



An
Bord
Pleanála

Inspector's Report

ABP-311969-21

Development	Install 24m multi-user telecommunications support structure, antenna and dishes enclosed within 2.4m high palisade fenced compound and associated equipment and cabinets and site works.
Location	Barreragh, Courtmacsherry, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	216383
Applicant	On Tower Ireland Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	On Tower Ireland Limited.
Observer	None.
Date of Site Inspection	16 April 2022.
Inspector	Mairead Kenny

1.0 Site Location and Description

- 1.1. The site is on the skyline overlooking the estuary where Courtmacsherry is positioned. The site is within a complex of buildings which includes residential development and 2 no. existing 10m high masts.

2.0 Proposed Development

- 2.1. Permission is sought to develop a 24m high telecommunications mast which would replace the existing use of an agricultural building for the holding of antennae.

3.0 Planning Authority Decision

3.1. Decision

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

- Having regard to policy particularly relating to sharing facilities and clustering, to the proximity of telecommunication structure in the vicinity of the site and the prominent location in this designated high value landscape area the proposed development would lead to a proliferation of communication structures contrary to national guidance, would seriously injure the visual amenities and interfere with the character of the landscape and contravene materially stated objectives GI 6-1, GI 7-1, GI 7-2 of the development plan which generally seeks to protect the scenic amenity of upland and coastal sites.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Senior Planner

- Having regard to the proliferation of existing telecommunications, the availability for co-location of an existing 30 m tower in the near vicinity and the location of the

proposal in the sensitive and high value landscape, agrees with recommendation to refuse.

Senior Executive Planner

- There are 4 no. structures on site and a number of residences in close proximity.
- One of the key issues is the potential visual impact.
- The site is within the 'high value landscape' and within view of several scenic routes designated under the development plan.
- The planning authority recently permitted a 30 m high lattice tower outside of the designated high value landscape area (reg. ref. 20/4732) which has been completed and is 1.6km west of the site and on the same ridge.
- The technical justification provided does not include this mast, which is available for sharing/co-location.
- Having regard to this 30 m mast the proposed development would constitute a proliferation of telecommunication structure in this area contrary to national guidance.

Area Planner

- Notes the 10m pole permitted under reg. ref. 18/190 for Tetra Ireland, the 11m lattice tower permitted to RNLI under reg. ref. 14/247, 2 no. antennas on the farm shed operated by Three and EIR.
- The existing infrastructure is visible only from the local area and is screened from scenic routes by a mature tree boundary.
- The RNLI mast is available for co-location as is the RTE mast and these have not been considered in the technical justification, nor has RTE been contacted.
- The proposed mast would be visually prominent when viewed from the north.
- The visual impact appraisal has failed to provide photomontages from the most critical vantage points – Timoleague Abbey, the Old Head to Timoleague route. The photomontages should be of suitable scale.
- There are safety and amenity concerns given the proximity to mobile homes on the site.

- An AA Screening Report is required.

3.2.2. Other Technical Reports

Area Engineer – queries whether night lighting would be required. No objection subject to conditions.

Environment Report – standard conditions relating to waste.

3.3. Prescribed Bodies

Irish Aviation Authority – no requirement for obstacle lighting.

3.4. Third Party Observations

2rn states:

- 2rn the trading name of RTE Transmission provides transmission services to national and regional broadcasters and provides site services to mobile telephone and broadband operators and others.
- 2rn is committed to sharing and owns a communications structure 1.7km from the site which is available for sharing and which has been recently constructed.
- The national guidance requires consideration of design and siting, visual impact and site sharing and clustering.
- We were not approached by the applicant; we have available space and believe we can accommodate the coverage needs of the proposed operator.
- Enclosed coverage plan shows the enhanced coverage the 2rn structure can provide compared to the new proposed structure, taken together with the existing structures under control of the applicant.

4.0 Planning History

Reg. ref. 18190 – permission granted for continuance of use of existing 10m support pole and radio aerial (total height of 13.6m) for use by emergency services. The planner's report described the mast as well screened from the public road and the far distant views.

Reg. ref. 14247 – permission to erect a new 11m lattice radio mast, control cabin and associated site works for use by RNLI – permission granted. RNLI indicated that the mast would be available to use by other operators.

Reg. ref. 15586 – an application for permission to demolish an outhouse and to construct a new dwellinghouse was refused.

There are a number of other previous planning applications for permission to develop a family unit – all of these were invalid.

5.0 Policy Context

5.1. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 and associated Circular letter of 2012

5.2. Published in 1996 this document was clarified by Circular Letter PL07/12 in October 2012.

5.3. Sharing of facilities and clustering is promoted as this would normally reduce visual impact. Temporary permissions should be avoided. The competence for health and safety matters in respect of telecommunications infrastructure is regulated by other codes.

5.4. Development Plan 2014

Protected view 67 is described as the view along the road from Old Head to Timoleague via Garretstown, Coolmaine and Harbour View – this includes the view from the regional road R600 north of the estuary at which Courtmacsharry is located.

Objective ED 7-1 is to support the provision of telecommunications infrastructure.

Objective ED 7-2 is to facilitate the delivery of a high-capacity ICT infrastructure and high-speed broadband.

Objective CGI 6-1 is to protect the visual and scenic amenities of the county, to ensure that new development meets high standards of siting and design and to protect skylines and ridgelines.

Objective GI 7-1 is to preserve the character of all important views and prospects. Objective GI 7-2 is to protect the character of views and prospects from scenic routes.

The adoption of the 2022 development plan is imminent, and the Cork County website indicates that it will come into force on June 6, 2022.

