



An  
Bord  
Pleanála

## Inspector's Report ABP-313908-22

<b>Development</b>	Replacement of existing telecommunications wooden pole with a telecommunications monopole.
<b>Location</b>	Eir Exchange, New Road, Baurnahulla, Drimoleague, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	22246
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Ltd.
<b>Observer(s)</b>	1. Anthony Daly 2. Denise Lyons
<b>Date of Site Inspection</b>	5 <sup>th</sup> October 2022
<b>Inspector</b>	Liam Bowe

## **1.0 Site Location and Description**

- 1.1. The subject site is located in the village of Drimoleague, which is on the R586 regional road that connects Bandon to Bantry in West Cork. It is approximately 13.1km to the east of Bantry and 11.6km to the north of Skibbereen. The appeal site is located approximately 60m to the southeast of the regional road / main street on New Road in Drimoleague village centre. There is a terrace of houses directly opposite / northeast of the appeal site and the rear garden of a house to the north that fronts onto the main street. The clubhouse of Clann na nGael GAA club is located immediately to the southeast of the appeal site and the associated playing fields wrap around the appeal site on its southern and western boundaries.
- 1.2. The appeal has a stated area of 0.007 ha. and the site currently comprises a small telecoms exchange building and a 10m high wooden pole with antennae attached. There is a low stone wall along the north-eastern / street boundary, a mature hedgerow along the northern boundary, a c.1.8m high block wall along the shared southern boundary with the adjacent GAA clubhouse, and a c.1.8m high concrete post and chain link fence along the remaining part of the southern and the full length of the western site boundaries. There is a pedestrian access to the site from the street and the front boundary is setback from the street to facilitate parking for a vehicle. There is a street pole at the south-eastern corner of the appeal site and a double pole electricity transmission line immediately to the west with ball stop netting further to the west. There is also a small shed to the rear / west of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a 15m high free-standing telecommunications monopole with an associated ground cabinet. The monopole would replace the existing 10m high wooden pole and antenna on the site.
- 2.2. The ground mounted cabinet with a footprint of 0.36m<sup>2</sup> and a height of 2m would be installed beside the monopole (c.2m to the southwest). Some screen planting is proposed along the north-eastern boundary adjacent to the existing pedestrian access to the site.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated 31<sup>st</sup> May 2022 Cork County Council issued a notification of decision to Refuse Permission for the proposed development for the following reason:

The proposed development, by reason of its location within a village centre and having regard to the height and proximity of the proposed structure to existing residential properties, would seriously injure the residential amenities of nearby property in the vicinity, by reason of proximity and visual intrusion and 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 17<sup>th</sup> May 2022 outlined the relevant development plan policy, the relevant planning history, the third party submissions, the internal consultations, concerns regarding the impact on the residential amenities of nearby residents. 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 Report

**Area Engineer:** No objections. Conditions recommended.

**Environmental Officer:** No objections. Conditions recommended.

#### 3.3. Prescribed Bodies

**IAA:** No objections.

### 3.4. Third Party Observations

There were three submissions outlining concerns regarding proximity to houses and the GAA clubhouse and the adverse visual impact from the proposed development.

## 4.0 Planning History

### 4.1. Appeal site:

**P.A. Ref. No. 20/514:** Permission refused to erect a 21m monopole telecommunications support structure together with antennas, dishes and associated equipment and remove the existing 10m telecommunications pole with associated antenna for the following reason:

The proposed development, by reason of its location within a village centre and having regard to the height, scale and proximity of the proposed structure to existing residential properties, would seriously injure the residential amenities of nearby properties, by reason of visual intrusion and would, therefore, be contrary to the proper planning and sustainable development of the area.

**P.A. Ref. No. 20/332:** Permission refused to erect a 20m lattice telecommunications support structure together with antennas dishes and associated equipment and to remove the existing 10m telecommunications pole with associated antenna for the following reason:

The proposed development, by reason of its location within a village centre and having regard to the height, scale and proximity of the proposed structure to existing residential properties, would seriously injure the residential amenities of nearby properties, by reason of visual intrusion and would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2022-2028

- 5.1.1. The County Development Plan states that Drimoleague is identified as a Key Village in the settlement hierarchy for Cork.
- 5.1.2. The strategic aim for Drimoleague is to encourage the consolidation of the village within its rural setting, preserve the unique character and landscape setting of the settlement and to promote sympathetic development in tandem with the provision of services and commercial opportunities within the village core.
- 5.1.3. 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.

