



An  
Bord  
Pleanála

## Inspector's Report ABP 311503-21

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<b>Development</b>	Replace existing 12 metre monopole telecommunications support structure with 30 metre multi-user lattice telecommunications support structure, carrying antenna and dishes with associated ground equipment cabinets and associated works.
<b>Location</b>	Curravaranane, Bandon, Co.Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	21/4664
<b>Applicant(s)</b>	Ontower Ireland Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. refusal
<b>Appellant</b>	Ontower Ireland Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23/11/21
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.01 hectares, is located in the townland of Curravaranane on an elevated site c. 300 metres to the north of Gaggin village and c.4km west of Bandon. The N71 is c. 200 metres to the south. A 12 metre high monopole mast with associated equipment container enclosed by a palisade fence is on the site. It backs onto an eastern, treelined boundary of a larger agricultural field. Immediately adjoining is a lattice mast on a plinth enclosed by temporary fencing. As per the details provided with the application this is a temporary structure to boost local coverage. The field slopes down steeply south and westwards.

Access to the site is via an existing farm access from a minor local road L6037 to the north east.

The farm dwelling and associated complex of farm buildings associated with the landholding is located approx. 275 metres to the north-east. The dwelling known as 'The Farm' is a protected structure. The site is just outside the boundary of the Castlebernard Estate Architectural Conservation Area.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 16/03/21 with further plans and details submitted 09/08/21 following a further information request dated 07/05/21.

As amended, the proposal entails the replacement of the existing 12 metre monopole telecommunications support structure with a 24 metre high (reduced from 30 metres) multi-user lattice type telecommunications support structure carrying antenna and dishes. Associated ground equipment cabinets and associated site works are also proposed. The site is to be enclosed by a 2.4 metre high palisade fence.

Consent from the landowner accompanies the application.

The application is accompanied by:

- Covering letter and planning report
- RF Technical Justification Report

- Visual Impact Appraisal (amended by way of FI)
- Visual Impact Assessment Report (submitted by way of FI)

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refuse permission for two reasons which can be summarised as follows:

1. The proposal by reason of its design, scale, height and utilitarian nature would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the area which is appropriate to preserve. It would seriously injure the visual amenity and appreciation of protected structures within the wider vicinity and the surrounding Architectural Conservation Area. It would set an unfavourable precedent for such infrastructure within designed historic demesnes. It would materially contravene development plan objectives HE 4-1 and HE 4-5.
2. The proposal would be excessively prominent and obtrusive feature on the landscape by reason of its exposed position when viewed from the N71. It would seriously injure the visual amenities of the area and would be contrary to development plan objective GI 6-1.

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

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

The 1<sup>st</sup> Planner's report dated 07/05/21 notes:

- The principle of facilitating the provision of additional ICT infrastructure is supported in local planning policy.
- The use of the site for telecommunications infrastructure is established.
- Further information required on alternatives and confirmation of co-sharing.
- Details on the temporary structure erected on site to boost signal required.
- Conservation Officer's report noted.

A request for further information recommended.

The recommendation is endorsed by the Senior Executive Planner.

The 2<sup>nd</sup> report dated 31/08/21 following further information notes:

- The revised height of the tower will still be a significant level above the tree line. The Conservation Officer's comments are endorsed.
- The proposal will have a visible impact on the setting of the protected structure and ACA.
- There are also concerns about its visual impact on Gaggin and the rural setting when travelling in both directions on the N71.
- The mitigation measures to plant along the perimeter of the site will have no bearing on the visual impact of the proposal.

A refusal of permission for 2 reasons recommended.

The recommendation is endorsed by the Senior Executive Planner and Senior Planner.

### 3.2.2. Other Technical Reports

1<sup>st</sup> Conservation Officer's report dated 07/05/21 notes:

- The conclusion reached that the visible impact is acceptable is not based on any competent assessment by a suitably qualified person.
- The visual appraisal does not include views from 'The Farm' or strategic locations within the ACA.
- Views provided clearly demonstrate that there will be a significant visual impact on the planned views and vistas within the historic demesne which forms part of the attendant grounds of the protected structure and is also a designated ACA.
- The treeline is not within the ownership or management of the applicant and cannot be relied upon as a mitigation measure. It does not provide coverage down to ground level. The treeline forms the edge of the demesne associated with The Farm. It is a designed feature which not only provides a physical demarcation of the demesne but created a very specific planned view

and vista for the residents of The Farm. Within the property the view is framed by the stair window which is a central features to the design of the house.

