



An  
Bord  
Pleanála

## Inspector's Report ABP-315038.22

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<b>Development</b>	To erect a 30m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing.
<b>Location</b>	The Close, Castletownroche (td), Castletownroche, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	21/7269.
<b>Applicant(s)</b>	Vantage Towers 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>	Vantage Towers Ltd
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> May, 2023.

**Inspector**

Aiden O'Neill.

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## 1.0 Site Location and Description

1.1. The proposed development site is located in an area of high landscape value to the immediate north of a stand-alone farm building located within a complex of farm buildings in the vicinity of The Close, a two-storey detached dwelling, with a side extension currently under construction, in a rural area outside the village of Castletownroche, Co. Cork. The proposed development site is c. 0.009617ha.

1.2. The Close is listed on the National Inventory of Architectural Heritage (NIAH), Reg. No. 20805001. It has a Regional Rating for its architectural quality. The NIAH appraisal states that:

The classical fenestration and layout of this middle-sized house are enhanced by the retention of timber sliding sash windows, creating a sense of order and purpose. The charming setting, with good outbuildings, manicured lawns, Victorian cast-iron fountain, and walled garden add further to the significance of the ensemble.

1.3. The proposed development site is stated to be c. 83m to the north of two-storey dwelling, and is accessed from the public road c. 400m to the south via a gated entrance and a tree-lined access road. This entrance is located to the west of the gate lodge and entrance to The Close.

1.4. The proposed development site is not visible from the Close Road (L-5413-0), or Castletownroche to the south, but is visible from the Doneraile Road (L-1229-22) to the north.

## 2.0 Proposed Development

2.1. Permission is sought for the erection of a 30m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment, all enclosed in security fencing and all associated site works with an extension to the existing access track.

2.2. The structure is proposed to be coloured grey, within a 7m x 8m compound surrounded by a 2.4m high palisade fence. The structure is designed to house equipment for Vodafone and other operators in the future.

2.3. It is stated in the report dated 1<sup>st</sup> December, 2021 that accompanied the application that the application addresses Vodafone's requirement to significantly improve services in Castletownroche, which is inadequate to fulfil current and forecast demand for new technologies and communication services. It is also stated that due to the screening from the existing sheds and mature trees, the two-storey dwelling house is unlikely to be impacted. The site is stated to be the optimal location from which to provide the required Vodafone service.

## 2.4. **Decision**

The Planning Authority decided to refuse permission by Order dated 14<sup>th</sup> October, 2022, for 1no. reason as follows:

It is considered that the proposed development, by reason of its scale, height, and utilitarian nature, would be out of keeping with its surroundings and constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the Architectural Conservation Area. In addition, it is considered that the proposed development, by reason of its scale, height and utilitarian nature would adversely injure the visual amenity and appreciation of neighbouring historic structures recorded on the National Inventory of Architectural Heritage. Therefore, the proposed development would be inconsistent with the guidance of Section 4.3 of the Guidelines on Telecommunications Antennae and Support Structures 1996 and of section 13.8.3 of the Architectural Heritage Protection Guidelines 2011 and would contravene objectives HE 16-18 and HE 16-15 of the Cork County Development Plan 2022. The proposed development would be contrary to the proper planning and sustainable development of the area.

## 2.5. **Planning Authority Reports**

### 2.5.1. Planning Reports

The proposed development as originally submitted to the Planning Authority on 3<sup>rd</sup> December, 2021 was subject to a Request for Further Information (RFI) dated 4<sup>th</sup> February, 2022. The response to the RFI was dated 11<sup>th</sup> July, 2022. A Request for

Clarification of the Response to the RFI dated 28<sup>th</sup> July, 2023 was responded to on 20<sup>th</sup> September, 2022.