- 5.1.4. 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.

## **5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

- 5.2.1. The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

**4.3 Visual Impact** – The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

**4.5 Sharing Facilities and Clustering** – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

### **5.2.2. DoECLG Circular Letter PL07/12**

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

It also reiterates the advice in the 1996 Guidelines that Planning Authorities should not determine planning applications on health grounds and states that 'Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by

other codes and such matters should not be additionally regulated by the planning process’.

### **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 12.3km to the southeast of the appeal site.

### **5.4. EIA Screening**

The development is not a class of development for which EIAR is required.

## **6.0 The Appeal**

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

6.1.1. The grounds of appeal are submitted by Towercom, Usher House, Main Street, Dundrum, Dublin 14, D14 N7Y8 on behalf of the First Party, Eircom Limited, and the main points made can be summarised as follows:

- Outlines the justification to improve 2G and 3G coverage in the area in terms of wireless telecommunications services and to provide 4G and 5G services.
- Contends that a 15m high monopole is the minimum required to achieve 4G and 5G coverage for the village.
- Demonstrates predicted upgrades to 2G, 3G and 4G coverage.
- States that the existing structures are too far away to provide quality 4G and 5G services for Drimoleague and surrounding areas.
- Highlight an inappropriate concern in the Planning Report that the service provider could need to further increase the height of the structure in the future.
- Outlines how the design of the proposed monopole has been modified to reflect the guidance issued under Section 4.3 of the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996).

- Includes photomontages of the proposed monopole and acknowledges that the greatest visual impact will be on the houses opposite – landscaping is proposed to mitigate this impact.
- Quotes precedence where permission was issued for telecommunications structures of similar height and design (P.A. ref. no. 22/00098, ABP-309019-20, ABP-309594-21, and ABP-309359-21).

## **6.2. Planning Authority Response**

The Planning Authority responded on 11<sup>th</sup> July 2022 but did not comment on the grounds of the appeal.

## **6.3. Observations**

An observation was received from Denise Lyons, 2 The Terrace, New Road, Drimoleague, Co. Cork and this can be summarised as follows:

- Contends that the existing 10m structure is located too close to residential properties.
- States that the proposed structure would be less than 30 steps from her front door.

An observation was received from Anthony Daly, The Terrace, Drimoleague, Co. Cork and this can be summarised as follows:

- States that the existing 10m structure is located less than 30m from his house and is unsightly.
- Contends that the 15m high replacement structure will be unsuitable for this location.
- Quotes the two applications that were previously refused on the site and contends that the applicant is disrespecting the planning process by reapplying for a 15m structure.



## 7.0 Assessment

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

- National and Local Telecommunications Policy
- Residential Amenity
- Appropriate Assessment

### 7.1. National and Local Telecommunications Policy

- 7.1.1. The NDP has as a fundamental underlying objective for 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. As regards to questions in relation to the need for the replacement mast and the assessment of alternatives, I note that the First Party refers to the existing monopole at the Eir Exchange in Drimoleague as being outdated and at present its height is inadequate for Vodafone’s mobile network coverage requirements given the surrounding manmade features. It sets out that the new structure with its minimal additional height would only meet Vodafone’s needs at this location and would not have the capacity to cater for additional equipment into the future, if required. This represents the First Party’s direct attempt to address the reason for refusal issued by the Planning Authority of the previous two planning applications on the appeal site for a 20m lattice tower and 21m monopole, respectively.
- 7.1.3. As regards issues raised with respect to the need for the mast and the assessment of alternatives, the First Party outlines that the existing structure is too low to propagate Vodafone signal across the target coverage area and cannot support additional equipment.

