



An
Bord
Pleanála

Inspector's Report ABP-310903-21

Development	Replacement of a 25m high monopole with a 40m high lattice telecommunications structure and extension of enclosed compound
Location	The Barn Wood, Castlemartyr, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/6289
Applicant(s)	Eircom Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom Ltd.
Date of Site Inspection	1 st December, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located within a Coillte forest know as Barn Wood to the west of Castlemartyr village in East Cork. There is an existing 25m high telecommunications monopole on the site which carries telecommunications equipment and ground-mounted equipment, all of which is contained within a fenced compound. There is a second 25m high support structure and compound approximately 35m to the south of the site. Access to the site is via a forestry track from the N25 national primary road. The site lies between the N25 National Primary Road to the north and Castlemartyr Resort to the south, which includes a hotel and golf course.

2.0 Proposed Development

- 2.1. The proposed development would comprise the replacement of an existing 25 metre high monopole telecommunications support structure with a 40 metre high multi-user lattice telecommunications support structure that would carry antennae and dishes. The proposal would also include the extension of the compounded enclosed by a 2.4 metre high palisade fence.
- 2.2. Details submitted with the application included a cover letter, an *Eir* ICNIRP Statement of Compliance, a visual impact photomontage and a Technical Justification.

3.0 Planning Authority Decision

3.1. Decision

On 24th June, 2021, Cork County Council decided to refuse permission for the proposed development for one reason relating to adverse visual impact.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history, the policy context, and reports received. It was acknowledged that the existing mast is well screened by the existing wooded

area. It was stated that the site is within the attendant grounds of three protected structures / recorded monuments. Reference was made to a lack of clarity in relation to the applicant's submitted photomontages. A request for further information was recommended on this issue.

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Conservation Officer considered there would be a risk of visual impact from Castlemartyr Hotel and it was recommended that the applicant should demonstrate that the proposed structure would not be visible from the hotel and reduce the height if necessary.

3.3. A request for further information was requested on 10th December, 2020. A response to this request was received on 10th February, 2020. The response included revised photomontages.

3.4. The reports to the planning authority were then as follows:

The Conservation Officer raised concerns about the visual impact of the proposed development on the setting of the Castlemartyr House Hotel. Clarification was requested on the view from this location.

The Senior Executive Planner recommended clarification on the timing of the taking of the submitted photographs and in accordance with the Conservation Officer's request.

3.5. A request for clarification was issued on 5th March, 2021 and a response was received on 16th March, 2021. The applicant reinforced the need for the proposed height of the structure.

3.6. The reports to the planning authority were then as follows:

The Conservation Officer considered that, in reference to Castlemartyr House, the proposal would introduce an element of utilitarian nature and permanent visual intrusion and recommended that permission be refused.

The Planner recommended that permission be refused in accordance with the Conservation Officer's recommendation.

The Senior Executive Planner recommended that the applicant be requested to submit an historic landscape assessment to consider the impact on the setting and landscape associated with Castlemartyr House and the feasibility of possible mitigation.

3.7. The planning authority sought the Senior Executive Planner's request for a landscape assessment in the form of another further information request on 12th April, 2021. A response to this further information request was received on 2nd June, 2021. This included the submission of an Historic Landscape Assessment and proposed mitigation measures.

3.8. The reports to the planning authority were then as follows:

The Area Engineer had no issues with the proposal and set out two drainage conditions.

The Conservation Officer referenced sections of the applicant's landscape assessment and recommended that permission be refused.

The Senior Executive Planner concurred with the Conservation Officer's recommendation to refuse permission.

4.0 Planning History

P.A. Ref. 00/102

Permission was granted for a 25m high monopole and radio antennae.

P.A. Ref. 05/6522

Permission was granted for the retention of a 25m high monopole with antennae.

P.A. Ref. 11/06678

Permission was granted for the retention of a 25m high monopole with antennae as previously granted under 05/6522.

P.A. 187108

Permission was granted for the retention of a 25m high monopole with antennae as previously granted under 11/6678.

P.A. 06/9740

Permission was granted for a 25m high monopole and point-to-point dishes.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Digital Economy

Objectives include:

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 largescale Telecommunications infrastructure.

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.

Heritage

I note the following structures are located to the south-east within the confines of the Castlemartyr Resort.

St. Theresa's Convent (former Castlemartyr House) is a protected structure (Ref. 00534) and a Recorded Monument (Ref. CO077-00501).

Castlemartyr Tower House is a protected structure (Ref. 00968) and a Recorded Monument (Ref. CO077-00504).

