



An
Bord
Pleanála

Inspector's Report ABP-313690-22

Development	30m multi-user telecommunications support structure, carrying antenna and dishes enclosed within a fenced compound with associated ground equipment cabinets and site works.
Location	Baurnahulla, Drimoleague, Co. Cork.
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	2200171
Applicant(s)	Signal Ireland Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Signal Ireland Limited
Date of Site Inspection	5 th October 2022
Inspector	Liam Bowe

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1.0 Site Location and Description

- 1.1. The appeal site which is of irregular shape has a stated area of 0.01 hectares. The site is located approximately 2.2km to the southeast of Drimoleague village in West Cork. This site lies in wooded area that has been cleared and recently replanted, the highest point of which is c.138m OD. The appeal site is accessed off a county road to the north. An access track runs southwards into the wood from this road for approximately 80m to where the northernmost part of the site, and access to it, is located. This recently replanted wooded area is generally surrounded by farmland and a number of dwelling houses and farmsteads along the local road. There is a wind farm comprising 5 turbines approximately 1km to the east of the appeal site.

2.0 Proposed Development

- 2.1. The proposal would entail the siting of a 30m high telecommunications support structure in the southern portion of the site. This structure would support antenna and dishes. It would be accompanied by equipment cabinets that would be installed at ground level.
- 2.2. The proposal would also entail the extension of the existing access track and the formation of a fenced and gated compound within which the support structure and cabinets would be sited.

3.0 Planning Authority Decision

3.1. Decision

By order dated 4th May 2022 Cork County Council issued a notification of decision to Refuse Permission for the proposed development for the following reason:

Having regard to the provisions of the current Cork County Development Plan 2014, Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, July 1996, particularly in relation to sharing facilities and clustering, the proximity of antennae telecommunications structures in the vicinity of the site and the prominent and exposed hillside location of the mast which would be visible from 2 no. important tourist routes in West Cork, it is considered the proposed development would result in a proliferation of telecommunications structures in this area and

would interfere and erode the essential rural character of the landscape and would contravene materially stated objectives GI 6-1 and GI 7-1, of the Cork County Development Plan 2014, which generally seeks to protect skylines, and preserve the character of all important views and prospects of unspoilt mountains and upland landscapes. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer in the report dated 4th May 2022 outlined the relevant development plan policy, the relevant planning history, the third party submission, the internal consultations, concerns regarding the lack of detail in the justification for the mast and the visual impact from two western approach roads to Drimoleague village. The report recommends permission be refused consistent with the notification of decision which issued.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

3.2.2. Other Technical Reports

Area Engineer: No objections. Conditions recommended.

Environmental Officer: No objections. Conditions recommended.

Ecology: The report dated 14th April 2022 states that the site may be of ecological value and an EclA is requested. States that the proposal will not adversely affect the integrity of any European site.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

There was one submission from Towercom Limited that highlighted the possibility of co-locating with a mast that is the subject of a current planning application to replace an existing 10m high telecommunications structure with a 15m high monopole located approximately 2.4km to the northwest.

4.0 Planning History

4.1. Appeal site:

No planning history referenced in the Planning Officer's report.

4.2. Relevant adjacent sites:

ABP-313908-22 (P.A. Ref. No. 22/246): Application currently under appeal for permission to replace a 10m high wooden pole with a 15m high monopole in Drimoleague village.

P.A. Ref. No. 22/107: Permission granted to increase the height of an existing mast from 13m to 18m located approximately 3.2km to the west.

P.A. Ref. No. 13/496: Permission granted for the continuation of use for a 27.45m high communications lattice tower with associated 3m high antenna on top and other antennas and equipment attached located approximately 3km to the southwest.

5.0 Policy Context

5.1. National Guidance

5.1.1. 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. Cork County Development Plan 2022-2028

I draw the Board's attention to the adoption of the Cork County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022.

5.2.1. Telecommunications Infrastructure Objectives include:

Objective ET 13-28: Information and Communications Technology

- a) Facilitate the delivery of a high capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County in accordance with the Guidance on Environmental Screening / Appropriate Assessment of Works in relation to the Deployment of Telecommunications Infrastructure (2020).
- b) Support the roll out of the National Broadband Plan throughout the County in conjunction with relevant statutory agencies and in accordance with the above Guidance document.
- c) Support the role of Smart City / Smart Region initiatives and the role of smart technologies to urban and rural areas.

5.2.2. Landscape Character Type:

Broad Marginal Middleground and Lowland Basin

Landscape Value – High; Landscape Sensitivity – High; Landscape Importance – Local.