- 7.1.4. In terms of technical justification, it sets out that Vodafone requires this improved telecommunications infrastructure to provide improved indoor voice and data broadband services to homes, tourists, and businesses in Drimoleague. Reference is made to Comreg maps which demonstrate local coverage deficiencies. It is indicated in the documentation provided that Vodafone's current coverage in this area is only 'fair' for 4G services. The First Party includes an assessment of three possible sites for co-location and outlines the reasons why these sites can be ruled out as alternatives. I consider that in light of the submissions by the First Party the need for upgrade has been demonstrated.
- 7.1.5. As regards mast sharing and co-location, I note that the application indicates that the proposed new structure will not be capable of accommodating site sharing as the height of the proposed monopole at 15m is too low for this. I am satisfied that the sole reasoning for limiting the height of the proposed monopole to 15m is an attempt by the First Party to address the reason for refusal on the previous two planning applications on the appeal site i.e., to minimise impact on the residential amenities of the area.
- 7.1.6. Having reviewed the material contained within the application, appeal submission, and the existing coverage information that is available on the ComReg website, I am satisfied that alternative sites had been duly considered by the First Party, the proposal is justified, and that it would help to improve the existing services and provide 4G and 5G service coverage for the area. Having regard to the existing and established Eircom telecommunications exchange and its proposed use as a replacement of an existing telecommunications structure, the reduction in height of the proposed monopole to the minimal practicable, I am satisfied that the proposed development would be located in a highly suitable and appropriate location for the purposes of providing broadband and wireless signal coverage in the area.
- 7.1.7. In conclusion, I consider that the First Party has provided adequate technical justification showing that there are service deficiencies in the area, which would be resolved by the proposed development. The proposal is consistent with **Objective ET 13-28** of the County Development Plan, and the 1996 Guidelines and I am satisfied that the principle of the development is acceptable.

## **7.2. Residential Amenity**

- 7.2.1. The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 as noted, state that visual impact is one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations.
- 7.2.2. I note that the Guidelines recommend that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.
- 7.2.3. I also note that the decision of the Planning Authority to refuse permission, and the previous refusals of the Planning Authority at this location within a predominantly residential area, concluded that the proposal would injure the residential amenity of nearby properties. In assessing visual impact, I would accept the assertion of the First Party that visibility per se is not in itself objectionable and the provision of a monopole structure would not be out of character within a village setting and these have become a customary type of infrastructure within any given settlement. The question to be addressed is whether the structure would be visually dominant and obtrusive.
- 7.2.4. I have reviewed the photomontages submitted by the First Party as part of this appeal. These demonstrate eight views of the appeal site, from various location in Drimoleague village, pre and post development of the monopole. I consider that while the proposed mast would be visible along New Road and intermittently visible above the prevailing two storey building height at the junction of New Road / Main Street and from further to the southeast, it would not represent and unduly incongruous feature in the streetscape. On the day of my site inspection, I noted other structures in the immediate vicinity of the site such as buildings, street poles, electricity transmission poles and ball stops. I consider that the visual impact of the

proposed monopole, while a locally prominent feature, would not give rise to a significant additional negative visual impact as to warrant a refusal.

7.2.5. As regards impact on residential amenity, the proposal will be locally prominent however, I consider that this impact could be mitigated by landscaping measures within the appeal site. I recommend that the Board attach a condition to a grant of permission requiring precise details of all planting to be agreed with the Planning Authority.

7.2.6. On balance having regard national and local policy, I consider that the proposed monopole would not unduly injure the visual and residential amenities of the area and of properties in the vicinity. I, therefore, consider that the proposal would be in accordance with the proper planning and sustainable development of the area.

### **7.3. Appropriate Assessment**

7.3.1. 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**

9.1.1. Having regard to the design and scale of the proposed development, the established use of the site in Drimoleague village 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 (1996), as updated by Circular Letter PL07/12, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed 1.5m high lighting finials shall be omitted from the proposed development.</p> <p><b>Reason:</b> In the interests of clarity and in accordance with the requirements of the Irish Aviation Authority.</p>
3.	<p>Prior to commencement of development the applicant shall submit and agree in writing with the Planning Authority landscaping proposals for the north-eastern boundary of the site.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<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><b>Reason:</b> In the interest of the visual amenities of the area.</p>
5.	<p>When the telecommunications structure and ancillary structures are no longer required, they shall be removed, and the site shall be reinstated at</p>

	<p>the operator's expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.</p> <p><b>Reason:</b> In the interest of protecting the visual and residential amenities of the area.</p>
6.	<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><b>Reason:</b> 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>

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Liam Bowe  
Planning Inspector

16<sup>th</sup> January 2023