



An
Bord
Pleanála

Inspector's Report

ABP-313960-22

Development	The construction of an Alpha 18 metre-high free-standing telecommunications street pole
Location	Public Grass Verge, adjacent to R592, Ballydehob, Co. Cork.
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	S254/21/1
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Susan Cremers & others
Date of Site Inspection	6 th October 2022
Inspector	Liam Bowe

1.0 Site Location and Description

- 1.1. The subject site is located on the southwestern side of Ballydehob village in West Cork, at the junction of the R592 regional road and a local road (Staball Hill). The proposed development would be located towards the southwestern part of a green space / verge on the eastern side of the R592 regional road.
- 1.2. The appeal site forms part of a green space at this road junction. There are mature trees along the southwestern boundary of this green space and a single mature tree on the western side, immediately adjacent the R592 regional road. The other sides of the green space, and the appeal site, are open to the public roads. There is a house to the west of the appeal site on a large site and at a higher elevation, and there are a number of houses that form part of residential developments to the north and northeast, namely a terrace of 6 houses (Rockwell) on the western side of the regional road and house no.'s 14-16 Hillside. The lands immediately to the south of the appeal site appear to be associated with the single storey house further to the south and are presently overgrown.

2.0 Proposed Development

- 2.1. The proposed development is for a Section 254 Licence for an 18 metre high free-standing telecommunications street pole.
- 2.2. The pole would have a diameter of 360mm, and all cables would run internally. A 300mm dish would be fixed to the pole at a height of 13m.
- 2.3. A ground mounted cabinet with a footprint of 1.51m² and a height of 1.652m would be installed beside the pole (c.0.5m to the east) and would be green in colour. A 2.7m wide hardstanding area (grass reinforcement grid) would be provided to the north of the pole / cabinet to facilitate access.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to notification of decision, the Planning Authority issued a further information request on 10th November 2021 requiring clarification of the period that the licence is

needed, details of a vehicular access/ set down area, and details of a concrete plinth. The First Party submitted details confirming that the licence is needed for 5 years, and a revised site layout plan with details of access / set down area and a concrete plinth.

3.2. **Decision**

The Planning Authority granted the licence by Order on 30th March 2022, subject to 11 no. conditions. Notable conditions include:

- The validity period for the licence shall be for a period of 5 years (No.1).
- No additional dishes, antennae or other equipment other than shown on the drawings (No.4).

3.3. **Planning Authority Reports**

3.3.1. **Planning Reports**

There are two Planning Reports on file dated 21st October 2021 and 10th March 2022, respectively. The Planning Officer in the initial report outlined the relevant policies under the Cork County Development Plan 2014. The report recommended further information be requested regarding the period that the licence is needed, vehicular access / set down area, and details of a concrete plinth.

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

A second Planner's Report (dated 10th March 2022) refers to the further information submitted and considered that, having regard to the additional information, permission should be granted subject to 11 No. conditions.

3.3.2. **Other Technical Report**

Area Engineer: The Area Engineer in his report sought details of vehicular access / set down area and a concrete plinth.

3.4. **Third Party Observations**

None.

4.0 Planning History

There is no planning history referenced in the Planning Officer's report.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

- 5.1.1. The County Development Plan states that Ballydehob is identified as a Key Village in the settlement hierarchy for Cork.
- 5.1.2. The strategic aim for Ballydehob is to encourage the consolidation of this colourful village by preserving the unique architectural character and landscape setting of the settlement whilst promoting sympathetic development in tandem with the provision of services.
- 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. The appeal site is located within an area of West Cork designated as a '**High Value Landscape**'.

Objective GI 14-9: Landscape

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.

- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

5.1.5. The appeal site is also located on a regional road designated as a scenic route (**Scenic Route S97 – Road between Schull and Ballydehob**).

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'.

5.2.3. **Circular Letter PL11/2020**

Circular Letter PL11/2020 'Telecommunications Services – Planning Exemptions and Section 254 Licences' was issued in December 2020. It advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc on public roads. Where development of a type specified in section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of obtaining a section 254 licence.
- A Section 254 Licence is required for overground electronic communications infrastructure, and its associated works, and that such works are exempt from planning permission.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.

- b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- a) the proper planning and sustainable development of the area,
- b) any relevant provisions of the development plan, or a local area plan,
- c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d) the convenience and safety of road users including pedestrians.