Castlemartyr Castle is a protected structure (Ref. 00535) and a recorded Monument (Ref. CO0077-00502).

The Castlemartyr Resort, surrounding lands (inclusive of the woodland within which the site of the proposed development is located), and the western side of the village of Castlemartyr comprise a designated Architectural Conservation Area.

Plan Objectives include:

HE 3-1: Protection of Archaeological Sites

- a) Safeguard sites and settings, features and objects of archaeological interest generally.
- b) Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments including the Sites and Monuments Record (SMR) (see www.archeology.ie) and the Record or Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, as amended and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Department of Arts, Heritage and Gaeltacht as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage.

HE 4-1: Record of Protected Structures

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2005).

- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume 2, Chapter 1 of the Plan.
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

HE 4-5: Architectural Conservation Areas

Conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. This will be achieved by;

- a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations
- b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development
- c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

- d) Promoting high quality architectural design within ACAs.
- e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.
- f) Ensure that all new signage, lighting, advertising and utilities to buildings within ACA are designed, constructed, and located in such a manner that they do not detract for the character of the ACA.
- g) Protect and enhance the quality of open spaces within ACAs and ensure the protection and where necessary reuse of street furniture and use of appropriate materials during the course of public infrastructure schemes within ACAs.
- h) Protect structures from demolition, non-sympathetic alterations and the securing of appropriate infill developments

5.2. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- Castlemartyr village and its environs are experiencing deficiencies in 3G and 4G coverage as current infrastructure is hampered by surrounding trees and foliage. The proposal will allow both *eir* and other service operators to bring a significant improvement in services to the area. Customers will also benefit from more choice of network operators.
- The proposal has been designed to meet the aims of national, regional and local planning policy.
- The proposal is in accordance with *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities* as per Section 4.3 (Visual Impact). While visible from certain views within Castlemartyr estate,

these are not dominant or intrusive given the distance and scale involved. The equipment needs to be positioned within areas where the demand arises.

- The Historic Landscape Assessment and proposed mitigation measures are referenced. The mitigation measures should help reduce the visual discord in the views.
- The site is justified on technical grounds as there are no existing telecommunications sites in the area to co-locate equipment nor is there a suitable and acquirable alternative site that meet the coverage objectives.

6.2. Planning Authority Response

The planning authority submitted that all relevant issues had been covered in its technical reports and had no further comment to make.

7.0 Assessment

- 7.1. I first note how this application was dealt with by the planning authority. The planning authority sought further information, which was received. It then requested clarification, which again was received. The planning authority then sought further information for a second time, seeking an historic landscape assessment which was not requested previously. I am not aware that there is a facility to make a request twice for further information. This clearly occurred with this application.
- 7.2. I acknowledge that the site of the proposed development is located within the Castlemartyr Architectural Conservation Area (ACA). There is a telecommunication structure and associated equipment on the site and another such structure immediately south of it. Thus, there is clearly an established telecommunications use at this location. The principle of a telecommunications structure is accepted, notwithstanding it being within the ACA and it being within the zone of visibility from the Castlemartyr Resort and the associated recorded monuments / protected structures.
- 7.3. I observe that the upper levels of the existing monopole structures at this location, where the antennae are sited, project above the existing woodland. Thus, the entire structures are not completely screened by the existing trees at this location but are

being encroached on as tree growth continues. The proposed development seeks to introduce a lattice steel tower which is clearly of greater dimensions. In height terms, it would project approximately 15 metres above the current height of the existing trees. This tower would taper as it increases in height and the associated antennae would be placed at the upper sections of the mast. It is evident that, with the retention of surrounding woodland, most of the lattice tower (i.e. the most extensive and widest components of the structure), as well as the equipment, fencing, etc. would be screened from view. It is accepted that if the development was to proceed the 15 metre section and associated antennae would be visible above the trees in the wider area.

- 7.4. The issue at hand is primarily one of whether the 15 metre tapering section of the proposed lattice tower, together with the associated antennae, would result in such a significant adverse visual impact that it would undermine the integrity of Castlemartyr Architectural Area of Conservation and would significantly undermine and fail to protect the attendant grounds of the protected structures in the area which lie within the Castlemartyr Hotel and Golf Resort.
- 7.5. I have already alluded to the existence of telecommunications infrastructure at this location and that the principle of such development must be seen to be acceptable within the Castlemartyr ACA. I note that the development would be set in woodland which would substantially screen much of the development from the neighbouring hotel and golf course and from the N25 and the lands in the wider area. I accept that the development would not be visible from the village. I have examined the extensive range of photomontages submitted by the applicant and I have examined a wide range of these views when on site, inclusive of those available views from within the Castlemartyr Resort. I note that the existing site is over 600 metres from St. Theresa's Convent (former Castlemartyr House). I also note that the neighbouring resort has undergone very significant change with the development of a golf course, additional substantial structures, etc. Thus, the attendant grounds of the protected structures and the recorded monuments within the Castlemartyr Resort have been subject to significant landscape and structural changes in modern times. It is my submission to the Board that the existence of telecommunications infrastructure on this site, the substantial screening that would result from the established woodland, the restricted components of the structure that would be visible above the trees, and

