain the subject 30 m structure. The site was stated to be in use by Three, Eir and Vodafone and was deemed to be essential to maintain telecommunication services in the area.

The planner's report noted that the mast predated the dwellinghouses. Following a request for further information relating to standards on non-ionising radiation permission was granted by the planning authority. The reason for the decision referenced the established pattern of development in the vicinity of the site.

The third-party appeal and observations raised issues relating to health concerns, visual amenity, noise impacts and future residential development nearby.

The applicant in response noted that the increased population give rise to a need for better coverage. The long-standing nature of the mast was noted and its importance including with respect to coverage along the motorway.

The Board's Inspector noted that the previous permission had withered and that the context for the proposed development has significantly altered since the original grant of permission from being a rural area to a growing residential suburb. The small site was noted to abut small rear gardens and the structure was described as having a profound negative visual impact on the nearest adjoining houses.

The Board issued a Direction on 1 October 2019 to the effect that the Board may consider that the development for which retention a social constitute a highly

obtrusive development and conflict with locational requirements of the guidelines. The applicant was asked to provide evidence of investigation of alternative sites for the subject development other than in a residential area and that such sites are unsuitable or unavailable.

The applicant's response of 21 November 2019 stated that the land zoned Business to the south of the existing site was most favourable from a technical point of view for Three Ireland its suitability for other operators using the existing installation could not be determined. Operators will have designed and planned their networks around the existing site. The relocation would replace the optimal coverage and services for each operator. There are no assurances that permission will be granted at this location, but the landowner appears willing to consider it. The Board was requested to consider a further temporary permission.

On 2 December 2019 the Board refused permission generally in accordance with the Inspector's recommendation.

Subsequently under **Reg. ref. 204961** permission was granted for a telecommunications structure for Three, to be located at the opposite side of the M8 and close to the motorway, approximately 200m from the Exchange site. Three indicate that it is their policy to co-locate. A letter of support is on file from Eir who indicate interest in sharing the mast. Condition 2 of the decision requires that the developer allow other operators to share the mast.

**Reg. ref. 11/4768** relates to the permission granted in 2011 for retention of the existing 30m mast – subject of the later refusal of permission by the Board under ABP-305021-19. The reason for the grant of permission referenced the development plan objectives for the area and the pattern of development in the rural area. A seven-year permission was granted. The report of the Senior Executive Planner noted that the mast predates residential development and that there are electrical pylons on adjoining lands.

## 5.0 Policy Context

### 5.1. Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities

Published in 1996 this document was clarified by Circular Letter PL07/12 in October 2012. Referencing visual impact it is noted that only as a last resort should freestanding masts be located in or in the immediate surroundings of smaller towns and villages. It is also outlined that only as a last resort and if the alternatives suggested (including sites already developed for utilities) are unavailable should freestanding masts be located in a residential area or beside schools.

If deemed necessary to locate freestanding masts on or in the immediate surrounds of smaller towns and villages then sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.

Sharing of facilities and clustering is promoted as this would normally reduce visual impact. Temporary permissions should be avoided. The competence for health and safety matters in respect of telecommunications infrastructure is regulated by other codes.

### 5.2. Cork County Development Plan 2014

The site and surrounding areas are zoned 'Existing built-up areas'.

Policy relating to Watergrasshill as set out under the South Cork Local Area Plan includes the designation of two plots of land as 'Business and General Employment', one of which is adjacent the motorway junction at the entry point to the town and the other is 1km to the east.

Policy ED 7-1 is:

- to support the provision of telecommunications infrastructure that improves Cork County's international connectivity
- to facilitate the provision of telecommunication services at appropriate locations having regard to the national guidelines

- to have regard to environmental and visual considerations when assessing large-scale telecommunications infrastructure.

### 5.3. **Draft Cork County Development Plan 2021**

The adopted plan is awaited.

The site is within an area zoned 'Existing residential/mixed residential and other uses'.