- The existing mast is discernible but is not obtrusive. The proposal would change the dynamic.

A request for further information recommended seeking a reduction in the mast height, its relocation, and a revised visual impact assessment.

The 2<sup>nd</sup> Conservation Officer's report dated 30/08/21 following further information notes:

- Even with the reduction in the mast height there will be a visual impact on the Protected Structure and ACA.
- It would set an unfavourable precedent for other sensitive historic demesnes.
- The applicant cannot provide any certainty regarding the short to long term management/survival of the boundary planting as a direct mitigation measure.
- The applicant can consider retaining the current infrastructure on site and seeking more appropriate locations within the wider area.
- A refusal of permission for 1 reason recommended.

1<sup>st</sup> Area Engineer's report dated 06/05/21 has no objection.

### 3.3. **Prescribed Bodies**

Irish Aviation Authority has no requirement for obstacle lighting.

Department of Defence states that obstruction lights used should be incandescent or of a type visible to night vision equipment.

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

None

## 4.0 Planning History

PL04.122256 – permission granted for 12 metre high telecommunications structure. Condition restricted the permission to 5 years.

12/5079 & 19/4305 – permissions granted to retain the said mast.

## 5.0 Policy Context

### 5.1. National Guidance

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. Development Plan

#### **Cork County Development Plan 2014**

Telecommunications Infrastructure 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 large-scale 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.

The Farm is a protected structure (RPS ref.no. 00646).

### **Objective HE 4-1: Record of Protected Structures**

(c) seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

(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 structure 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.

The site is outside but immediately to the west of the Castlebernard Estate Architectural Conservation Area.

### **Objective HE4-5: Architectural Conservation Areas**

Conserve and enhance the special character of Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock. material finishes, spaces, streetscapes, shopfronts, landscape and setting.

This will be achieved by:

- (a) protecting all buildings, structures, groups of structures, sites, landscapes and all other 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.

### **5.3. Natural Heritage Designations**

The nearest designated site is Courtmacsherry Estuary SAC (site code 001230) c.7.5km to the south-east

## **6.0 The Appeal**

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

The 1<sup>st</sup> party appeal against the planning authority's notification of decision to refuse permission, which is accompanied by a Visual Impact Appraisal, can be summarised as follows:

#### **6.1.1. Need for Proposal and Policy Context**

- The village of Gaggin and its immediate environs is experiencing deficiencies in 3G and 4G coverage in terms of wireless telecoms infrastructure services as the current infrastructure is being hampered by surrounding trees and foliage.
- The proposal will provide Three and at least 2 other operators a significant improvement in voice and broadband services to the area. It would also benefit customers in terms of choice of network operators leading to greater competition.



- As demonstrated within the technical justification all existing telecommunications structures within the wider area have been considered for co-location but do not meet the coverage objectives of the operator networks.
- There are no other alternative sites or locations within the landholding. It has been demonstrated that it is a site of last resort.
- The proposal has been designed to meet the aims and objectives of national, regional and local planning policy.

### 6.1.2. Visual Impact

- The visual receptors are identified as the users of the roads, Gaggin church/village centre and the ACA and protected structure. 8 receptors were assessed.
- Mitigation is possible through the planting of a hedgerow along the site perimeter on its northern, western, and southern boundaries which would conceal the site compound, cabinets and concrete plinth. In addition, a belt of trees to match the existing species in the ACA boundary along the south and east of the existing compound would screen portions of the tower.
- Overall, the visual impact on the surrounding area would be imperceptible to slight owing to the high level of established hedge and tree cover in the area and the ability to screen a high amount of change with new planting from the west and south.
- For the most sensitive receptors the change is unable to be mitigated through screening. The nature of the change ranges from slight, to between moderate and significant within the ACA where change moves from partial views of the proposed tower for a short duration to more open views from static receptors. While a high portion of the tower would be screened by the ACA boundary from these areas, the impact would be significant where the protected structure comes into the view frame which holds the proposed mast in the background within the ACA or from the protected structure itself. This is because there would be notable changes affecting the current visual characteristics in the long term formed by historic built and vegetal elements against the sky backdrop and the central position of the proposed tower in

alignment with the protected structure which has high sensitivity and is static in nature.

