



An
Bord
Pleanála

Inspector's Report ABP314813-22

Development	Construction of 21m high telecommunications structure carrying telecommunications equipment and associated cabinet, fencing, access gate and site development works.
Location	Gabriel Rangers GAA Club, Coolagh Beg, Ballydehob, Co Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/2204.
Applicant(s)	Eircom Ltd, t/a eir
Type of Application	Permission
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant(s)	Siubhan and Ralph Ferguson and others
Observer(s)	Monika Bergerhoff and others.
Date of Site Inspection	2 nd June 2023.
Inspector	Ann Bogan

1.0 Site Location and Description

- 1.1. This site is located on the grounds of Gabriel Rangers GAA Club, which is in a rural area approximately 200 metres to the north east of Ballydehob village. The site is 0.0056 ha in size and is accessed off the N71, via a private GAA access road and bridge. The site lies just east of the development boundary of Ballydehob village, with undeveloped lands which were formerly a golf course, located to the west, the GAA pitch to the north, and agricultural land south and east. The GAA clubhouse and parking area is located to the south of the site, on the opposite side of the bridge. A small utility building is located immediately to the east of the site of the proposed telecommunications structure and a shipping container used for storage is nearby.
- 1.2. The site is close to two existing watercourses, the Bawnaknockane River to the south east and Rathruane River to the west. The latter joins the Bawnaknockane River circa 40m south of the site, which then flow southwards into Ballydehob Bay. The OS map accompanying the application indicates that the river is tidal up to where the two rivers meet.
- 1.3. The R592 road to Ballydehob and a stone 3 arch bridge over the river are approximately 220m to the south of the site, while the historic former railway bridge (RPS 00776) over the river estuary is circa 400 m to the south.
- 1.4. The nearest dwelling (the appellant) is located circa 200 metres away to the south west. The applicants are leasing the site from Gabriel Rangers GAA Club.

2.0 Proposed Development

- 2.1. Permission is sought to construct a 21-metre-high telecommunications lattice style tower carrying telecommunications equipment, together with associated exchange

cabinets, fencing and all associated site works. The 8m by 8m site would be enclosed with a 2.4m palisade fence with access gate.

- 2.2. A site-specific flood risk assessment and a set of photomontages indicating visual impact accompanied the application.
- 2.3. Further information was sought on a number of issues including concerns about the visual impact of the structure when viewed from the 12 arch Railway Bridge and the 3 arch Bridge, and flood risk. Revised proposals were received reducing the height from 21m to 18 m and proposing the use of a monopole structure instead of a lattice tower. Two sets of three antennas are shown positioned within the top 5m the monopole, the highest one for eir and the second for another operator. The cabinets and other equipment would be located on a raised platform to protect them from potential flood risk.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to nine conditions, including condition No 2 requiring any additional antenna or dishes to obtain approval of Planning Authority; and No 3 flood mitigation measures to be implemented.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planners report dated 17th May 2022

The Planning officer considered the proposed development would be visually obtrusive from the 12-arch bridge (former railway viaduct) and the 3-arch road bridge, both to the south, but that impact of the structure on the landscape would be minimised if a monopole replaced the lattice structure and the height were reduced to 18m.

Further information was requested as follows:

- A revised design proposal reducing the height of the structure to a maximum of 18 metres and using a monopole instead of the lattice tower
- Further clarification on why applicant cannot co-locate on recently permitted S254 licenced 18m 'streetpole' on western side of Ballydehob village
- A Habitats Directive Screening Assessment
- A revised detailed Flood Risk Assessment incorporating mitigation measures
- Provision of a site Construction Plan to prevent negative impact from construction works on the river.

Planners report dated 15th September 2022

Further information was received including the redesign of the mast as requested and was considered acceptable. The Planning Officer noted that 2 submissions were received which were related to the original submissions. The Planning Officer concluded: *'Based on the information submitted and having regard to the comments made in the internal reports, where each internal section has indicated that they have no further issues in connection with this application and conditional permission is recommended, the Planning Authority is satisfied that the applicant has met the request for further information and the works proposed are in accordance with the proper planning and sustainable development of the area.'*

Permission was recommended subject to 9 conditions and the Area Planner's report formed the basis for the Planning Authority decision

3.2.2. Other Technical Reports

Area Engineer: no objection subject to condition.