### 5.4. **Appropriate Assessment**

It is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

### 5.5. **EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment and based on a preliminary examination no requirement for EIA applies.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The main points of the appeal are:

- The existing structure cannot meet current or future demand without being upgraded including by the increased 3.5 m height, which is minimal.
- The site is established and a suitable location within an existing exchange building and at a location where there are vertical structures such as nearby streetlights and electricity poles.
- Where the structure is visible due to its increased height it will be seen protruding over rooftops.

- The request for shadow analysis is disproportionate.
- The impact of the minimal increase in height (which is required for effective functioning and to serve multiple operators) would be acceptable.
- Regarding the need for replacement structure the existing structure cannot meet current or future demand. The replacement will allow for accommodating additional equipment thereby maximising its capacity. The lattice design is most suitable structurally and for future access.
- The replacement structure will meet technical height and stability requirements for multiple operators. There is a need to be close to the area which it is intended to serve.
- As part of the planning application, we submitted a record of existing structures and the reasons why they cannot be utilised.
- The Bishopsland site was refused permission under PL 04.305021. The Vodafone 24 m monopole in Coolquane is too remote at 3 km to have any impact on coverage in Watergrasshill. The existing mast on the site is too low and structurally incapable of facilitating further additions or site sharing.
- An additional Three telecommunication structure was permitted in 2020 and is to be located on the far side of the M8, 500 m south-east of the exchange site.
- The site is established and is suitable. It is within an existing Eir exchange where there is convergence between overground telecoms infrastructure and underground infrastructure all of which has a long-term presence at this specific site and where necessary improvements can take place.
- There is no requirement under guidance in terms of separation distances between telecommunications structures and dwellinghouses. It is not uncommon for structures or antennae to be in close proximity to residential development.
- The proposal is in accordance with guidance and the development plan.
- The site is the most suitable given the replacement of existing telecommunications support structures, locating these within the established



telecommunication site in a built-up area and facilitating co-location, reducing the potential number of freestanding structures in the area and minimising adverse impacts on communities by using the existing exchange building and proposing minimal height increases.

- Specific comment is provided in relation to national, regional and local development plan policies all of which underscore the need for supporting infrastructure as proposed.
- We refer to the planning permission and decision PL 04.307515 at an Eir exchange at Aherla Co Cork. Similarly, it is considered that the current proposal from a technical perspective and in terms of the amenities of the area is suitable.

## **7.0 Responses**

### **7.1. Planning Authority Response**

None received.

### **7.2. Observations**

None.

### **7.3. Further Responses**

None.

## **8.0 Assessment**

8.1. Having regard to the wording of the Cork County development plan I consider that the most relevant policy in this instance is that set out in the national guidance.

Therefore, I rely on that document primarily in my assessment below.

8.2. The locational requirements may be summarised as relating to:

- avoidance of location in a town for freestanding masts
- consider alternative sites

- where there is no alternative but a town centre location address design considerations.

8.3. I will assess this case largely along the lines of those topics.

#### 8.4. **Location**

8.5. The subject site is prominently located adjacent a main road and very close to the town centre. The existing mast can be seen above the streetscape and from the commercial centre and is directly adjacent to and forward of the front façade of a dwellinghouse. The adjoining lands would be deemed suitable under the development plan for further residential or other development.

8.6. At the outset I would note that the mast which is in existence on the site has not previously been assessed as being acceptable by either An Bord Pleanála or the planning authority and it was erected as exempted development. I note that the planning authority expressed some reservations relating to the detail of the exemption, but I do not consider that this is likely to be material and I do not recommend that the matter be further pursued. In the absence of any indication that there was any previous enforcement I accept the response of the applicant and consider that the site is established as part of the telecommunications network.

8.7. Regarding the alternatives which were considered I note that the appeal and the planning application documentation both refer to 3 no. specific masts, one of which was subject of a decision of the Board to refuse permission, one of which is remote from Watergrasshill at 3 km distance and the existing mast at the subject site. The coverage within Watergrasshill is stated to be poor and extracts from the Comreg map viewer which are presented in the planning application documentation would support this conclusion. As described by the applicant there is a general patchiness in coverage amongst all operators in Watergrasshill.