5.3. Natural Heritage Designations

The appeal site is not located within any designated European sites. The closest Natura 2000 sites is Roaringwater Bay and Islands SAC (Site Code: 000101) which is located approximately 520m to the east of the appeal site.

5.4. EIA Screening

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

6.0 Grounds of Appeal

6.1.1. A third party appeal has been received from Susan Cremers & others, 12 Hillside, Ballydehob, Co. Cork. The main issues raised are as follows:

- State that the site is located in an area full of native flora and fauna and contend that the proposal may have an impact on bats in the area.
- Contend that the pole will have an adverse visual impact.
- Concerned about proximity to houses, schools, the community hall and the playground.
- Contend that the pole will devalue property in the area.
- Concerned about the use of the Section 254 process for this type of structure.
- Concerned about the possible impact on health.

- Include a petition from residents and businesses opposing the pole.

Photographs of the site / area are included with the appeal.

6.2. Applicant Response

6.2.1. The First Party lodged a response with the Board on the 27th day of July 2022. The main issues raised are:

- States that the appeal site is located on a cleared grass verge with existing street signs and contends that no adverse impacts on the environment will accrue as a result of the proposed development.
- States that the site was chosen to minimise visual impact, given the existing mature trees on the site, and to maximise coverage.
- Includes reasoning as to why other alternative sites were ruled out.
- Includes an updated visual impact assessment showing an additional 17 views from around Ballydehob.
- Argues that property values could increase as a result of improved internet speeds.
- Quotes from Circular Letter PL 07/12 regarding health and safety matters in respect of telecommunications structures.
- Acknowledges the petition and sentiment in the community that opposes the proposed development.

6.3. Planning Authority Response

The Planning Authority has not responded to the grounds of the appeal.

6.4. Further Responses

6.4.1. A number of further responses have been received and the main issues raised are as follows:

- Includes a copy of details and route of Ballydehob Heritage Walk – Hillside Ramble.

- Reiterate issues raised in the original appeal.
- States that the ash trees offering screening for the proposed development are suffering from dieback.
- Highlight the presence of owls near the appeal site.
- Contend that mast will be visible from private views.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development
- Residential Amenity
- Visual Impact
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The subject site is located on a grassed, open area adjoining the public road / footpath. The applicant is seeking approval for the proposed development under a Section 254 licence which regulates the provision of communications infrastructure on public roads. It is County Council policy to facilitate the delivery of a high capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County
- 7.1.2. 4 no. alternative sites were identified as part of the site selection study within Ballydehob, including Church Road (Site A), New Terrace (Site B), Main Street (Site C) and Store Road (Site D). It is clearly demonstrated that, whilst such locations were considered by the First Party, none were suitable as they were considered either too close to houses / schools or were too low to provide sufficient coverage.
- 7.1.3. 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 4G service coverage for the area.

- 7.1.4. 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. It is contended by the appellant that the location of the proposed structure to the southwest of their property would devalue the property. The issues of health and safety, and visual impact are also raised in the appeal. I shall address the matter of visual impact in the subsequent section of this report. Regarding the issue of the potential negative affect of the proposed development on the valuation of the appellant's property, I note the response of the First Party which highlighted that no information was submitted with the appeal to substantiate this assertion.
- 7.2.2. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities is the current guidance in relation to the emissions from telecommunications infrastructure in Ireland. They recognise that there is concern amongst the public in relation to the potential health impacts of these structures but makes the point that International Commission on Non-Ionising Radiation Protection reported that radiation from telecommunication infrastructure is substantially below the guideline set by the International Radiation Protection Association. Additionally, telecoms operators must satisfy Comreg, the statutory authority in these matters, that their equipment and processes meet the approved international standard to protect public health.
- 7.2.3. The Telecoms Guidelines make the point that the WHO has carried out studies of the effects of radiation emitted by telecoms masts on human and animal biology and concluded that no effects were attributable to this source (see appendix II of the national guidelines).
- 7.2.4. Having regard to the foregoing, the location of the proposed mast relatively remote from concentrations of houses and schools in Ballydehob village, I conclude the

proposed development should not be refused for reasons related to human health or ecological impacts.

