



An  
Bord  
Pleanála

## Inspector's Report ABP-315274-22

### Development

The removal of existing 21m floodlight to be replaced with a 24m combined floodlight and telecommunications structure to support 9no. antenna and 4no. transmission dishes together with cabinets, metering pillars, retaining wall, concrete pad foundation, handrail, access arrangements and all associated site works.

### Location

Pairc Ui Cheallaigh at Cobh GAA Carrignafoy, Cobh Rural ED, Cobh Municipal District, Co. Cork.

### Planning Authority

Cork County Council.

### Planning Authority Reg. Ref.

22/5289.

### Applicant(s)

Shared Access Limited.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party.

### Appellant(s)

Shared Access Limited.

**Observer(s)**

Daniel & Ella McCarthy.  
Tom & Bernadette Butler

**Date of Site Inspection**

19<sup>th</sup> August, 2023.

**Inspector**

Aiden O'Neill.

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## **1.0 Site Location and Description**

- 1.1. The proposed development site is located within the development boundary of Cobh at the north-eastern edge of an existing GAA pitch, with associated c. 10m high nets to the east and west, an part enclosed handball alley, changing rooms and car parking in Carrignafoy, Cobh, Co. Cork. The proposed development site is generally bound by a palisade fence and accessed via the narrow Carrignafoy Avenue.
- 1.2. There is an existing 21m slender monopole at the proposed development site, with floodlights at 20m and at 10m, and a 1m high retention wall on three sides, together with a cabinet, at the lower level of the monopole. The existing floodlight is one of six similar floodlights around the pitch.
- 1.3. There is a field to the north of the GAA pitch, towards which the lower floodlights on the existing pole are pointed. This field forms part of a residentially zoned site for which permission was submitted on 22<sup>nd</sup> March, 2023 (PA Ref. No. 23/4526) for 92no. dwellings. There are 2no. prominent water towers (c. 33m in height) and other utilities infrastructure to the north-east; 3no. detached bungalows to the east, and further individual bungalows along Carrignafoy Avenue, including a recently constructed 6no. bungalow development known as Berry Grove. Further east is a greenfield site for which permission for 71no. dwellings was granted on 4<sup>th</sup> May 2022, and is currently subject to appeal (ABP-313634-22). The nearest residential dwelling is located c. 70m to the south-east of the proposed development site, with the boundary of that property c. 51m to the south-east). The Spires and College Manor residential estates are located to the south and west respectively. The proposed development site is c. 0.003828ha.
- 1.4. The proposed development site is not located in an Architectural Conservation Area (ACA), nor are there any Protected Structures or NIAH structures at the proposed development site, or in the immediate vicinity.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the removal of the existing 21m floodlight, to be replaced with a 24m high Delmec combined, dual purpose floodlight and telecommunications structure to support 9no. antenna mounted on headframe fixings to the main mast,

and 4no. transmission dishes (3no. 600mm and 1no. 300mm), 18no. Remote Radio Units (RRUs), 3no. Diplexers, together with 6no. equipment cabinets and metering pillars, 1.2m high retaining wall on 3no. sides with handrail; 5.2m \* 5.2m concrete pad foundation; lightning finial; access arrangements and all associated site works.

- 2.2. The proposed pole will support antenna for Three Ireland at the top of the proposed pole, as well as the antenna for 2no. other operators at 18m and 15m in height respectively, and will have a galvanised finish. The cabinets will be grey in colour. The proposed development is designed to provide 3G and 4G network coverage and capacity.
- 2.3. The proposed development also includes an ESB mini pillar enclosed on 3no. sides with a 1m high retaining wall with handrail.
- 2.4. The replacement floodlights will be located at the same level as the existing pole, i.e., at 10m and 20m.
- 2.5. The planning application includes confirmation of the International Commission on Non-Ionising Radiation Protection (ICNIRP) and EU Radio Equipment Directive (RED) Compliance.
- 2.6. The planning application also includes a letter of support from Cobh GAA stating that the proposed development will benefit the Club and community.

## 2.7. **Decision**

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

1. The site is located within the settlement boundary of Cobh and adjacent to established residential properties as well as lands zoned specifically for residential development under the Cork County Development Plan (2022). The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) state only as a last resort and if alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area.

On the basis of the documents submitted, the applicant has not provided sufficient justification for the location of the proposed mast adjacent to existing

residential properties and a zoned residential area of the settlement. It is therefore considered that the proposed development would be injurious to the residential amenity of adjoining property, would be contrary to the national Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) and therefore contrary to the proper planning and sustainable development of the area.

## **2.8. Planning Authority Reports**

### **2.8.1. Planning Reports**

The proposed development as originally submitted to the Planning Authority on 2<sup>nd</sup> June, 2022 was subject to a Request for Further Information (RFI) dated 25<sup>th</sup> July, 2022. The response to the RFI was dated 29<sup>th</sup> August, 2022. A Request for Clarification of the Response to the RFI dated 23<sup>rd</sup> September, 2022 was responded to on 20<sup>th</sup> October, 2022.