8.8. Since the making of the planning application the planning authority has granted permission for a 30 m lattice tower mast which is approximately 200 m from the subject site. This 30 m lattice mast adjoins the motorway and by condition of the permission as well as the planning application submissions is available for co-location. While this permission as mentioned in the planning appeal no statements are provided to demonstrate that it is an unsuitable location for the purposes of

maintaining and increasing the Vodafone coverage. In addition, I note that the appeal does not respond to the submitted comments of Watergrasshill Community Association who reference two industrial plots of land one of which is to the south of the village and thereby proximate to users.

- 8.9. Instead, the general thrust of the appeal submission is to focus on the benefits of utilising existing infrastructure and in this respect, reference is made to a planning precedent case for a similar development in an existing exchange. I note that in considering a rival operator's appeal in Watergrasshill the point was also made relating to use of existing infrastructure, but the Board nevertheless refused permission. It is also relevant to note that the planning authority has indicated that it might accept an application for a slightly increased height at this location. If permission was refused in this case the existing mast would be likely to remain in place and the existing infrastructure would still be utilised.
- 8.10. Notwithstanding the established nature of the site further development has to be considered in the context of the relevant guidance. The guidelines clearly state that only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns or villages and if such locations are necessary sites already developed for utilities should be considered. There is a presumption against such development. Due to the wording of the guidelines and the prominent position of this mast I consider it reasonable that the applicant demonstrates that there is a requirement for enhancement of the capacity of the freestanding mast and that this cannot be met elsewhere.
- 8.11. The applicant has not addressed the available industrial lands or the recently permitted mast near the motorway or indeed other lands close to the motorway, I agree with the conclusion of the planning authority that there has been insufficient consideration of alternatives. For this reason, notwithstanding that the development is to be located as an existing utility site, I do not consider that it complies with the guidance. The existence of the established site while benefiting the applicant in terms of the availability of infrastructure does not, in my opinion override, the prime objective of securing alternative locations which are not within or in the immediate surrounds of smaller towns or villages or in residential areas. In this context I note the extensive motorway corridor which is nearby and the availability of industrial

lands in particular. The stated need for additional coverage arises partly related to the motorway corridor.

- 8.12. The applicant comments that the proposed development would have minimal visual impact and in this regard the submissions address the limited increase in height and the fact that the increased height would be visible over the roofs of buildings. I consider that the location of the site is extremely prominent on one of the main routes in the town and just north of the commercial centre as well as immediately adjacent a residential house. I do not agree with the emphasis in the appeal with respect to the increased height of the proposed development. The increased height is only one factor and it would give rise to greater visibility of the development. The new structure would in addition be bulkier and contain much more infrastructure than the existing and thereby its visual dominance would be greatly increased. A comparison of the applicants drawings of the existing proposed elevations supports this point the proposed development would therefore constitute a form of development which would be unsympathetic to a prominent and central location within a Key Town and country to the national guidance.
- 8.13. In conclusion I consider that an intensification of the use of this site would result in significant additional visual intrusion at this sensitive location close to the town centre and adjacent residential development due to the increased height and bulk of the replacement mast and the extent of additional attachments. The consideration of alternative sites by the applicant is incomplete and the design of the structure is such that the discordant nature of this feature would be significantly exacerbated. I conclude that the proposed development is not in keeping with national guidance.

## 9.0 Recommendation

- 9.1. I recommend that the decision of the planning authority to refuse permission be upheld for the reasons and considerations below.

## 10.0 Reasons and Considerations

The site of the proposed development is prominently located close to the commercial core of Watergrasshill and adjacent residential development. It is considered that the proposed mast, which would replace an existing slimline structure resulting in an

intensification of the use of the site and significantly increased visual intrusion due to the increased height and bulk of the structure and the associated equipment and would constitute a discordant structure in a sensitive and prominent location and would thus be contrary to national guidance.

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Mairead Kenny  
Senior Planning Inspector

14 November 2021