Environmental Officer

Recommended deferral for a Site Construction Plan including details to prevent any negative impact from construction works on the river as the proposed mast would be very close to the river.

Report on FI: the Construction Management Plan was found to be acceptable.

Executive Engineer Specialist report

The Flood Risk Assessment submitted was sub-standard and as the site is within Flood Zone A and B, and the development proposed can be considered 'highly vulnerable development (including essential infrastructure), FI seeking a detailed FRA was recommended.

Report on FI: Having regard to revised Flood Risk Assessment, no objection from a flood-risk perspective, subject to a condition requiring flood mitigation measures to be implemented.

Ecological Officer

Deferral recommended for a Habitats Directive Screening Assessment Report assessing possible implications of the development on the Roaring Water Bay and Island SAC due to proximity to the rivers.

Notes that some submissions raised concerns in relation to the impact on Lesser Horseshoe Bats sonar abilities of radio frequency radiation from wireless telecommunications, but concluded that given the existing artificial light from the adjacent GAA floodlights and bats sensitivity to light pollution, it is unlikely that Lesser Horseshoe bats occur close to the site and very likely avoid it altogether.

Report on FI

Concurs with the conclusions of the Habitats Directive Screening Assessment Report that proposed development does not pose a risk of significant effects on the Roaringwater Bay and Islands SAC or any Natura 2000 site.

3.3. Prescribed Bodies

Irish Aviation Authority

No objection and no requirement to install obstacle lighting on the proposed structure

3.4. Public observations

- 3.4.1. The Planning Authority received 29 third party submissions to the application. These are detailed in a table in the Planning Officer's report and key issues raised included impact on the nearby SAC and horseshoe bats, visual impact of the development on the village setting, detract from the views from the 3 arch bridge and 12 arch bridge, inaccuracy of photomontages, flood risk and inadequacy of flood risk assessment,

impact on archaeology, devalue property, validity of site notice, proximity to proposed glamping site would impact trade, impact on tourist industry and local businesses, lack of community consultation.

- 3.4.2. Following receipt of Further Information two submissions were received (one signed by 16 people), issues raised included visual impact on many locations particularly from the 3 arch and 12 arch bridges, that the monopole is a large structure and in the wrong location and no site notice for the FI was erected.

4.0 Planning History

No relevant planning history on the immediate site.

20/720: Permission granted by Cork County Council for a glamping site on adjacent lands across the Rathruane river to the west of the proposed structure.

5.0 Policy and Context

5.1. Development Plan

The relevant Development Plan is the Cork County Development Plan 2022-2028, which came into effect on 6th June 2022.

The importance of improving telecommunications infrastructure for the social and economic well-being of communities, as well as the need to protect the urban and rural landscape from significant impact are recognised in Section 13.18

Communications and Digital Connectivity and Objective ET13.28:

13.8.3 While the importance of telecommunications infrastructure is acknowledged, it is equally as important that the landscape, both urban and rural, are considered and protected from any significant impact caused by such infrastructure. Visual impact should be minimal in the landscape and therefore, telecommunications infrastructure will be subject to a Visual Impact Assessment. Environmental, heritage and ecological impacts of any such infrastructure will also be assessed in accordance with standard Council policies and procedures.'

‘County Development Plan 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)’.

There are a number of relevant built and natural heritage designations and objectives in the plan which are relevant in assessing the proposed development:

Ballydehob Conservation Area: The 3 arch road bridge and the 12 arch former railway viaduct and the estuary area between them, as well as the village core, are included within the boundary of the Ballydehob Architectural Conservation Area (ACA).

Development Plan objective HE16-18 provides for improving and protecting the character and setting of Architectural Conservation Areas: and protection of the setting of Protected Structures are also relevant:

Objectives HE 16-18: Architectural Conservation Areas: Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, 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.....

(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.

The railway former bridge is on the Record of Protected Structures (RPS) and the and Objective HE16-14 seeks to ensure protection of structures on the RPS and their setting:

‘d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

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 3 arch road bridge is on the National Inventory of Architectural Heritage (NIAH) and is rated as being of regional importance, and the Plan includes an objective to protect structures on the NIAH where possible (ref).