The primary planner's report dated 25<sup>th</sup> July, 2022 commented that:

- The site is located at one of the highest points on Great Island, north east of Cobh town centre
- In broad terms, the principle of facilitating the provision of additional ICT infrastructure is supported in national and local planning policy.
- The Guidelines on Telecommunications Antennae and Support Structures recommend that operators should endeavour to locate in industrial estate or in industrially zoned land. 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, including existing industrial estates/commercial buildings, or new masts on the same site as existing mast sites in Cobh Ramblers, Cobh Pirates and Cobh ESB, or adjacent to the existing water towers. It is noted that permission was previously granted for the attachment of 3no. antennae to one of the water towers.

- The site is already characterised by a tall vertical structure. There will inevitably be some degree of visual impact given the elevated location of the site. Additional viewpoints are required.
- Further Information is recommended.

A Request for Further Information (RFI) dated 25<sup>th</sup> July, 2022 was issued requiring the following:

- The Planning Authority has serious concerns with the proposed location within a residential area, including the adjoining water tower site, co-locating with existing mast sites/substations; industrial estates or industrially zoned land; and commercial rooftop locations.
- Additional photomontages from lands adjacent to the north and from the L-3001 Local Road to the east.

A response to the RFI dated 28<sup>th</sup> August, 2022 stated that:

- The radio planner has identified deficient levels of coverage in the eastern areas of Cobh, particularly along Carrignafof Avenue.
- There is no requirement for a site to the west of the proposed development site as coverage is generally good.
- The 'cell search area' for the proposed development is very small, limited to an area either side of Carrignafof Road.
- The existing sites in Cobh have never been able to provide coverage over the eastern parts of the town.
- The nearest industrial area is c. 500m from the required search area.
- The nearest commercial building does not have the structural integrity to accommodate the required equipment, and the height is too low. There are no other commercial premises in the search area.
- In relation to co-location, 3no. sites are identified, of which 2no. are at some considerable distance from the target area. The ESB substation mast is c. 700m from the required area.

- In relation to the water towers, these are determined to be structurally unstable to accommodate the required level of equipment. Any reduction in equipment would result in a gap in service provision. Siting the proposed mast in close proximity to the tower would introduce significant interferences.
- The lower parts of the proposed development would be almost hidden from view by virtue of the surrounding hedging and landscaping. Given the existing context including the existing floodlights, the proposed development would not result in a significant loss of residential amenity.
- The proposed development will not prejudice the development of the lands to the north.
- The additional images demonstrate that the proposed development will assimilate well with the existing context.

The planner's report on the response to the RFI dated 23<sup>rd</sup> September, 2022 commented that:

- Notwithstanding the response, the planner is not satisfied that the location proposed is the last resort available to the provider.
- The planner is also not satisfied that, having regard to its close proximity to existing and proposed residential areas, that the proposed development will not have an undue impact on their amenities. Other options outside the settlement boundary and removed from residential areas have not been considered.
- In relation to the additional photomontages, the planner concluded that it is not considered that the proposed development will result in significant additional visual impact, particularly from long range views.
- A Request for Clarification, to include an assessment of locations outside the settlement boundary, was recommended.

A Request for Clarification of Further Information dated 23<sup>rd</sup> September, 2022 requested site options outside the settlement boundary.

The response to the Clarification Request dated 18<sup>th</sup> October, 2022 notes that:



- The target area for the proposed development is where there is existing demand. The further telecommunications infrastructure is from the area of demand, the less efficient the site will be in providing the necessary coverage.
- Sites to the north-east of Cobh, north of Tay Road, has been discounted because of the distance from the target area. A mast of 100m would be required at this location to serve the target area.
- Other lands in the east of Cobh are too low to be able to provide network coverage. A mast of 50m would be required in the east of the town to serve the target area. These would completely dominate the town.
- One site to the immediate east of the proposed development site has been identified, but this is zoned for residential use.

The report of the planner on the response to the Clarification Request dated 11<sup>th</sup> November, 2022 states that:

- The main concern is the proximity to existing and proposed residential properties, which should only be as a last resort. If such sites should become unnecessary, sites already developed for utilities should be considered and masts and antenna should be designed and adapted for the specific location as prescribed in the Guidelines.
- Having regard to the above, as well as the refusal of permission under PL04.235596 (09/6722) for inadequate separation distance between adjacent and nearby residential properties, refusal of permission is recommended.

The report of the Senior Executive Planner dated 11<sup>th</sup> November, 2022 endorses the recommendation of the Area Planner.

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

#### 2.8.2. Other Technical Reports

The report of the Area Engineer dated 5<sup>th</sup> July, 2022 concludes with no objection subject to conditions.

