



An
Bord
Pleanála

Inspector's Report ABP-310891-21

Development	The construction of an 18m high free-standing communications structure with its associated antennae, communications dishes and ground equipment.
Location	Eircom Exchange, Callas, Berrings, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/4191
Applicant(s)	Eircom Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 21 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Andrew & Jean O'Sullivan
Observer(s)	None
Date of Site Inspection	13 th October 2021
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Callas, a rural area that lies to the east of the village of Berrings and to the west and south of the R579. This site lies in mildly undulating countryside that is punctuated by one-off dwelling houses. It is accessed off the western side of the L27601-0.
- 1.2. The site itself is of regular shape and it extends over an area of 0.023 hectares. This site presently accommodates a single storey utility building, which is in use as a local telephone exchange. This building is sited in the south-western quadrant of the site and it is served by a gated access and a paved area in the south-eastern quadrant. The site adjoins the above cited local road to the east and the appellants' residential property to the north. To the west and to the south it adjoins a field. The eastern boundary is denoted by a roadside hedgerow and the northern boundary is denoted by a stone wall and a hedgerow. The western and southern boundaries are denoted by timber post and rail fences.

2.0 Proposed Development

- 2.1. Under the proposal, an 18m high free-standing communications structure would be sited in the north-eastern quadrant of the site. Antennae and communication dishes would be attached to the top of this structure and so its overall height would be 18.1m. Ground equipment would be installed at the base of the structure and connections would be laid to both the existing utility building and an adjacent electricity pole to the rear of this building.
- 2.2. The proposal would form part of the applicant's existing telecommunications and broadband network.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 21 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Further information was requested with respect to the following:

- Alternative sites to be assessed in order to demonstrate that the application site is a site of last resort.
- Visual impact appraisal to accompany photomontages.
- Planning statement to be amended to relate to the application site only.
- Required sightlines at the site egress to be shown.
- Operational phase traffic generation to be stated.
- Works to achieve requisite sightlines to be identified.
- Letter of consent for some of these works to be submitted.
- Measures to prevent surface water run-off onto the public road to be outlined.

3.2.2. Other Technical Reports

- IAA: No requirements.
- Cork County Council
 - Area Engineer: Following receipt of further information, no objection, subject to conditions.
 - Environment: No objection, subject to conditions.

4.0 **Planning History**

No recent planning history.

5.0 **Policy and Context**

5.1. **National Planning Guidelines**

Telecommunications Antennae and Support Structures as revised by Circular Letter PL 07/12.

5.2. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the landscape character type 10b known as Fissured Fertile Middleground, which is deemed to be of medium landscape value and sensitivity and County importance.

The following two objectives address telecommunications infrastructure and ICT:

ED 7-1

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.

ED 7-2

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.

Under the Blarney Macroom Municipal District Local Area Plan 2017 (LAP), Berrings, which is located to the west of the site, is identified as a village nuclei.

5.3. Natural Heritage Designations

Cork Harbour SPA (004030)

5.4. EIA Screening

The proposal is for a telecommunications structure with antennae and dishes. As such, it does not come within the scope of any of the Classes of development that are potentially the subject of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside in the dwelling house adjacent to the northern boundary of the site. They acknowledge the presence of the existing telephone exchange on the site, but question whether it would remain operational as such or whether the current proposal is in effect a replacement facility.

The appellants cite the following grounds of appeal:

- Inappropriate location in a rural setting
 - The site is located some distance from Berrings, which is designated a village nuclei in the LAP. While under Paragraph 14.3.25, the CDP envisages telecommunications equipment being sited on existing utilities sites in town centres, they are not envisaged as being sited on such sites in rural areas.
 - The Telecommunications Antenna and Support Structures Guidelines do not address siting considerations with respect to individual dwelling houses. They do, however, state that only as a last resort should sites beside smaller towns or villages be used for free-standing masts, and, likewise, sites beside residential areas, schools and hospitals.
- Loss of residential amenity
 - The proposed mast would be sited c. 2m from the appellants' property boundary. At 18m in height, it would be overbearing, and potential noise nuisance would arise, especially as Velux windows to bedrooms are orientated towards where this mast would be sited.
 - The submitted plans do not always show the appellants dwelling house and driveway as clearly as they might. While they do not state definitively the distance between the proposed mast and the existing dwelling house, this scales at c. 16m, which is of concern as any damage to the mast may have implications for the dwelling house.
 - Attention is drawn to appeal ABP-305021-19, where the proximity of a proposed mast to dwelling houses was held to risk noise nuisance in a

situation where it would have been sited 10m away from the nearest garden.

