



An  
Bord  
Pleanála

## Inspector's Report ABP-309535-21

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<b>Development</b>	Extend existing telecommunications structure to overall height of 33.5 m carrying existing antenna, dishes and associated equipment, additional antennae dishes and associated equipment and new ground equipment and bollards and all site development works.
<b>Location</b>	Eir Exchange, Quaker Road, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	20/39697
<b>Applicant(s)</b>	Vodafone Ireland Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Vodafone Ireland Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 July 2021
<b>Inspector</b>	Mairead Kenny

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is in an inner suburban location in Cork city. The site includes a large telephone exchange building and there is telecommunications equipment on its roof and an existing lattice mast to the rear of the building. The terrace of houses to the east are all protected structures. The dominant character and use in the area is residential. Terraces of buildings date to the 19<sup>th</sup> century but the street pattern and individual structures are much older.
- 1.2. Photographs taken by me at the time of inspection are attached.

## 2.0 Proposed Development

- 2.1. The proposed development as described in the planning application comprises:
  - an increase in overall height to 33.5 m to be formed by the provision of an additional 8 m high extension to the existing lattice tower
  - the provision of future operators equipment at this extended location and at ground level.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the reason summarised below:

- By reason of its siting and height the proposed development would seriously injure and detract from the visual amenities of the area, would be visually obtrusive, would adversely affect an architectural conservation area due to the increased level of harm to the character and appearance of the architectural conservation area and would not accord with the policies and objectives of the development plan.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's report dated 28 January 2021 notes the location of the site within the South Parish Architectural Conservation Area and a residential area. The planning history and development plan context are outlined. The proposal to extend the existing mast is generally acceptable in principle in accordance with the zoning for the site.

The main issues relate to the visual impact of the proposal and potential impact on the residential amenity, the ACA and protected structures. The rationale for the development includes that there would be a reduction in the demand and proliferation of telecommunication structures if this is permitted.

The structure is clearly visible from a number of locations in the area. The applicant states that the mitigation measures could include additional planting where there may be gaps affording views from the ACA, but these are not proposed in the application. Also, it is unclear whether an increase in mast height of 8 m could be sufficiently screened.

The increased height would be visible from a number of long and prominent views from a number of locations and would render it even more visible from other locations. The existing structure already has an incongruous presence on the skyline and any increase in the lattice type tower would have a negative visual impact and detract from the character of the ACA.

The national guidelines state that support structures should be kept to a minimum height consistent with effective operation and indicate a preference for monopole structures. Given the serious negative impact on the residential character and the ACA provision for future capacity is inappropriate. Permission should be refused.

The report is supported by the senior executive planner and senior planner.

### 3.2.2. Other Technical Reports

Environment – no objection to conditions. These relate to construction phase requirements mainly.

Drainage division – no objection.

Contributions report – €0 sum calculated.

### 3.3. **Prescribed Bodies**

Irish Water set out standard requirements.

The Irish Aviation Authority stated that the applicant should be directed to engage directly with Cork airport to assess the impact of the proposed development on the safety of aircraft operations.

Cork Airport – no comment other than to recommend consultation with the IAA and IAA – ANSP.

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

None.

## 4.0 **Planning History**

Under Reg ref 15/36433 permission was granted for the retention of a 24 m telecommunications structure of overall height of 26.5 m carrying associated antennae and link dishes and associated equipment cabinets within the existing compound at Quaker Road.

Under Reg ref 92/17377 permission was granted for a 30 m high antennae support structure subject to it being reduced to 24 m.

## 5.0 **Policy Context**

### 5.1. **Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities 1996 as updated by Circular Letter PL 07/12**

The national policy provisions outline the requirements of operators to ensure that a modern communications network can be facilitated. Guidance on suitable locations and mast design is incorporated. Clustering and sharing of facilities is encouraged.

The circular letter advised against temporary permissions and imposing separation distances to residential dwellings.