the notable separation distances between the proposed tower and the protected structures would result in restricted views of the upper sections of the tower which could not reasonably be seen to culminate in any significant visual impact on the ACA, the distant protected structures or their curtilages, and the recorded monuments. I do not consider that the proposed development would conflict with the Cork County Development Plan provisions as they relate to protected structures, recorded monuments or architectural conservation areas.

- 7.6. Finally, I note the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* and Circular Letter: PL 07/12 from the Department of the Environment, Community and Local Government. These form the guidance on the siting of telecommunication structures. The latter requests planning authorities to be primarily concerned with the appropriate location and design of telecommunications structures and addresses other matters including temporary permissions. Regarding the design and siting and the issue of visual impact, I note the limited scope the appellant would have in providing a mast at this location. Due to the height being sought, it is evident that a replacement structure would be required to take the form of a lattice tower to accommodate the infrastructure in order to provide the intended service.
- 7.7. With regard to visual impact, the Guidelines acknowledge that this is one of the more important considerations to be taken into account. It is noted that in rural areas towers and masts can be placed in forestry plantations and this will reduce visual intrusion. It is also stated that the softening of the visual impact can be achieved through judicious choice of colour scheme (Section 4.3). I acknowledge the woodland setting of this site and the screening that would result. I further accept that an appropriate colour choice could further soften the impact of the upper sections of a lattice tower. This is a matter that could be addressed with the planning authority and agreed by way of a planning condition.
- 7.8. I note that the new structure would not form part of any terminating view when viewed from the road network in this area and the visual impact could not be seen to be detrimental to the character of the area. Any views that may be gained from the local road network would be restricted and intermittent as evidenced from the applicant's photomontages.

- 7.9. I acknowledge that the appellant proposes to accommodate sharing of the mast, which is in accordance with the Guidelines and this would reduce the demand for such further structures in the wider area. I also submit that, due to the established nature of this site, the pursuit of alternative locations for development of this nature (particularly in the context of the established woodland setting of the site) is not warranted.
- 7.10. Finally, I note that Circular Letter: PL 07/12 requests planning authorities to cease applying a condition with planning permissions which would limit the life to a set temporary period. While I fully understand the purpose of this guidance, I consider that it may be reasonable in this instance, given the siting within an ACA and the concerns that have been raised about the impact on protected structures within the neighbouring hotel and golf resort, to include a condition limiting the life of the telecommunications structure to a period of ten years. This would allow for monitoring of the visual impact of the upper section of the structure and the planning authority could gauge the effect of the woodland screening over a reasonable time period. In the event that the outcome of the upper section of the mast is so detrimental to the visual context of this area, its presence at this location could then be reviewed.

Appropriate Assessment

The site of the proposed development is located in a rural area remote from the nearest European sites - Ballymacoda Bay SPA (Site Code: 004023) to the east, Great Island Channel SAC (Site Code: 001058) to the west, and Ballycotton Bay SPA (Site Code: 004022) to the south. The site is in a location on which there is an established telecommunications structure. It is separated from the distant European sites by roads, rural lands and extensive urban developments. Having regard to the established nature of the development on this site, to the limited additional works associated with the replacement mast, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be

likely to have a significant effect individually or in combination with other plans or projects on a European site.

Note: I have no record of details of this application having been forwarded to the Department of Housing, Local Government and Heritage for consideration.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to:

(a) the strategic importance of the national broadband service,

(b) the *Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities* issued by the Department of the Environment and Local Government in July, 1996,

(c) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,

(d) the policies and objectives set out in the Cork County Development Plan,

(e) the siting and design of the proposed development within woodland at a location where there is established telecommunications infrastructure, and

(f) the existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a necessary upgraded telecommunications service for the Castlemartyr area, would not seriously injure the character, setting

and visual amenities of the Castlemartyr Architectural Conservation Area or the protected structures in the vicinity, would not seriously injure the amenities of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

10.0 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. (a) This permission shall apply for a period of ten years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. 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.

4. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

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 without a prior grant of planning permission.

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

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in

accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

9th December 2021