



An
Bord
Pleanála

Inspector's Report

ABP-309594-21

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| Development | Erection of a 15m high monopole telecommunications support structure. |
| Location | Eir Exchange, Paddock, Drinagh, Co. Cork. |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 20705 |
| Applicant(s) | Eircom Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Eircom Ltd. |
| Observer(s) | None. |
| Date of Site Inspection | 18 th May 2021. |
| Inspector | Bríd Maxwell |

1.0 Site Location and Description

- 1.1. This appeal relates to an established utilities site located within the village of Drinagh circa 9km to the south of Dunmanway and 14 kilometres north-east of Skibbereen in Co Cork. The site has a stated area of 0.091 hectares and is located towards the northern side of the village. There is a pair of residential properties on the adjoining site to the southwest and a detached dwelling to the north east with a tennis / basketball court and public exercise area to the northeast of this. To the rear south east of the site is a derelict structure with agricultural lands beyond. The “*Gaelic Bar*” public house is located opposite and the Post Office and The Church of the Sacred Heart and Drinagh Mixed National School are located to the southwest. The appeal site is level with the adjoining public road and is occupied by the Eircom exchange building and an existing timber pole 12m in height which incorporates a Vodafone mast extending the overall height to 14.5m .
- 1.2 I note that the adjacent dwelling to the north east is recorded within the NIAH Reg No 20912003 and given a regional rating of architectural /social interest. Its description and appraisal is as follows: “*Detached L-plan three-bay two-storey presbytery, built c.1880, with later single-bay two-storey centrally placed addition to rear (north-west). Hipped slate roof with rendered chimneystacks and uPVC rainwater goods. Painted lined-and-ruled rendered walls. Square-headed openings with two-over-two timber sliding sash windows and stone sills. Pointed arch opening with timber sliding sash windows having switch tracery to rear addition. Square-headed door opening with replacement uPVC door and overlight. Enclosed by rubble stone and rendered walls to side (south-west) and rear. A prominent building within the streetscape of Drinagh village, this presbytery was located beside the village church, which was demolished following completion to the new church in the 1930s. Its style and design is typical of its time, following the three-bay two-storey format which was popularly utilised by the Roman Catholic Church for its clergy dwellings in the latter part of the nineteenth century.*” I note that the building has been altered since the NIAH entry which included replacement of the timber sliding sash windows with white uPVC.

2.0 Proposed Development

- 2.1. The application involves permission to erect a 15m monopole telecommunications structure together with antennas dishes and associated equipment.

3.0 Planning Authority Decision

3.1. Decision

By order dated 5th February 2021 Cork County Council issued notification of its decision to refuse permission for the following reason:

“Having regard to the nature, height and design of the proposed development, its proximity to adjoining properties and its location within a village which is predominantly residential in character, it is considered that the proposed development would be visually obtrusive and would seriously injure the visual amenities of the area, would seriously injure the residential amenities of nearby property in the vicinity, by reason of visual intrusion and would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Area Planner’s report notes proximity of proposal to existing Vodafone mast and expresses concern regarding proliferation of such structures resulting in negative impact on the amenities of the area and the village skyline and on residential amenities of property in the vicinity. Refusal was recommended.

Senior Executive Planner concurs with recommendation to refuse.

3.2.2. Other Technical Reports

Environment Report indicates no objection subject to condition regarding waste management.

Area Engineer - no objection subject to conditions.

3.3. Prescribed Bodies

Irish Aviation Authority - no requirement for obstacle lighting.

3.4. Third Party Observations

No submissions

4.0 Planning History

PL88.231057 08/7 In 2009 An Bord Pleanála upheld the decision of Cork County Council to refuse permission to Eircom to construct a 15metre support pole to carry three radio aerials for the emergency service users and associated equipment for a national digital radio service. Refusal reason was as follows:

Having regard to-

(a) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, and

(b) the height, the proximity to the adjoining dwellings and the location of the proposed development in a village location that is predominately residential in character,

it is considered that the proposed development would be visually obtrusive and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1.1. Telecommunications Antennae and Support Structures - Guidelines for 5.1.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 5.2.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

5.2.1 The Cork County Development Plan 2014 and West Cork Municipal District Local Area Plan 2017 refer. The site is within the settlement boundary for Drinagh.