The primary planner's report dated 4<sup>th</sup> February, 2022 commented that:

- In broad terms, the principle of facilitating the provision of additional ICT infrastructure is supported in local planning policy.
- The Guidelines on Telecommunications Antennae and Support Structures note that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns and villages. The applicant has not demonstrated that the proposed development site is a site of last resort, and that there are no other alternatives.
- It is noted that the coverage appears to be good in the area where the proposed mast is to be located. The need for a mast at this location might be further undermined should a license under S254 be granted for a 15 metre high monopole on the local road to the south of the site.
- The report of the Heritage Unit has raised serious concerns about the visual impact of the proposed mast on the character of the nearby NIAH structures.
- Further Information is recommended.

The report of the Senior Executive Planner dated 4<sup>th</sup> February, 2022 endorses the recommendation of the planner to seek Further Information.

- A Request for Further Information (RFI) dated 4<sup>th</sup> February, 2022 was issued requiring the following:
  - A comprehensive assessment of viable alternative sites to demonstrate that the site proposed is a site of last resort.
  - Should the S254 licence be granted, the assumptions in relation to coverage, and the proposed development, may need to be revised.
  - Detailed photomontages and a historic landscape assessment is required.
  - A statement of compliance with the International Radiation Protection Association (IRPA) Guidelines 1988.

A response to the RFI dated 11<sup>th</sup> July 2022 stated that:

- At its closest point, the application site is c. 510m north of the Main Street, which is a considerable distance.
- A report from Vodafone concludes that there are no other viable alternative sites in the locality.
- The S254 application is unsuitable for site sharing, and, if granted, the coverage from the S254 application would be limited to the village centre, compared to the proposed development.
- The photomontages demonstrate that the proposed development does not impact negatively on local streetscape or landscape.
- It is acknowledged that the structure will be visible from some parts of the surrounding road network, however views will be intermittent and occasional. The proposed structure is not a terminating view.
- The screening from mature hedgerows and trees will significantly mitigate the visibility of the structure.
- The set back from Close Road also minimises the impact.
- Views from within the village are obscured by intervening trees and farm buildings.
- The Historic Landscape Assessment comments that the proposed development would not encroach physically on the historic landscape, nor does it physically encroach on the ACA, and will not result in a negative impact on the heritage of the locality.

The Historic Landscape Assessment prepared by ACP (Architectural Conservation Professionals) dated 5<sup>th</sup> July 2022 also states in section 7.0 that the design should consider increasing the level of deciduous tree cover to the south and east of the proposed development as well as investigating the feasibility of replacing the former tree belt along the northern edge of the paddock to introduce additional screening from within the property, including the ACA.

The planner's report on the response to the RFI dated 28<sup>th</sup> July, 2022 commented that:

- The details provided have provided adequate justification for the development of an additional telecommunications mast in the locality of Castletownroche.
- The objectives of the Cork County Development Plan 2022 now apply.
- The photomontages do not enable a comprehensive assessment of the proposal. In addition to the omission of a photomontage from the main entrance, there is no photomontage from the L-1229 Local Primary Road. Revised photomontages are required.
- The applicant has adequately addressed the requirement for compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) (1988) or the equivalent European Pre-standard 50166-2.
- A Request for Clarification, to include revised photomontages and a revised historic landscape assessment, was recommended.

The report of the Senior Executive Planner dated 28<sup>th</sup> July, 2022 endorses the recommendation of the planner to seek Clarification of Further Information.

A Request for Clarification of Further Information dated 28<sup>th</sup> July, 2022 requested additional photomontages from the original entrance to the farm complex and from the L-1229; and a revised historic landscape assessment to include a direct assessment of the visual impact of the proposed development on the historic house and associated farm buildings.

The response to the Clarification Request dated 14<sup>th</sup> September, 2022 provided additional photomontages and a revised Historic Landscape Assessment. It is noted that:

- The photographs are only of those locations where the proposed tower would be visible and demonstrate a level of visual impact, whereas the views would, in reality, be intermittent.
- The revised Historic Landscape Assessment finds that there shall be some negative impacts on the three views of sensitive receptors, this needs to be separated from the wider context of views.