- The proposed mast would be sited to the south-east of the existing dwelling house and so overshadowing would occur, too.
- Visual impact of the mast in a landscape which is relatively flat and rural in outlook
 - The applicant's contention that the proposed mast would not introduce a new feature into the landscape is contested, as the existing telephone exchange would bear no comparison to an 18m high mast.
 - The proposed mast would be prominent and obtrusive within the landscape and these factors would only be exacerbated by the need to cut back hedgerows to provide sightlines.
 - The applicant's contention that the proposed mast would be comparable to lamp standards, traffic light poles, and utility timber poles is contested, too: All these items would be much shorter in height.
 - While views of the proposed mast would be intermittent for local residents, this would not be the case for the appellants, as it would be a permanent highly visible and intrusive feature.
 - Just because there is no stated minimum distance between masts and individual dwelling houses in planning policies, should not be construed as meaning that normal planning considerations do not pertain.
- Concerns regarding potential health impacts
 - The safety of masts, especially those providing 5G services, has not been proven conclusively with respect to human health.
- Potential for increase in impact due to co-location with other providers
 - The height of the proposed mast is influenced in part by the quest to facilitate co-located, which would, itself, increase the impacts discussed above.

- Devaluation of property
 - Given the range of impacts discussed above, the appellants anticipate that their property would be devalued by the presence of the proposed mast.

6.2. Applicant Response

The applicant begins by making the following points:

- The need for the proposed mast is outlined: Berrings and the surrounding area do not at present receive 4G and high quality 3G data and voice services. As no alternative sites would satisfy the CDP, this mast on this site is important if these services are to be provided to this area. Furthermore, no masts exist within 2km of the site and no commercial structures exist within 1 km of the site, which could support the proposed mast.
- The proposed mast would benefit from being on the telephone exchange site, e.g. a shorter fibre connection would be needed and so less equipment would be required on the mast and the mast itself can be shorter than would otherwise be the case. Likewise, the need for ground level containers is obviated. Appeal decision ABP-308491-20 supports such siting.

The applicant responds to the appellants' grounds of appeal as follows:

- Visual
 - The proposed mast would be of slimline monopole form, thereby minimising its visual impact.
 - The height of the proposed mast would facilitate co-location, thereby avoiding a proliferation of masts in the area.
 - Where visible the proposed mast would tend to be viewed intermittently.
 - The applicant's photomontages are reviewed. These illustrate that, with distance from the proposed mast, its visual impact lessens, and it assimilates with existing features such as timber utility poles. Close up it would be more visible, but without seriously harming visual amenity. Appeal decision ABP-308491-20 is cited in this respect, as is appeal

decision ABP-307962-20, which acknowledges that masts and residential development co-exist throughout the country and that national planning guidelines do not impose restrictions on such co-existence.

- Impact in a local context
 - The appellants' concerns over the devaluation of their property are questioned in the light of appeal decision PL08.234771. Instead, enhanced telecommunications services add to the attractiveness of localities for businesses, and they facilitate working from home. Increasingly these services are being viewed as the fourth utility after water, electricity, and gas.
- Health and safety concerns
 - Healthy and safety concerns are, in the light of Circular Letter P07/12, not for the planning system to address.
 - The applicant undertakes that the proposed mast would be operated in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection.
- Noise
 - Any sound pressure levels generated by the proposal will not exceed background noise levels when measured at dwellings in the vicinity of the site. These levels will not exceed 65 dBA at 1.5m.

6.3. Planning Authority Response

No further comments to make.