The scenic route (s90) along the N71 from Skibbereen to Ballydehob scenic route S90, runs close to the 3 arch bridge

The site and the wider area around it, is identified as an area of ‘High Value Landscape’.

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.

5.2. National Policy

5.2.1. National Planning Framework

‘National Policy Objective 24: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas’.

5.2.2. The Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (Dept. of Environment, 1996).

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 and to minimise visual impact of masts, particularly on towns, villages and on residential amenity. They state that visual impact is one of the most important

considerations when assessing proposals for communication structure and impact can vary with the general context of the proposed development.

5.2.3. **Circular Letter PI07/12 ‘Telecommunications Antennae and Support Structure Guidelines’**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition and addressing development contributions.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds as these are regulated by other codes.

5.3. **Natural Heritage Designations**

Roaringwater Bay and Islands Special Area of Conservation (SAC Site Code: 000101) is located approximately 450m south of the site.

5.4. **EIA Screening**

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal received in a detailed submission can be summarised as follows

- Appellant submits that the site layout map is inaccurate. The two rivers are significantly closer to the site boundary than shown. Photos and drawings are included to illustrate this. As a consequence, section drawing of south-west elevation is also inaccurate.

- Submits the mapping error results in the Appropriate Assessment Screening being based on inaccurate information and the AA screening report assertion that there is no hydrological pathway between the site and the SAC is incorrect. States the flood study demonstrates the connectivity between the watercourses and the site.
- The original flood study did not include a survey and was based on inaccurate information re distance of site from river, and the updated flood study did not properly survey the river bank.
- Submits that the Public Notice for significant further information was not erected on the site and that no evidence that it was erected is included in the Planner's report, apart from a statement that it was erected.
- The proposed monopole is 600mm in diameter and still has the same ugly antennas as before. It is not slim as stated in the Planner's report on FI. It would be very visible for river users and tourists who enjoy the Twelve Arch and Three Arch Bridge. It can be seen from within the village on Staball Hill due to its gradient.
- The Planners first report stated the western boundary is defined by a belt of mature coniferous trees while in fact these trees are on the opposite side of the river in the neighbouring property. These trees on the appellants land are not good screening for a monopole, and an arborist has advised one third must be cut off them to prevent them falling.
- All reports assume the neighbouring land belongs to Gabriel Rangers GAA, whereas it is in separate ownership (Ferguson's) and is within 5m of the development boundary.
- The Construction Management Plan is insufficient and does not take into account that the foundations will be less than 1m from the river, which is eroding. No foundation drawings are included for the monopole. There is a real threat to the environment from the construction of the proposed development so close to the river which leads to an SAC.
- As reports are based on false distances from the watercourse, mitigating measures proposed should be deemed invalid.

- The development is not in keeping with the County Development Plan.
 - The Plan highlights the attractions of the location as a visitor attraction and how improvements to the waterfront area would further enhance tourism potential. -The town has three scenic routes in the vicinity.
 - The Three Arch Bridge and Twelve Arch Bridges are used to appreciate the view. The river amenity and the view should not be compromised at this important location.
 - The Plan also seeks to protect the villages rural character natural amenities and heritage and improve walking and cycling routes and green infrastructure.
 - Granting permission for an 18m monopole is therefore against the Plan.
- The visual impact of the proposal is a threat to tourism. The area is in a High Landscape Value Area. The Telecommunications Guidelines Antenna Support Structures are not adhered to. They provide for authorities to indicate locations where telecommunications structures would not be favoured such as lands with high amenity value and state that great care will need to be taken when dealing with fragile or sensitive landscapes.
- The river has the potential to be a Blue Way and the monopole and antennas will be an eyesore and should be rejected near a tourist attraction.
- There is very little evidence that the possibility of sharing the permitted 18m monopole to the west of the village was properly investigated.
- The light on top of the mast could cause light pollution. Its impact on habitats has not been assessed.
- Erecting the monopole so close to the river would massively affect the proposed glamping business on the neighbouring site, owned by Fergusons, (appellants), which has received planning permission. The land was purchased because of the amenities of the river.
- Monopole would be an eyesore for a future greenway to connect Ballydehob to An Sanctoir.
- The amenity of the GAA grounds for sports participants and walkers and would be destroyed by the proposed monopole.