However, the revised Historic Landscape Assessment also states that the significance of the impact from two (Country House and Stable Yard) of the three views would be moderate to significant, and the third view (the gate lodge (ACA)) would be interrupted by the introduction of new materials and forms into the view frames, with the impact being moderate. After mitigation, principally involving an increase in the level of deciduous tree cover to the south and east to conceal the compound (but not the upper section of the tower), the impacts described above would not change.

The report of the planner on the response to the Clarification Request dated 12<sup>th</sup> October, 2022 states that:

- The elevated and exposed nature of the site has been clearly demonstrated. The proposed mast will be clearly visible and even prominent to the point that it will likely come to be a dominant feature within any view in which it is framed.
- The applicant has chosen a site on a localised high point which benefits from little screening.
- The applicant has chosen not to provide any details regarding the choice of the specific site setting.
- The Impact Assessment clearly acknowledges the impact of the proposed development from moderate to significant.
- The mitigation proposed would not be effective in the short to medium term.
- The proposed development would likely result in a detrimental and inappropriate impact on the character and visual amenity of both the ACA and an established complex of NIAH structures.
- Refusal of permission is recommended.

The planner's reports are the basis for the Planning Authority's decision to refuse planning permission.

#### 2.5.2. Other Technical Reports

The report of the Area Engineer dated 1<sup>st</sup> February, 2022 concludes with no objection subject to conditions.

The report of the Conservation Officer dated 3<sup>rd</sup> February, 2022 states that the proposed development would have a substantial adverse impact on the special character of the NIAH complex and of the ACA, and would conflict with section 12.4.9, objective HE 4-2 and objective HE 4-5 (c) of the Cork County Development Plan and a refusal is recommended.

The report of the Environment Officer dated 3<sup>rd</sup> February, 2022 concludes with no objection subject to conditions.

The report of the Conservation Officer on the response to the RFI dated 22<sup>nd</sup> July, 2022 recommends refusal.

The report of the Conservation Officer on the response to the Clarification of Further Information dated 27<sup>th</sup> September, 2022 also recommends refusal.

#### 2.5.3. Prescribed Bodies:

The Irish Aviation Authority (IAA)'s observation dated 17<sup>th</sup> January, 2022 (and 19<sup>th</sup> January, 2022), states that the Authority has no requirement for obstacle lighting on the structure.

#### 2.5.4. Observations:

No observations are on file.

### 3.0 **Planning History**

There is no recent planning history on the subject site.

### 4.0 **Policy and Context**

#### 4.1. **National Policy**

##### 4.1.1 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, July 1996

Section 4.2 of the Guidelines in relation to design and siting states that:

The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant

should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors.

Section 4.3 of the Guidelines in relation to visual impact states that:

In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc.,

Proximity to listed buildings, archaeological sites and other monuments should be avoided.

Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views.

Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.

Operators should be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) 1988) or the equivalent European Pre-standard 50166-2.

DoECLG Circular Letter PL07/12 updates certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996).

#### 4.1.2 Architectural Heritage Protection Guidelines 2011

Section 13.8.3 of the Guidelines states that proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.

### 4.2. **Development Plan**

#### 4.2.1 Cork County Development Plan 2022-2028

Section 13.18 and Policy Objective ET 13-28(a) of the Plan in relation to Communications and Digital Connectivity states that:

13.8.2 The Council recognises the provision of a modern, efficient communications system and digital connectivity is essential for the economic development of the region.

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.

Objective HE 16-15 seeks the Protection of Structures on the NIAH Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

Objective HE 16-15 in relation to Architectural Conservation Areas seeks to conserve and enhance the special character of the Architectural Conservation Areas included in the plan.

#### **4.3. Natural Heritage Designations**

The proposed development site is removed from the nearest Designated Site, the River Blackwater SAC (Site Code: 004023).

#### **4.4. EIA Screening**

Having regard to the small scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **5.0 The Appeal**

#### **5.1. Grounds of Appeal**

The First Party appeal sets out the following grounds:

- The proposed development is located within a compound behind a modern barn of a height of 6.5m and set back from the typical 18<sup>th</sup> century house by about 88m, and will not be seen.