6.4. Observations

None

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), Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, the Cork County Development Plan 2014 – 2020 (CDP), the Blarney Macroom Municipal District Local Area Plan 2017 (LAP), the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Policy and site selection,
- (ii) Landscape and visual impacts,
- (iii) Visual and residential amenity,
- (iv) Public health,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) Appropriate Assessment.

(i) Policy and site selection

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 has outlined the need for the proposal: Berrings and the surrounding area do not at present receive 4G and high quality 3G data and voice services. In this respect, the applicant has submitted images, denoted as Nos. 2 & 3, in its response to the appellant’s grounds of appeal. These images show the gap in coverage that persists at present and the extensive closure of this gap that would result from the proposal.

- 7.5. The applicant has also outlined the technical/practical/logistical advantages of siting the proposed telecommunications mast on the existing site, which it already uses as a telephone exchange and which is served by an existing electricity pole.
- 7.6. The appellants draw attention to Paragraph 14.3.25 of the CDP, which discusses lands zoned for utilities and infrastructure and which states that telecommunications masts should be sited on such lands within urban areas. They deduce from this discussion that the CDP does not envisage that such lands in rural areas should be used for such sitings.
- 7.7. The subject site is un-zoned and in a rural area: Paragraph 14.3.25 is, therefore, not applicable to it. This site does, however, have an established use as a utilities site. Its exclusion in principle for consideration for a telecommunications mast because it is in a rural area is not, in my view, a tenable conclusion to deduce from the CDP's silence. To the contrary, I consider that, in principle, from a land use perspective the introduction of an accompanying telecommunications mast would be appropriate.
- 7.8. The appellants also draw attention to the advice of the Telecommunications Antennae and Support Structures Guidelines on the siting of masts, which states that only as a last resort should they be sited in the immediate vicinity of villages or within residential areas and, in such circumstances, existing utility sites should be used. No explicit advice is given on the siting of masts within the vicinity of rural housing.
- 7.9. I consider that in the absence of explicit advice and by analogy with the stated advice, siting masts within the vicinity of rural housing should be viewed as a last resort, too, and utility sites should be used where they exist. The subject site adjoins the appellants' residential property, and it is within the vicinity of other one-off dwelling houses, the nearest of which lie to the north and south of the site along the local road.
- 7.10. Under further information, the applicant addressed the subject of alternative sites with respect to existing masts and commercial structures. It stated that no masts exist within the 2 km wide search area of the site and no commercial structures exist within 1 km, which could support the proposed mast. Indeed, the nearest existing mast is 6 km to the south-east and so it is too far away to be used. Consequently, the subject site was selected as being the only one available to enable the shortfall in services to the surrounding area to be made good.

7.11. I conclude that the proposal would be in line with national and local policies and objectives, which promote the roll-out of improved telecommunications services throughout the country. I conclude, too, that in principle the selection of the subject site, which is in use as a utilities site, would be appropriate from a land use perspective.

(ii) Landscape and visual impacts

- 7.12. Under further information, the applicant submitted an expanded presentation of photomontages of the site without and with the proposal *in-situ*. The view points selected for this presentation are along the local road network in the vicinity of the site, i.e. the east/west L2760, to the south, and the north/south L27601-0, to the east. The site is visible/would be visible from points along the northern side of the former road and the western side of the latter road, due to typically views over low-rise roadside mounds and through gateways in roadside hedgerows.
- 7.13. Under the CDP, the site is shown as within the landscape character type 10b known as Fissured Fertile Middleground, which is deemed to be of medium landscape value and sensitivity and County importance. This landscape within the locality of the site is of mildly undulating form and it is relatively open, as described above. The village of Berrings lies to the west on land that is elevated in relation to the site. The L2760, which serves this village, is also elevated in relation to this site.
- 7.14. During my site visit, I observed from the local road network the availability of intermittent views of the site resulting from the above cited roadside features and the variable horizontal and vertical alignment of the local roads. The relative prominence of the proposal would be affected by these factors. Likewise, its ability to be assimilated would be affected by the presence or otherwise of hedgerows and trees within vistas.
- 7.15. The applicant draws attention to the slimline monopole form of the proposed telecommunications mast, which would invite a comparison with timber utility poles. The applicant also draws attention to the height of this mast, which would facilitate its use as a co-location for other service providers, thereby obviating the need for a proliferation of telecommunications masts in the area.
- 7.16. The appellants take exception to the comparison cited by the applicant. They insist that, from the perspective of their dwelling house, which is adjacent to the site, any

similarity would be rendered meaningless by the far greater height of the proposed telecommunications mast. From this perspective, the mast would be a permanent highly visible and intrusive feature.