5.5. **Natural Heritage Designations**

5.6. The nearest European sites are Courtmacsherry Bay SPA and Courtmacsherry Estuary SAC and Seven Heads SPA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points of the first party appeal are:

- The operator Three is committed to an efficient infrastructure roll out and the area is experiencing deficiencies in its 3G and 4G coverage – the proposed development will significantly improve coverage for Three and at least two other operators and will lead to increased competition and options.
- Due to the continuous improvement in technology and computing there is a need for additional infrastructure capacity.
- The proposed new tower will extend voice and data services and will provide a viable co-location space for other upgrades and provide competition.
- The role of telecommunications in supporting economic activity is outlined.
- The development is in line with national guidance which provides that where it is not possible to share a support structure the applicant should be encouraged to share a site or to site adjacently so that masts and antennae may be clustered – the proposed structure is adjacent to 3 existing operator base stations and meets this criteria and provides for consolidation of equipment to a single site and will allow for decommissioning of some of the existing support structures.

- The visual impact assessment undertaken considered the impact and the development plan policy. The site is about 1km south of the R601 and a designated scenic route follows the regional road about 1km north of the site location. The site is considered to have a medium to high sensitivity to change given the already permitted installations. Viewpoints 10, 11 and 12 represent this viewpoint location from distances of 673m, 1177m and 1195m. By replacing the existing underperforming site at the shed adjacent to the 2 other telecommunications supports the mast can be incorporated into the rural landscape and its impact absorbed into the setting without significant impacts on the amenities of the area.
- The structure will meet the operator's exact requirements and will replace the existing antennae on an existing shed. The site will be available to other network providers.
- The proposed development does not impact on the protected views on the approach to the popular tourist villages of Courtmacsherry and Timoleague.
- The national guidelines allow for selection of a location which is sensitive where that site is required for operational reasons.
- The proposed development does not constitute a significant intrusion so as to warrant a refusal of permission. The site is justified on technical grounds as there are no other existing telecommunications sites in the area to co-locate equipment nor any suitable and acquirable alternative site that meet the coverage objective of the operator networks.

6.2. Planning Authority Response

References reports – no further comment.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. I assess the merits of the appeal under the following headings:

- Co-location policy
- Visual impacts
- Material contravention of the development plan.
- Appropriate Assessment.

7.2. The main thrust of the co-location policy comes initially from the national guidance document. It has been a requirement since the introduction of national policy on telecommunications masts that co-location be undertaken where feasible. The appellant has not addressed the points made in the observation relating to the option of sharing the existing recently constructed nearby mast but references the status of the existing site which holds telecommunications structures. On that basis the first party case is that the proposed development complies with national policy. If the Board accepts this case, which I consider has merit then the existence of the 2rn mast nearby is not relevant. However, there would remain a requirement for the applicant to consider the use of the existing 10m structures on site which are available for co-location.

7.3. The mast developed to serve RTE transmission and other operators is located outside of the designated high scenic area and may be a more suitable location for increased intensification of use. That structure is not mentioned in the grounds of the appeal and no technical justification is provide for its lack of suitability. Furthermore, the application documentation does not address the existing RNLI mast on the site which is stated to be available for sharing. It should be a necessary pre-requisite for the applicant to address this issue in detail in the appeal. In the absence of consideration of the existing 11m lattice mast on site and the 24m RTE mast which is 1.7km away, and taking into account the development plan policies, the planning authority decided to refuse permission. I consider that there are grounds for upholding the decision to refuse permission based on national guidance.

7.4. Regarding the visual impact assessment, I note that the planning reports which lead to the decision of the planning authority to refuse permission indicate that the images need to be presented at a suitable scale. I have examined the images and

concluded that they fail to accurately represent the proposed development and its impact on the scenic landscape. The proposed mast would be significantly more visible in the landscape and would constitute a more dominant feature.

- 7.5. It is reasonable to conclude that the subject site is not ideally located having regard to its location within a protected view and a scenic landscape. Having regard to the failure to assess the alternative structures and alternative sites I consider that the decision of the planning authority is reasonable.
- 7.6. The planning authority decision is that the proposed development would contravene materially the development plan objectives. When considered in their totality I agree with this conclusion. While there is strong support for the telecommunications sector, there is also strong guidance with respect to suitable siting and the proposed development does not meet the criteria set out with respect to protection of landscape and views in the context where other apparent alternatives are not explored.
- 7.7. With respect to the criteria set down in legislation relevant to cases where the Board has refused permission based on a material contravention my comments are:
- The development would not be considered to be of strategic or national importance.
 - There are no conflicting objectives or objectives which are not clearly stated – I consider that this conclusion may be drawn notwithstanding the general support for the development of telecommunications infrastructure.
 - The development is not necessary to meet regional planning objectives or other obligations – I do not consider that this criteria would be considered relevant to a single mast which could be sited elsewhere.
 - The pattern of development in the area is unaltered and no significant relevant permissions have been granted since the adoption of the development plan – the only permission which has been granted and which is of relevant is that for the nearby mast at which the proposed development may be relocated.
- 7.8. Based on the above I do not consider that there are grounds for overturning the decision of the planning authority.

- 7.9. The nearby European sites include two SPAs. More information is required with respect to the potential for significant effects and I agree with the planning authority that submission of a Screening Report would have been appropriate.
- 7.10. To conclude, the grounds of the appeal fail to address the decision of the planning authority and its reasonable conclusion relating to the visual impact and the options for co-location.

8.0 Recommendation

- 8.1. I recommend that the decision of the planning authority be upheld for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the Telecommunications Guidelines and the location of the proposed development along a ridge and within the viewshed of a scenic route, together with the failure to justify the selected site in the context of the other available locations and within the site, it is considered that the proposed development contravenes the national guidance and is not in accordance with the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

18 April 2022