- Viewpoints 8, 9, 10, 12 and 13 illustrate the extent of the tower visible above the treeline which would impact on the character and setting of the protected structure and ACA. At most 9 metres of the proposed 24 metre structure will be visible above the treeline. The width of the lattice structure is c.1.6 metres at this point and the headframe at the top of the structure is c.3.5m wide inclusive of antennas. The lattice design is an open work lightweight structure which allows natural light and the skyline backdrop to penetrate through its frame, however the profile of the structure is dominant and so remains an exposed feature above the line of trees.
- As the visible elements of the structure at 9m above a mature line of trees is over 260 metres away from the protected structure and outside of the ACA it is considered the visual impact is within acceptable limits.
- Taking account of the overall impact of the structure in the wider area, having regard to the nature and purpose of the installation it is not considered to be detrimental to the distinctive architectural and historic character of the area and does not constitute a significant visual intrusion to the surrounding rural environment to warrant a refusal.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 7.0 **Assessment**

### 7.1. **Overview**

- 7.1.1. The application is accompanied by details providing a technical justification for the proposed development indicating that there are service/coverage deficiencies in the area the proposal is set to address. The information on file also provides detail of

existing support structures examined as an alternative to the proposed development. It is indicated that these structures do not facilitate the provision of the necessary coverage for the area in question due to issues such as location, capacity and elevation. By way of further information the applicant advised that alternative locations within the farm holding could not be identified which were acceptable to the applicant and the landowner. The site is considered the optimum in terms of providing the best coverage potential whilst not obstructing farming operations. It would also benefit from the existing access track and the screening provided by the mature hedgerow. I am therefore satisfied the applicant has submitted sufficient information to demonstrate the need for the telecommunication support infrastructure and has complied with Development Plan policy and the provisions of Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in this regard.

## **7.2. Visual Impact**

- 7.2.1. I consider that the substantive issue arising in the case relates to visual impact with specific regard to a nearby protected structure and architectural conservation area.
- 7.2.2. Due regard is had to the Guidelines on Telecommunications Antennae and Support Structure which recommend that great care be taken when dealing with fragile or sensitive landscapes whilst proximity to listed buildings, archaeological sites and other monuments should be avoided.
- 7.2.3. The site is located approx. 275 metres to the south-west and upslope of 'The Farm' which is a protected structure. It is described in the National Inventory of Architectural Heritage as a detached double pile, five bay two storey country house built approx. c.1820 and which is considered to be an excellent example of Gothic-Revival architecture in a domestic setting. The associated walled garden and numerous outbuildings are considered to add greatly to its setting and context.
- 7.2.4. The site is adjacent to the Castlebernard Architectural Conservation Area which is extensive in area. It includes a number of historic designed demesnes which the Council's Conservation Officer considers both individually and cumulatively have created the mature landscape that exists today.
- 7.2.5. I note that the area of the site, whilst having an innate rural quality and is a highly managed landscape arising from the historic designed demesnes, it is not within a

designated Higher Value Landscape or in proximity to any designated scenic route. There are no protected views or prospects in the vicinity. While the ACA designation assigns a level of sensitivity, I would not classify it as a fragile landscape.