Objective GI 14-12: General Views and Prospects

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

5.3. **Natural Heritage Designations**

The site is not located within any European site. The closest Natura 2000 site is the Myross Wood SAC (Site code: 001070) located approximately 10km to the southeast of the appeal site.

5.4. **EIA Screening**

Having regard to the nature and scale of the development and separation from sensitive environmental receptors, I am satisfied that no likely significant impacts on the environment arise from the development and that the carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by David Counihan, Indigo, 4site House, Raheen Business Park, Limerick, V94 VX88 on behalf of the First Party, Signal Ireland Limited, and the main points made can be summarised as follows:

- Outlines the justification for the site to improve 3G and 4G coverage in the area in terms of wireless telecommunications services and to meet future services delivery with the move to 5G technologies.
- Contends that the proposal complies with Development Plan policies and national guidelines.
- Includes an assessment of the visual impacts expected to be associated with the proposed mast highlighting a moderate negative impact on the local area and on 2 no. houses with views of the appeal site.
- Contends that the visual impact is considered to be within acceptable limits given the nature and scale of the proposed development combined with the mitigation of forestry growth.
- Addresses the omission of three possible sites for co-location within the documentation submitted to the Planning Authority and outlines the reasons why these sites can be ruled out as alternatives.

6.2. Planning Authority Response

The Planning Authority responded on 22nd June 2022 but did not comment on the grounds of the appeal.

7.0 Assessment

I consider the main issues in determining this appeal are as follows:

- National and Local Telecommunications Policy
- Landscape and Visual Impact
- Material Contravention
- Appropriate Assessment

7.1. National and Local Telecommunications Policy

7.1.1. 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.” Under Objective ET 13-28 of the County Development Plan, the Planning Authority supports the roll out of the National Broadband Plan throughout the County in conjunction with relevant statutory agencies and the delivery of a high capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County. Therefore, I consider that there is strong national and local policy support for the form of development proposed.

7.1.2. I note the Area Planner’s and, in particular, the Senior Executive Planner’s reports where it is stated that:

“As set out in the Area Planner’s assessment, there are a number of existing communications masts located in close proximity to the site, including a 27.45m lattice communication tower (overall height including antennae of 30.45m) operated by RTE. The continued use of this RTE mast was permitted under Plan ref 13/496 and is located at a similar elevation just approx. 2.8km southwest of the subject site. I have read the technical justification submitted under this current application and note that it does not include any assessment of the existing RTE mast located nearby. I note condition no.2 of Plan ref 13/496 requires the developer to co-locate their antennae onto the mast and there is no evidence or confirmation on file that this issue has been explored.”

The Area Planner's report references two other masts (see Planning History above) in/near Drimoleague village as providing possible alternative co-location sites for telecommunication infrastructure that had not been fully explored in the details submitted to the Planning Authority.

7.1.3. Under this appeal, the First Party includes a comprehensive assessment of these three possible sites for co-location and outlines the reasons why these sites can be ruled out as alternatives. In summary, these reasons are as follows:

- The 18m mast permitted under P.A. Ref. No. 22/107 is controlled by the same parent company (Cellnex) as Signal Ireland Limited and the additional height on this mast is focussed on improving 3G and 4G services on the regional road and Drimoleague village.
- The RTE mast referenced in the Senior Executive Planner's report is not registered with Comreg as providing space for telecommunications operators, despite the planning condition requiring it. The First Party states that it would provide very little coverage improvements to its target area even if it was available for use.
- The structure on the site in Drimoleague village (P.A. Ref. No. 22/246) is proposed to be extended to improve coverage for the existing operator and the lower space available on the tower would provide poor coverage penetration. The First Party states that this proposal is currently under appeal (ABP-313708 refers), may not be permitted/built, and concludes that the site in Baurahulla will provide additional service coverage for the area due to its superior elevation profile.

7.1.4. Given that the First Party has addressed the significant and warranted concerns of the Planning Authority regarding the lack of details on the possibility of co-locating on the above-mentioned sites and particularly with the RTE mast, I am satisfied that the possibility of mast sharing does not present as an alternative to the proposal under this appeal. 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.