6.2. Applicant Response

Delmec limited responded on behalf of the applicant as follows:

- Confirms the site notice was erected on the site on 17th August 2022
- The planning drawings were created using OSI mapping and on-site survey measurements and show the site actually, this is further shown on drone image taken on the survey date.
- The AA screening report and Flood Risk Assessment and flood mitigation measures and the Construction Management Plan were submitted as part of further information and were deemed acceptable as detailed in the Planners report.
- Site ownership has been confirmed by Gabriel Rangers solicitor and all drawings and photos are within the boundary of the site.
- The County Development Plan is supportive of digital connectivity (section 13.18 and objective 13.28). Ballydehob is identified as a key village, to grow by 15% and mobile coverage which is patchy at present, especially indoors will be improved by this proposal.
- The proposal was reduced in height from the preferred height and changed to a monopole design to reduce visual impact, while retaining the potential for co-location with another operator. The monopole is of a design and scale that would not be out of character or visually obtrusive in location such as this and is not dissimilar to a lamp standard.
- While the proposal will be visible from certain views, these views are intermittent and not detrimental to the amenity of the area, and in keeping with the Guidelines. The visual impact would be mitigated by existing floodlights and netting in views close to the pitch, and by street poles and the pitch floodlights in views from the village.
- The proposed improvement in digital infrastructure will enhance rather than negatively affect tourism in the area

- While there are plans for a 18m 'streetworks' style communications structure on the west side of Ballydehob it was deemed unsuitable for eir as it only supports one operator and is not in the control of eir.
- There will be no light on top of the structure as its not required by the IAA, so no light pollution from it
- Gabriel Rangers have issued a letter highlighting the need for good phone coverage at their grounds which is intermittent at present, and indicate the support of their members for the project.
- Eir look forward to providing services to customers of the glamping development

6.3. Planning Authority Response

- None

6.4. Observations

An observation was received from Monika Bergerhoff and signed by 57 others,

- Supports the appeal made by Siubhan Ferguson
- No site notice was seen by locals
- No reference to foundations works in the Construction Management Plan
- Application not in keeping with County Development Plan which sees the village as a growing attraction for tourists, particular its waterfront/river areas. Visual impact of the mast will be an eye sore and threat to tourism
- Threat to the environment: when pouring concrete close to riverbank, as well as light pollution affecting wildlife

7.0 Assessment

7.1. Having reviewed the documentation submitted with application and the points raised in the appeal and observations and response of the applicant and visited the site, I consider the key issues to be assessed are:

- Need for the proposal and site selection
- Visual impact of the proposal
- Appropriate Assessment

7.2. Need for the proposed development and site selection

- 7.2.1. The applicant submits that an improvement in telecommunications service is needed in Ballydehob to cater for planned population increase and expansion of tourism in the area. They indicate that mobile coverage in the area is 'patchy' at present and the proposed eir development will provide indoor voice and high-speed data services to the area. I accept that the need for the service has been established and note this is not disputed by the Appellants or Observers.
- 7.2.2. The applicant carried out an investigation of potential sharing opportunities in the area but concluded that there are no existing telecommunication structures close to the required coverage area, with the ComReg viewer showing the closest structure located 5.86km from the proposed location. As stated in their response to the appeal, the permitted 18m 'streetpole' west of the village was not available to them.
- 7.2.3. The applicant asserts that due to the nature of the land it would not be possible to secure an alternative site that satisfies the requirements of the County Development Plan. This general statement is not backed up by evidence and I feel would not fully satisfy the Guidelines requirements to investigate alternative sites. That being said, locating the structure on a sports club grounds (which in this case does not have a specific zoning) would not be unacceptable in principle. The issue to be considered is whether the nature of the specific site is acceptable.