## **5.2. Cork City Development Plan**

The site is located in an area zoned ZO4 Residential, Local Services and Institutional Uses. The protection and provision of residential uses and residential amenity is a central objective of this zoning according to paragraph 15.10 of the development plan.

The site is within the South Parish ACA Sub-Area D which is described as an area of informally designed housing set out along mediaeval and post-mediaeval arterial routes to the old city. The character of the area is given by the eclectic but attractive mix of house types, sizes and styles, varied but coherent. Set into larger sites among them are schools, churches and old graveyards.

The policy relating to architectural conservation areas includes paragraph 9.46 which states that the aim of designating these areas is to protect their special characteristics and distinctive features from inappropriate actions. Objective 9.29 is to preserve and enhance the designated ACAs in the city.

The evaluation of applications for telecommunications installations will take into account the 1996 guidelines for planning authorities. Co-location by different operators is favoured.

## **5.3. 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.

## **5.4. 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 in the grounds of the appeal are.

- It is now proposed to revise the overall structure height to 31.5 m and to reconfigure the placement of new equipment and install some of it at a lower level. The revised drawing is enclosed.
- The overall increased height of 5.5 m would be unnoticed and intermittent in the urban setting. The site is set back from Quaker Road and in an established utilities setting with varied roofscapes and natural screening.
- A telecommunication structure is an accepted part of the skyline and does not unduly affect visual amenity. The development design includes the minimum height necessary to ensure sufficient coverage. The use of an existing structure and exchange building and vertical structures mean that the siting is the most suitable in the local context. Buildings and trees assist in screening.
- Visual impacts would be intermittent and where visible due to its increased height it will generally be seen protruding over rooftops and through natural screening. The proposed extension given the height of the existing structure would not have a significant prominent visual impact.
- The existing structure cannot meet future demand without being upgraded specifically by increasing the structure height. The additional 5.5 m height will allow for accommodating additional equipment and maximising capacity of the existing infrastructure. A lattice tower is preferred due to its capacity to support loads and is the most appropriate design.
- The increased height is to enable additional communications equipment from other operators to be accommodated. The increased height is required to see above the tall buildings, visual clutter and foliage in the immediate area. The extension is not considered excessively tall or bulky given the on-site structure.
- There is a need for infrastructure to be in reasonable vicinity to the population which it is intended to serve. The suitability of the site includes its long history

of telecommunications use and the presence of the Eir utility building and existing Vodafone and Three infrastructure within the site.

- There is no requirement for separation distances under the national guidelines and the presence of a local population justifies the proposed siting.
- Development plan policy objective 3.5 indicates that the Council will work with stakeholders and support measures to improve transport and telecommunications network. The policy under 16.101 includes reference to discouraging proliferation by encouraging co-location.
- The development is acceptable in terms of the guidance and amenities of the area.
- Enclosed letters of support from Eir mobile and Imagine broadband.

## 6.2. Responses

None.

## 6.3. Observations

6.4.1 None.

## 6.4. Further Responses

None.

## 7.0 Assessment

7.1. I propose to consider the merits of this case under the following headings:

- compliance with national guidelines
- architectural heritage.

## 7.2. National guidelines

7.2.1. The provisions of the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities published in 1996 and Department Circular Letter

PL 07/12 of October 2012 refer. The clustering and sharing of infrastructure are encouraged. I consider that the applicant relies heavily on the support in national guidelines and in the development plan for co-location. It is stated that if the proposed development is not permitted there will be a need for other structures at other sites.