7.3. Visual Impact

- 7.3.1. The proposed development is located within an area designated as a 'High Value Landscape' and adjacent to designated Scenic Route 97 in the Cork County Development Plan 2022-2028. The Board should note that the appeal site is also immediately adjacent to the Wild Atlantic Way tourist route. The Third Parties contend that the proposed development will interfere with this high value landscape, the Wild Atlantic Way, local walking trails and the designated Architectural Conservation Area in the village. They also contend that there are less obtrusive sites within the village centre.
- 7.3.2. A Visual Impact Assessment (VIA) was submitted with the application and an updated VIA was submitted in response to this appeal. I consider that the viewpoints used in the assessment are sufficient to gauge the potential for visual impact on the surrounding environment. The updated VIA includes 20 no. viewpoints within approximately 650m radius of the site. The viewpoints are from various locations throughout the village. Viewpoint No.'s 1, 2, 3 and 5 are from immediately southwest and northeast of the site and are the only views where the pole and associated cabinet are visible.
- 7.3.3. However, I note that the 1996 Guidelines state that some masts will remain quite noticeable, even despite best precautions. In this regard, the proposed pole adopts a slender appearance, and in my opinion, the First Party has sought to minimise its potential for visual impact by selecting a pole of low to medium height. The Guidelines state that the height of telecoms support structures can range from 12m to 60m, although most typically will be between 20m and 40m. The proposed pole is 18m and, therefore, lower by typical standards.
- 7.3.4. I note that the location of the proposed pole and cabinet would be approximately 160m to the southwest of the nearest part of the designated Architectural Conservation Area (ACA). In this regard, I consider that Viewpoint 10 demonstrated in the updated VIA would be most representative of any visual impacts associated with the ACA. I am satisfied that the proposed pole and cabinet would not be visible

from the ACA and, consequently, I consider no adverse impacts would accrue to the ACA as a result of the proposed development.

- 7.3.5. I acknowledge the proposed pole would be slightly more prominent than some of the existing structures in the vicinity, including overhead powerlines, street lighting poles, and road signage. However, the pole would be set back from the junction and against a hedgerow with mature trees behind that and, consequently, I am satisfied that it would not result in any notable reduction in the visual amenity of the area given its location adjacent to a public road and on the outskirts of an urban area where similar type infrastructure is not uncommon. I am also satisfied that the proposed development will only be noticeable when travelling in a south westerly direction on the designated scenic route / Wild Atlantic Way and, as the site is located at the exit point of the village, there would be a reasonable expectation that above ground infrastructure would form part of this type of urban landscape.
- 7.3.6. Accordingly, having regard to the siting and design of the proposed development, and topography of the area I am satisfied that the proposed development would not unduly interfere with the character of the landscape or form a visually obtrusive or incongruous feature. I consider that the proposed development located on a scenic route and within this 'High Value Landscape' would not, therefore, detract to an undue degree from the scenic amenities of the area or from the character of the Architectural Conservation Area.

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 (Roaringwater Bay and Islands SAC (Site Code: 000101) which is located approximately 300m to the south of the site), 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 a licence be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), to the relevant provisions of the Cork County Development Plan 2022-2028, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letters PL 07/12 and PL 11/2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the development plan, would not be seriously injurious to the amenities of the area, architectural heritage or residential amenity in the vicinity, would not interfere with the convenience and safety of pedestrian and road traffic and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The licence shall be valid for a period of 5 years from the date of this Order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.</p> <p>Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.</p>
2.	<p>In the event that the location of the cabinet, pole and associated infrastructure interferes with the Planning Authority's plans for the area and that the land is required by the Planning Authority in the performance of its</p>

	<p>statutory functions. The cabinet, pole and associated infrastructure shall be removed on request.</p> <p>Reason: In the interests of orderly development</p>
3.	<p>The developer shall comply with the following transportation requirements:</p> <ul style="list-style-type: none"> a) As-built records of the infrastructure installed shall be made available to the Roads Authority to inform the plans for future junction improvement works. b) Existing utilities shall be avoided unless by written consent of the planning authority. c) Access points to watermains, sewers and utilities, shall remain accessible at all times. d) The installation of the infrastructure shall not impair the operation of existing land and/or roadside drainage. <p>Reason: In the interests of orderly development.</p>
4.	<p>The antenna type and mounting configuration shall be in accordance with the details submitted with this application, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.</p>
5.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health and to prevent flooding.</p>
6.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the pole as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted</p>

	<p>to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public safety.</p>
7.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers and any perimeter fencing 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>
8.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme, details of which shall be submitted to and agreed in writing with planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
9.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

Liam Bowe
 Planning Inspector

5th January 2023