7.3. Visual Impact of the proposed development

- 7.3.1. The proposed structure is to be located close to the south-west corner of the sports ground, next to an existing small utility building and close to the two rivers which run nearby, the Bawnaknockane and Rathruane, which merge south of the site to flow into Ballydehob Bay. During the site inspection I noted that the site layout and some other drawings submitted did not accurately reflect the actual site layout on the ground, particularly in terms of location of the development in relation to the Rathruane river. However, it is accurate enough to carry out the visual impact assessment of the proposed development.
- 7.3.2. The photomontages submitted with the application show that from many viewpoints the proposed structure would not be visible and would be intermittently visible from some locations along the N71 route to Bantry. However, the Planning Authority raised concerns in relation to the views of the structure from the south from the Railway viaduct, known as the 12 arch bridge, and from the 3 arch road bridge on the R592 and noted that the photomontages did not fully represent the potential impact from these features.
- 7.3.3. The railway viaduct is a protected structure and an iconic feature in the local landscape and in images of the town. Both bridges are included in the NIAH as of regional importance. The road bridge is described as a triple arch hump back bridge dating from circa 1780 and a prominent feature in the local landscape and, as well as being included in the NIAH, is scheduled to be added to the RMP when next updated. These structures and the wider estuary area between them are within the boundary of the Ballydehob ACA and the impact of the proposed development on the setting of the ACA and these structures, merits careful consideration.
- 7.3.4. The reduction in height from 21m to 18m and revised design as a monopole proposed in the drawings submitted by way of further information, aimed to minimise the impact of the structure. The revised structure however, at 18m, and with antennas attached near the top, would still be a substantial and dominant structure in the landscape. The height would be similar to the sports pitch floodlights but with a much larger diameter at 600m and, with the antennas positioned close to the top, it would have a much bulkier appearance than the floodlights. The structure would be clearly visible from the footpath in the vicinity of the 3 arch road bridge. This footpath

is used to access the nearby park and playground which then links to the path over the railway viaduct and the route is likely to be well used by both residents and visitors. The structure would also be visible from the 12 arch bridge, albeit the impact is somewhat lessened by distance.

- 7.3.5. The river estuary and upstream of the road bridge is somewhat accessible for activities such as kayaking, paddleboarding and fishing, although this is mainly limited to periods around high tide. The proposed structure would also have a negative visual impact on the setting of the river as viewed by river users as they progress upriver.
- 7.3.6. The view of the structure from the south would be somewhat lessened by existing trees and vegetation, particularly in summer, however the 'bulkiest' part the structure and antennas would, in my opinion, be clearly visible from a number of viewpoints, and will have a strongly negatively impact on the setting of the surrounding built heritage and the natural environment.
- 7.3.7. I am satisfied that views of the structure from the town would be distant and diffused by existing street poles, rooftop aerials etc and will not be seriously injurious to local amenities and that the structure would not have a significant impact on residential amenities. The existing evergreen and deciduous trees bounding the proposed seasonal glamping site would lessen the visual impact of the structure but it would have a somewhat negative visual impact on these nearby lands if developed for the proposed use. The structure would be a dominant feature in the GAA grounds, but the GAA club have stated their support for the development and presumably have balancing the visual impact against potential financial benefits improved mobile reception.
- 7.3.8. In conclusion, having considered the documentation received with the application and submissions from the appellant, observer and applicant and the County Development Plan and National Policy and visited the site, I am not satisfied that the visual amenities and setting of the historic structures and the ACA and the attractive views of the river landscape from the bridges and from the water would not be severely impacted and compromised by the bulk, height and discordant appearance of the proposed structure, contrary to County Development Plan objectives, and proper planning and sustainable development of the area.

7.4. Appropriate Assessment Screening

The Appropriate Assessment Screening report was based on drawings which do not accurately reflect the site layout and therefore I cannot conclude that the proposed development would not release sediment or other emissions to the nearby watercourses and onward downstream and therefore it is not possible for me to conclude it could not have an impact on the watercourses and the Roaringwater Bay and Islands Special Area of Conservation, which is circa 450m downstream of the site.

8.0 Recommendation

Refusal of permission is recommended for the reason below.

9.0 Reasons and Considerations

1. Having regard to the views of the proposed development from the nearby Ballydehob Architectural Conservation Area (ACA), including those from the historic railway viaduct, a protected structure, and the three arch R592 road bridge which is on the National Inventory of Architectural Heritage, and the attractive river views in the vicinity, it is considered that the proposed telecommunications structure would be a discordant feature in the local landscape and would adversely affect the setting of these structures and the ACA. As such the proposed development would be contrary to Objective HE 16-18 and of the Cork County Development Plan 2022-2028 which seeks to protect the character and setting of the ACA and of Objective HE 16-14 which seeks to protect structures on the Record of Protected Structures and their setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ann Bogan
Planning Inspector

08 June 2023