- 7.2.6. The site by reason of its elevation and need to provide for unencumbered coverage affords uninterrupted views to the south and west. There are currently two masts on the site, one of which has the benefit of permission with the 2<sup>nd</sup> required to boost coverage in the area. The permitted mast has a height of 12 metres and is monopole in design. There does not appear to be any record of a grant of permission for the 2<sup>nd</sup> mast. The mast proposed to replace the two in situ, was originally proposed to be 30 metres in height. It was reduced to 24 metres by way of further information. It is to be of lattice type construction supporting both antennas and dishes and will allow for co-location.
- 7.2.7. As evidenced from the Visual Impact Assessment and the photomontages accompanying the application the visual impact of the mast as viewed from the west is limited. Views of the mast when travelling in both directions along the N71 are intermittent by reason of the topography and screening afforded along the roadside boundaries. On this basis I would not concur with the planning authority's 2<sup>nd</sup> reason for refusal in that the proposal would not be excessively prominent or obtrusive when viewed from the national secondary road.
- 7.2.8. Limited uninterrupted views are available from Gaggin and further south as shown in the photomontages for viewpoint locations VP5, VP14 and VP15 to the south of the N71 but the impact reduces with distance. As noted above there are no protected views or prospects in the vicinity.
- 7.2.9. Of substantive concern is the impact of the proposal on the protected structure and the ACA. The mature hedgerow and line of trees against which the mast is to be located is the boundary of the ACA. As evidenced in the photomontages the upper levels of the mast will not be screened from the protected structure and the ACA. Viewpoints 8, 9, 10, 12 and 13 illustrate the extent of the tower visible above the treeline which would impact on the character and setting of the protected structure and ACA. The extent of the mast visible will range from 6-9 metres and whilst the width of the lattice structure is c.1.6 metres at this point the headframe at the top of

the structure inclusive of antennas is noticeable with the profile of the structure remaining an exposed feature above the line of trees.

7.2.10. Having regard to its function as a replacement/upgrade of an existing telecommunications mast for the purposes of providing appropriate levels of service to the adjoining area with the mast to be available for co-location in accordance with National Policy, to the extent of the mast that would be visible above the treeline and the distance to be maintained to the protected structure, I consider the visual impact is within acceptable limits. I therefore accept the applicant's view that it would not fail to preserve the architectural heritage of the area by reason of the increase in its visibility and thus would not be detrimental to the distinctive architectural and historic character of the area.

7.2.11. On this basis I consider that the proposal would not contravene materially Objectives HE 4-1 and HE 4-4 of the development plan in that the proposal would not be detrimental to the special character and integrity of the protected structure and its setting or to the ACA or that it would give rise to such visual intrusion as to warrant a refusal of permission.

### 7.3. **Material Contravention**

7.3.1. As the planning authority refused the proposal on grounds of material contravention of current County Development Plan objectives and having regard to Section 37(2)(b) of the Planning and Development Act, 2000, as amended, the Board may only grant permission where one of four stated criteria as set out in (i) to (iv) of the section are met. In this regard I note:

- I. whilst the proposed development would advance national policy in terms of investment in infrastructure that is required to compete in the digital economy the mast, of itself, cannot be considered to be of national or strategic importance.
- II. I consider that the current County Development Plan is reasonably clear in terms of its objectives with respect to architectural heritage and telecommunications infrastructure.
- III. Permission for the proposed development should be granted having regard to the section 28 guidance Telecommunications Antennae and Support Structures Guidelines 1996 which reiterates Government policy on the

availability of top quality telecommunications services throughout the State and the conclusions that the location of the mast whilst in proximity to a protected structure and ACA, would not adversely impact on the architectural heritage of the area.

- IV. Since the current 2014 County Development Plan has been adopted the existing telecommunications mast on site has been granted retention permission in 2019.

On the basis of the above I consider that the Board may grant permission under subsection (iii) and (iv).

#### **7.4. Appropriate Assessment - Screening**

- 7.4.1. Having regard to the nature and scale of the proposed development and distance from the nearest European Site it is concluded 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.

### **8.0 Recommendation**

Having regard to the above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

### **9.0 Reasons and Considerations**

Having regard to:

- the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, issues by the Department of Environment and Local Government in 1996,
- the Telecommunications Antennae and Support Structures and Department and Environment, Community and Local Government Circular Letter PL07/12,
- the provisions of the Cork County Development Plan 2014
- the planning history of the site
- the nature, scale and location of the proposed development,

- the submissions received
- the report of the planning inspector

The Board considered that subject to compliance with the conditions attached below, the proposed development would achieve the objectives set out in National Policy and the Cork County Development 2014, would not seriously injure the architectural heritage or visual amenities of the area and would, therefore, 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 as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of August 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.

**Reason:** In the interest of clarity.

2. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.  
  
(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 removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

**Reason:** In the interest of orderly development.

3. The antennae 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 the permission relates and to facilitate a full assessment of any future alterations.

4. Details of the proposed colour scheme for the telecommunications structure, ancillary structures 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.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**January, 2022**