- Due to the typography of the village, coverage is difficult, with poor coverage experienced within the village and its environs.
- Cellnex, on behalf of Three Ireland, had applied for a Section 254 licence for a 15m high telecommunications monopole on a site on the L-5413 local road towards the GAA pitch, west of Castletownroche. These poles are limited to a single user, and the coverage is less than a mast.
- The proposed development will ensure a wider coverage and secure network links. Vodafone has an obligation to provide coverage. The design is a lattice style which can accommodate more equipment. It is also available for all operators.
- Although the gate lodge at the entrance to the farm estate is located in the Architectural Conservation Area, the proposed development site is outside the ACA by some 357m. 'The Close' Country House is not a Protected Structure. It is listed on the National Inventory of Architectural Heritage (Reg. No. 20805001) as being of Regional Architectural Significance.
- The landscape associated with the house is not extensive in size nor in its designated features.
- The proposed development would not encroach on the historic landscape nor does it encroach on the ACA.
- The Conservation Report that accompanied the planning application stated that there may be some visual intrusion on the landscape setting from isolated areas within the property grounds along the drive in part, and from the front lawn, but these are likely to be partial and the considerable level of tree cover has an ability to absorb potential impact by screening much of the proposed tower.
- Potential views are also restricted from the gate lodge (ACA) as a result of undulating typography, the height of the hedgerow along the drive, and the group of mature field trees which largely screen views of it.
- The proposed development would not constitute a visually disorderly feature that would be detrimental to the distinctive architectural and historic character of the Architectural Conservation Area; would not adversely injure the visual

amenity and appreciation of the neighbouring historic structures recorded on the NIAH; and would not be inconsistent with section 13.8.3 of the Architectural Heritage Protection Guidelines 2011 and would not contravene objectives HE 16-18 and HE 16-15 of the Cork County Development Plan 2022-2028.

- The proposed development is located outside the boundary of Castletownroche and does not conflict with any of the objectives for the village in the Plan.
- The High Value Landscape designation covers an extremely wide area, and it is not possible to avoid this designation.
- The proposed development is consistent with the objectives in the Plan for a sustainable, low carbon and competitive economy.
- It is important for the structure to be located on raised ground and be close to the target for effective propagation of services.
- It is the only available site to ensure the coverage required. It is also located behind a farm building, hiding the lower section and compound area of the mast.
- A photomontage demonstrates that the visual impact is minimal.
- The farmhouse and associated lands are private and views cannot be secured by the public within the ownership grounds, further reducing the visual impact.
- The proposed development would not be inconsistent with the guidance of section 4.3 of the Guidelines on Telecommunications Antennae and Support Structures 1996.
- The height of 30m is the minimum height to achieve line of sight and necessary coverage.
- There are numerous planning cases which show a positive precedence for lattice structures in town settings.
- The structure will integrate into the surroundings and skyline to become a generally accepted and unnoticed feature.

- It does not create a terminating view, does not impact any vulnerable features or amenities and is away from the ACA.
- With the closure of 3G services the need for the proposed development will be more critical.
- No one in Castletownroche objected to the proposed development.
- An Bord Pleanála is requested to overturn the refusal of permission and grant permission for the proposed development.

## 5.2. Planning Authority Response

No further comment (by report dated 28<sup>th</sup> February, 2023).

## 5.3. Observations

None.

## 5.4. Further Responses

None.

## 6.0 Assessment

6.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

6.2. The main issues, therefore, are as follows:

- Visual impact
- Appropriate Assessment

6.3. Visual impact

6.3.1 I have given due consideration to the detailed appeal prepared by the First Party.

6.3.2 I accept that the principle of facilitating the provision of additional ICT infrastructure is supported in national and local planning policy, in particular the Guidelines on

Telecommunications Antennae and Support Structures 1996, and the provisions of the Cork County Development Plan 2022.