- 7.17. The applicant acknowledges that the proposal would be prominent in views from within and beside the appellants' residential property. In this respect, it cites recent Board decisions that permitted telecommunications masts in comparable situations, elsewhere in the country (cf. ABP-308491-20 and ABP-307962-20). The former decision pertained to a 15m high mast within the immediate vicinities of three dwelling houses and the latter decision pertained to an 18m high mast within the immediate vicinity of a dwelling house and within the wider vicinity of a housing estate.
- 7.18. The Planning Authority attached Condition No. 3 to its permission, which addresses the colour of the proposal. The senior executive planner expressed a preference for the use of grey rather than brown in this respect. I consider that this choice would be appropriate, as the height of the proposed telecommunications mast would be such that, where it would be most conspicuous, it would be viewed against the backdrop of the sky.
- 7.19. I conclude that the proposal would have landscape and visual impacts, which would be largely capable of being absorbed within the wider area of the site. These impacts would undoubtedly be more pronounced with proximity to the site, especially from the appellants' residential property. However, precedent exists for permitting telecommunications masts in such situations.

(iii) Visual and residential amenity

- 7.20. As cited above the appellants raise objection to the proposal on the basis of its inordinate visual impact upon their residential property. They state that the proposed 18m high telecommunications mast would be sited c. 16m to the east of the south-eastern corner of their dwelling house. Consequently, its presence would visually dominate their property, overshadowing would ensue, and potential noise nuisance would occur, especially as a rooflight on the southern roof plane of their dwelling house would face towards the mast. This rooflight serves a bedroom.
- 7.21. During my site visit, I observed that an ESB pole with plant mounted upon it is sited within the easternmost corner of the appellants' residential property and adjacent to

that portion of the site wherein the proposed telecommunications mast would be sited. This pole and its associated plant and wires represents a stark and unsightly intrusion into the appellants' existing residential property. The proposed mast would be sited adjacent to it, albeit on the far side of the hedgerow along the common boundary between the site and this property. While some screening would be afforded by this hedgerow, the greater portion of the proposed telecommunications mast would still be visible.

- 7.22. Views of the proposal from within the appellants' dwelling house would be available through habitable room openings in the front and southern side elevations. Views would also be available from within the front, southern side and the southern half of the continuous grounds to this dwelling house. The hedgerow along the common boundary is of variable height and consistency. Its screening properties vary accordingly. I consider that these could be enhanced on the basis of a survey/plan of the existing condition of this hedgerow, which should also address the need for any replacement of trees and hedging and their augmentation with indigenous species that would grow to an appreciable height. Such a survey/plan would hold out the prospect of improved screening of at least the lower portion of the proposed telecommunications mast and, in time, the central portion, too. The visual impact from the same would thereby be eased.
- 7.23. As cited above by the applicant, the proposed telecommunications mast would be sited to the east of the appellants' residential property and it would be of slender form. Consequently, the shadow line cast by it over this property would be confined to the morning and it would be insubstantial.
- 7.24. The appellants express concern over the potential for noise nuisance from the proposal. The applicant has responded by stating that any sound pressure levels generated by the proposal will not exceed background noise levels when measured at dwellings in the vicinity of the site. These levels would be less than 65 dBA at a distance of 1.5m. The Planning Authority attached Condition No. 11 to its permission, which restricts daytime and night time noise levels to 55dBA and 45 dBA when measured at specified noise sensitive locations.
- 7.25. I recognise that the site lies within a rural area, wherein ambient noise levels could be expected to be lower than the levels cited in Condition No. 11. Given the

applicant's undertaking that no increase in ambient noise levels would occur at the appellants' adjacent dwelling house as a result of the proposal, I consider that any noise condition should reflect this undertaking. The pre-development ambient noise level should thus be established and made the standard for such a condition.