7.1.5. 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. Landscape and Visual Impact

- 7.2.1. I consider that the substantive issue arising in the case relates to visual impact with specific regard to the Planning Authority's reason for refusal relating to 'the proximity of antennae telecommunications structures in the vicinity of the site and the prominent and exposed hillside location of the mast which would be visible from 2 no. important tourist routes in West Cork'. As a result of this the Planning Authority considered that 'the proposed development would result in a proliferation of telecommunications structures in this area and would interfere and erode the essential rural character of the landscape and would contravene materially stated objectives GI 6-1 and GI 7-1, of the Cork County Development Plan 2014, which generally seeks to protect skylines, and preserve the character of all important views and prospects of unspoilt mountains and upland landscapes'.
- 7.2.2. Under the current County Development Plan, the site is shown as within the landscape character type known as Broad Marginal Middleground and Lowland Basin, which is deemed to be of high landscape value and sensitivity and of local importance. This landscape within the locality of the site is of undulating form and it is relatively open. The village of Drimoleague lies to the northwest on land that is significantly lower than the site as are the local and regional roads that serve this village.
- 7.2.3. The site by reason of its elevation and need to provide for unencumbered coverage affords uninterrupted views to the west, north and northeast. The proposed mast is to be of lattice type construction supporting both antennas and dishes and will allow for co-location. There are currently five wind turbines immediately to the east of the appeal site that will be visible in most views of the appeal site from the wider area. The First Party has outlined the justification for the telecommunications mast, where the issue of co-location has been addressed in section 7 above, and, more importantly, highlighted that the area will not benefit from the roll-out of the fibre network as part of the National Broadband Plan.

- 7.2.4. Under the application, the First Party submitted a presentation of photomontages of the site without and with the proposal in-situ. The viewpoints selected for this presentation are along the local road network in the vicinity of the site, i.e. the east/west local road, to the north; the north/south local road, to the west; and the east/west local road to the south. In my opinion, the Visual Impact Assessment and the photomontages accompanying the application indicate that the visual impact of the mast as viewed from the west is limited. Furthermore, the hill (223m OD) to the east of the appeal site with associated wind turbines has the effect of preventing any short, medium or distant views of the appeal site and the proposed mast from the east.
- 7.2.5. During my site visit, I observed from the local road network the availability of intermittent views of the site as a result of gate openings, low hedgerows 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 and the growth of the recently planted Coillte lands surrounding the site. I consider that the mast would be most visible from points along the local road to the northern side of the appeal site and less visible from the other nearby local roads, due to typically views over low rise roadside mounds and through gateways in roadside hedgerows.
- 7.2.6. There are two tourist routes referenced in the Planning Officer's reports, namely the R586 and R593 regional roads. The Board should note that although these are referenced neither is a designated scenic route. I observed the appeal site from a location on the R586 regional road to the west of Drimoleague village referenced in the Planning Officer's report. I consider that the proposed mast when viewed at this distance, and within the context of both the setting of the wind turbines in the frame to the east and the proposed mast's siting at a level c.70m below the turbines and the hill to the east, would not break the skyline, would not form an incongruous feature on the landscape and consequently would not have an adverse impact on the landscape. I also observed that, due to the undulating topography, views of the appeal site when travelling north/south along the R593 regional road are not obvious/prevalent. On this basis, I would not concur with the Planning Authority's

reasoning for refusal that the proposal would be excessively prominent when viewed from the regional roads approaching Drimoleague village.

- 7.2.7. Having regard to its function as a new 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 conifer plantation in time and the distance from Drimoleague village and approach roads, I consider the visual impact is within acceptable limits.

7.3. Material Contravention

- 7.3.1. The Planning Authority's decision to refuse permission was made under the previous County Development Plan, which is now superseded by the Cork County Development Plan 2022-2028. As the proposal is being considered under the new plan, I do not consider that the Board is bound by Section 37(2) requirements. Notwithstanding this, following my assessment under 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 Cork County Development Plan 2022-2028 is reasonably clear in terms of its objectives with respect to visual impact and telecommunications infrastructure.
- iii. Further to the assessment above, I consider that 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 ridge, would not have a significant adverse impact on the visual amenity of the area.

- iv. Under the Cork County Development Plan 2022-2028 the appeal site is not located along any designated scenic route nor would the proposal result in any significant adverse impact on the skyline when viewed from the regional roads approaching Drimoleague village.

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

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and the absence of any direct or indirect pathway between the appeal site and any European site and the separation distances to the nearest European site (Myross Wood SAC (Site code: 001070)), no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission be granted for the following reasons and considerations, subject to conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, the location of the site in a wooded area and its location relative to identified scenic routes and high amenity landscapes, it is considered that, subject to conditions, the proposed development would be consistent with the provisions of the Telecommunications Antennae and Support Structures Guidelines and the Cork County Development Plan 2022 – 2028, would not have a significant impact on the character of the existing landscape and the visual amenities of the area, or on the amenities of residential properties in the vicinity. 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, 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>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p>
3.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures, fencing and gates 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>
4.	<p>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.</p> <p>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.</p>

	Reason: In the interest of orderly development.
5.	<p>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.</p> <p>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.</p>

Liam Bowe
Planning Inspector

10th November 2022