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.

Within the West Cork Municipal District Local Area Plan the vision for Drinagh is to encourage development within the village, to promote sympathetic development in

tandem with the provision of services together with preserving the character of the settlement.

5.3. Natural Heritage Designations

The site is not within a designated area. The nearest such sites are

Bandon River SAC circa 7km to the northeast

Myross Wood SAC 9km south

Clonakilty Bay SAC 17km to the southeast

Clonakilty Bay SPA 17km southeast

Kilkieran Lake and Castlefreke Dunes SAC 15.5km southeast

5.4. EIA Screening

- 5.4.1. On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development and nature of the receiving environment no likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The first party appeal submission by Towercom on behalf of Eircom is summarised as follows:

- Disagree with the local authority that the proposal would injure residential amenity.
- New structure is justified to enable Eir to provide comprehensive 2G, 3G and 4G services locally. Allowing site sharing with other operators will enable rollout and upgrade of other facilities.
- Comreg maps demonstrate poor 2G coverage and an absence of 3G and 4G coverage in Drinagh.

- Alternative locations were discounted non basis of distance and technical requirements
- Vodafone's existing timber communications pole is inadequate for modern telecommunications purposes.
- Visual appearance of the structure could not be described as unsightly and is typical of such installations.
- Visibility per se not objectionable.
- Application site is a utilities site at a point where underground fibre exchange equipment and wireless voice and broadband equipment converge. A move away will not benefit from synergies.
- Improved access to digital and broadband communications is crucial to the revitalisation of rural Ireland

6.2. **Planning Authority Response**

The Planning Authority response refers the Board to planner's reports on file.

6.3. **Observations**

No observations

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, the first party outlines that the existing Vodafone structure is too low to propagate Eir signal across the target coverage area and cannot support additional equipment. Reference is made to Comreg maps which demonstrate local coverage deficiencies. 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 application indicates that the proposed new structure will accommodate site sharing. As regards alternative

locations a number of existing structures considered were discounted on basis of structural issues technical requirements and remoteness. I cannot verify the technical circumstances and requirements in these matters; however, I consider that based on the evidence provided the proposal seeks to optimise the location and siting of the structure and to maximise the potential for future mast sharing and co-location which accords with national and local policy.

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 to refuse permission and the previous refusal of the Board referred to the location within a predominantly residential area and concluded that the proposal would injure the residential amenity of nearby properties. In assessing visual impact, I would accept the assertion of the first party that visibility per se is not in itself objectionable and the provision of a 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 to be addressed 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 while a locally prominent feature it would not give rise to a significant negative visual impact as to warrant a refusal. I consider that while the proposed mast would be intermittently visible above the prevailing two storey building height on the main approach to the village from the north east and from the southwest it would not represent an unduly incongruous feature in the streetscape.

7.3.4 As regards impact on residential amenity, the proposal will be locally prominent however I consider that this impact could be mitigated by landscaping measures within the adjoining residential properties. Given the constraints of the appeal site boundaries it would not be feasible to require landscaping by condition. On balance having regard to national and local policy it is considered that the proposal would not seriously injure the visual amenities of the area and would not seriously injure the residential amenities of the area and of properties in the vicinity. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

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

Grant Permission subject to conditions.

8.0 Reasons and Considerations

Having regard to National Planning Framework, the Cork County Development Plan 2014, the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, the existing telecoms infrastructure on the site, the established use of the site for telecommunications purposes, the scale and design of the proposed development, it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and current Cork County Development Plan 2014 and West Cork Municipal District Local Area Plan 2017, and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. 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.

Reason: In the interest of clarity.

2. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. When the telecommunications structure and ancillary structures are no longer required, they shall be removed and the site shall be reinstated at the operator's

expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.

Reason: In the interest of protecting the landscape.

4. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

Reason: In the interest of the visual amenities of the area.

6. 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 and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

Bríd Maxwell
Planning Inspector

25th May 2021