7.26. The appellant's express concern that the proposal would devalue their residential property. The applicant has responded by stating that enhanced telecommunications services add to the attractiveness of localities for businesses, and they facilitate working from home. It thereby implies that an uplift in property values could be anticipated. I consider that, in the case of the appellants' residential property, the measures described above for conditioning in conjunction with such uplift may combine to maintain their property's value.

7.27. I conclude that, subject to improvements to the screening of the proposed telecommunications mast afforded by an existing hedgerow and subject, too, to no increase in the ambient noise level at the appellants' dwelling house, the proposal would be compatible with the visual and residential amenities of the area.

(iv) Public health

7.28. The appellants state that the safety of masts, especially those providing 5G services, has not been proven conclusively with respect to human health.

7.29. The applicant has responded by stating that its equipment would be operated in full compliance with the limits defined by the International Commission on Non-Ionising 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.

7.30. I conclude that health and safety questions are addressed separately from the planning system.

(v) Traffic, access, and parking

7.31. The applicant has indicated that, during its operational phase, the proposal would only generate very infrequent traffic. It has not indicated what traffic generation would be during the construction phase. However, such traffic and its related movements could be addressed by means of a construction management plan.

7.32. Existing access and on-site parking arrangements would be utilised. Under further information, the applicant submitted a sightline drawing, which shows the cutting back of hedgerows to the north and to the south of the existing access. Such cutting back would be over 60m of roadside frontage and it would yield suitably improved sightlines. A related letter of consent from the landowner to the south was submitted. An equivalent letter from the appellants is not required, as beyond the site to the north, their road frontage treatment is already recessed.

7.33. I conclude that the proposal would raise no traffic, access or parking issues.

(vi) Water

7.34. Under further information, the applicant submitted drawings that show the proposed soakage pit and interceptor drain that would be installed to ensure that surface water run-off from the development site would not enter the adjacent local road.

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 the proposal would raise no water issues.

(vii) Appropriate Assessment

7.37. The site does not lie in nor near to any European site. I am not aware of any source/pathway/receptor route between this site and such sites in the wider area. Accordingly, under the proposal, no Appropriate Assessment issues would arise.

7.38. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines and the Cork County Development Plan 2014 – 2020, it is considered that, subject to conditions, the proposal would 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 and residential amenities of the area. Access arrangements would be satisfactory, and no 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, as amended by the further plans and particulars submitted on the 8th day of June 2021, 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>Prior to the commencement of development, a survey of the hedgerow along the northern boundary of the site shall be undertaken by a qualified arborist. This survey shall identify the species of the trees and hedging plants comprised in this hedgerow and it shall assess their condition. Any trees or plants that need to be replaced shall be identified and their replacement species specified. Gaps in the hedgerow shall be identified and additional planting for these gaps shall be specified with fast growing indigenous species.</p>

	<p>Prior to the commencement of development, the survey, accompanying specifications, and a timetable for planting shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In order to safeguard the visual amenities of the area.</p>
3.	<p>Prior to the commencement of development, a methodology for a noise survey of the site to establish the ambient noise levels of the area shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Prior to the commencement of development, a noise survey based on the agreed methodology shall be undertaken and the results shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Thereafter, noise emanating from the site, developed under this Order, shall not exceed the ambient noise levels of the area, when measured at the nearest noise sensitive location.</p> <p>Reason: In order to safeguard the residential amenities of the area.</p>
4.	<p>Prior to the commencement of development, the roadside hedgerows shall be cut back to achieve the sightlines shown on drawing no. CK-2098-01-P01 revision 1.</p> <p>Reason: In the interest of road safety.</p>
5.	<p>Details of the proposed colour scheme for the telecommunications support structure, antennae and dishes, and new ancillary structures 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>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the residential amenities of property in the vicinity.
7.	<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>

Hugh D. Morrison
 Planning Inspector

5th November 2021