- 6.3.3 I also have no reason to dispute the evidence presented by the First Party that the proposed development is aligned with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) (1988) or the equivalent European Pre-standard 50166-2.
- 6.3.4 I further note that the First Party has provided evidence that, as a result of the typography of Castletownroche village, coverage is difficult, with poor coverage experienced within the village and its environs.
- 6.3.5 In addition, it is noted that the proposed 15m high telecommunications monopole subject to a Section 254 licence is limited to a single user, with less coverage than a mast.
- 6.3.6 The visual impact of the proposed development of a 30m high lattice telecommunications support structure on the historic landscape and NIAH structures and ACA in the vicinity forms the basis of the Planning Authority's reason for refusal.
- 6.3.7 The First Party submits that the proposed development would not unduly impact the historic landscape or the NIAH structures and the ACA in the vicinity.
- 6.3.8 However, it is my opinion that the subject site is elevated, and open, with clear views primarily from The Close and associated walled garden and outbuildings in the immediate vicinity, as well as the tree-lined access road to The Close, and from the Doneraile Road (L-1229-22) to the north.
- 6.3.9 I disagree that the proposed development would not be seen or that it would be at a sufficient remove from the NIAH structures to not have a negative visual impact, or that the visual impact is minimal.
- 6.3.10 The open nature of the lands that surround the proposed development site prevent the successful absorption of the proposed development.
- 6.3.11 The high value and historic landscape would be altered by the proposed development, and existing views from The Close and its associated NIAH structures, and from the Doneraile Road would be compromised.
- 6.3.12 In this context, I am particularly mindful of the First Party's Historic Landscape Assessment, as revised in response to the RFI and Clarification of RFI, which states



that impact of the proposed development on two (Country House and Stable Yard) of the three most sensitive views would be moderate to significant, while the impact on the third view (the gate lodge (ACA)) would be moderate. Even with mitigation, principally involving an increase in the level of deciduous tree cover to the south and east to conceal the compound (but not the upper section of the tower), it is the conclusion of the Historic Landscape Assessment that these moderate to significant impacts would not change.

6.3.13 In this context, while I note the First Party's position that an elevated location is necessary to ensure the greatest coverage, I do not consider that the First Party has provided a robust justification for the chosen location of the proposed development, being an open, visually exposed site, close to, and clearly visible from, NIAH structures in particular, with no available screening or suitable context to mitigate against the visual impact of the proposed development.

6.3.14 In my opinion the proposed development will create a terminating view, particularly when viewed from the tree-lined avenue and from the Doneraile Road.

6.3.15 It is also my opinion that there may be alternative locations within the farmholding at a remove from the sensitive NIAH structures and the ACA, that may provide better screening to mitigate visual impact, both from within the farmyard complex, the ACA, and the Doneraile Road to the north.

6.3.16 Therefore it is concluded that the decision to refuse permission by the Planning Authority is the correct one in this instance. The proposed development, by reason of its scale, height, and utilitarian nature, would be out of keeping with its surroundings and constitute a visually discordant feature that would adversely injure the visual amenity and appreciation of neighbouring NIAH structures, and the character of the Architectural Conservation Area.

#### 6.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development and proximity to the nearest European 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.

## 7.0 Recommendation

- 7.1. I recommend that planning permission be refused based on the reasons and considerations set out below.

## 8.0 Reasons and Considerations

It is considered that the proposed development, by reason of its scale, height, and utilitarian nature, on an open site with limited screening, would be out of keeping with its surroundings and constitute a visually discordant feature that would adversely injure the visual amenity and appreciation of neighbouring historic structures recorded on the National Inventory of Architectural Heritage. It would also be detrimental to the distinctive architectural and historic character of the Castletownroche Architectural Conservation Area. Therefore, the proposed development would be inconsistent with the guidance of Section 4.3 of the Guidelines on Telecommunications Antennae and Support Structures 1996 and of section 13.8.3 of the Architectural Heritage Protection Guidelines 2011 and would contravene objectives HE 16-18 and HE 16-15 of the Cork County Development Plan 2022. The proposed development would be contrary to the proper planning and sustainable development of the area.



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Aiden O'Neill  
Planning Inspector

26<sup>th</sup> May, 2023.