- 7.2.2. In balancing the requirements of operators, the Guidelines also described various locations where telecommunications infrastructure is not to be encouraged, including in sensitive areas and residential areas. It is stated in section 4.3 that in the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates are in industrially zoned land. It is further noted that the possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating 'disguised' masts. Substations operated by ESB may be suitable and the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. It is noted that only as a last resort and if the alternatives suggested are either unavailable or unsuitable should freestanding masts be located in a residential area (or beside schools) and sites already developed for utilities should be considered. In such locations the support structure should be kept to the minimum height consistent with the effective operation and monopole or poles are encouraged.
- 7.2.3. I consider that the subject site is poorly suited to accommodating a lattice type telecommunications mast. It is immediately adjacent an ACA and a row of protected structures, which are also recorded on the NIAH. The surrounding use is almost entirely residential. The topography facilitates the number of views to the mast and the structure appears prominent in places as shown in the submitted photomontages.
- 7.2.4. The fact is however there is an established use of this site for telecommunications infrastructure and in my opinion the decision in this appeal balances on the following point: whether the applicant has demonstrated that the use of this existing structure by other operators involving an increased height of 5.5 m is preferable over the development of other masts at other sites and that it is the most suitable site. The case made relies simply on the fact that it is an established site with an existing mast and that the policy favours use of existing site and co-location. The guidelines however require that the locational considerations be balanced with the needs of the



operator. No information has been presented in relation to other possible sites considered. I consider that the applicant has not presented significant justification for this development in this sensitive location.

### **7.3. Architectural Heritage**

- 7.3.1. The applicant's submission include an Architectural Heritage Impact Assessment. I have considered the contents of this report and offer a number of comments at this point.
- 7.3.2. I note and concur with the recommendation in the report that the material colour selected could mitigate the visual impacts.
- 7.3.3. I also accept the assessment that the mast is not within the curtilage of the protected structures and I note that the AHIA acknowledges that the development will be visible from within the curtilage/attendant grounds of the protected structures on Quaker Road, Summerhill south or Evergreen Street.
- 7.3.4. While the AHIA concludes that that there would be an indirect, neutral impact of moderate significance on the architectural heritage of the area, this is reliant on some mitigation measures including tree planting which I consider are not realistic and which I note have not been referenced in the grounds of the appeal. I would take issue with the recommendation to consider planting of further mature fast-growing trees along the boundary of the telephone exchange and the protected structures. I do not consider that this is feasible, and I note that other submissions on behalf of the applicant refer to foliage as a reason for requiring an increase in height. In the absence of any commitment by the applicant, I agree with the planning authority that these measures cannot be taken into account and therefore it must be concluded that the AHIA has underestimated the impact on the architectural heritage of the area.
- 7.3.5. The AHIA states that the bulk of the new element of the structure has been kept to a minimum. I note that the revised drawing lodged with the appeal shows a 2 m reduction in overall height from the original proposal of 33.5 m to 31.5 m. The significant alteration however relates to the very limited amount of equipment placed at the upper level of the extended mast. It is clearly set out in the application that the proposal is to facilitate other users and the wording of the public notice allows for

further infrastructure / equipment, the nature of which is not specific and its amount is not limited. During inspection I noted that there are many locations within the ACA where only the lightning finials are visible. If constructed the upper level of the extended mast would intrude above roof lines within the ACA and above protected structures where previously the mast was not visible. I also consider that the existing structure, where it is visible is quite dominant, incongruous and visually unattractive. I consider that the extension of this structure would be contrary to the development plan policy pertaining to architectural conservation areas and that it is contrary to the proper planning and sustainable development of the area for this reason.

- 7.3.6. I conclude that the decision of the planning authority is reasonable in the absence of a strong justification for the proposed development.

## **8.0 Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations below.

## **9.0 Reasons and Considerations**

The site of the proposed development is located adjacent the South Parish Architectural Conservation Area, which is governed by the objective under section 9.29 of the development plan to preserve and enhance the designated Architectural Conservation Areas in the City. It is considered that the proposed development which is proximate to the Architectural Conservation Area and protected structures, by reason of the increased visibility of the mast and the associated equipment would fail to preserve and enhance the architectural heritage of the area and thus be contrary to the development plan policies for the area.

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Mairead Kenny  
Senior Planning Inspector

11 July 2021