The Public Lighting Report dated 27<sup>th</sup> June, 2023 concludes with no objection subject to conditions.

The report of the Environment Officer dated 7<sup>th</sup> July, 2022 concludes with no objection subject to conditions.

2.8.3. Prescribed Bodies:

The Irish Aviation Authority (IAA)'s observation dated 6<sup>th</sup> July, 2022, states that the Authority has no observations.

2.8.4. Observations:

No observations are on file.

### 3.0 Planning History

There is no recent planning history on the subject site.

A previous proposal for a 24m high telecommunications antenna support structure and associated equipment in a palisade fenced compound to the south-east of the proposed development site was refused permission by Cork County Council (09/6722) and the Board on appeal (PL04.235596) for the following reason:

*Having regard to the pattern of development in the area, existing structures in the vicinity including watertanks and the location of the proposed development in close proximity to existing dwellings, it is considered that the proposed development would constitute a visually discordant feature and seriously injure the visual and residential amenities of adjacent residential property. Furthermore, the Board is not satisfied that a more suitable site is not available in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Section 11.5 of the Inspector's report dated 13<sup>th</sup> April, 2020 states that:

*Use of replacement floodlights are also discarded on grounds of interference of foundations with the pitch.*

To the north of the proposed development site, an application for permission was submitted on 22<sup>nd</sup> March, 2023 (PA Ref. No. 23/4526) for 92no. dwellings, and is currently at RFI stage.

To the east of the proposed development site, permission for 71no. dwellings (21/5240) was granted on 4<sup>th</sup> May 2022 by Cork County Council, and is currently subject to appeal (ABP-313634-22).

## 4.0 Policy and Context

### 4.1. National Policy

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

The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunication networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.

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 states that:

*In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.*

*...Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental.*

*Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect.*

*There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.*

*In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land.*

*Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a 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.*

#### 4.1.2 Circular Letter PL07/12

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

- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.

## 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.

The appeal site is zoned Green Infrastructure – Active Open Space. ZU 18-13(c) of the Plan seeks to *Retain and provide for active recreational facilities within Green Active (Active Open Space) areas*. It is also stated that no development other than development which supports Green Infrastructure will be considered in these areas. Specific objective CH-GA-11 applies, which seeks to *Maintain existing playing pitches and sports facilities*.

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

The proposed development site is removed from the nearest Designated Site, the Cork Harbour SPA (Site Code: 004030).

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

- 4.4.1. 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.

### **5.0 The Appeal**

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

The First Party appeal sets out the following grounds:

- the scheme is vital to the technical requirement on behalf of the proposed operator to provide network coverage for a range of telecommunications technologies within Cobh and the surrounding rural areas.
- the appeal site forms one of a patchwork of site which, when combined, result in the provision of the planned telecommunications network coverage across the wider area.

- the appellant has carefully considered all other potential alternative options in respect of siting as well as different potential design options, concluding that the appeal site and the proposed combined floodlight/telecommunication structure design is the best option.
- the need for the proposed development has been demonstrated.
- the appellant has gone to considerable lengths to consider alternative sites.
- the development is set within the context of multiple existing steel vertical structures and would not result in a net gain of such structures.
- the design and height are fully justified from a technical perspective, being the minimum amount of apparatus proposed at the lowest height.
- the proposed development will not seriously injure the amenities of existing and proposed residential areas.
- the proposed development would result in the sustainable development of the area and the ongoing economic sustainability of Cobh GAA.
- it is noted that the need for electronic communications equipment is not questioned.
- the appeal site is already characterised by a tall, vertical steel structure of compatible height to the proposed development.
- the replacement structure will result in a low degree of environmental change.
- the required height is defined by the size of the area requiring an uplift in coverage, nearby buildings, trees and surrounding typography. A smaller mast would not provide as effective or efficient coverage.
- the angles of the bearings of the antennas allow radio wave propagation across those areas of Cobh with deficient coverage. Dishes are fitted in order to achieve line of sight to other installations in the area.
- the proposal will not have any impact on traffic.
- the proposed cabinets will produce a negligible amount of noise.

- the mast would be delivered to the site in a single HGV movement with cabinets arriving separately on a second movement. The build period will be approximately 6-8 weeks.
- the proposal will meet the International Commission Guidelines for public exposure.
- the public benefits of the proposal include the provision of coverage to significant existing and future residential areas of Cobh, and improvements to the ability of local businesses to operate.
- the refusal of the Vodafone proposal is considered:
  - Planning policy provides greater support for the provision of telecommunications services.
  - The proposal provides more modern, reliable digital coverage, as well as a site sharing arrangement, reducing the pressure for the proliferation of new telecommunications masts.
  - The proposal is for a replacement structure as opposed to a new structure as was previously refused.
  - The proposal is further away than the previously refused mast.
- the appellant provided additional details in the responses to the 2no. requests for further information, including:
  - additional context to explain the requirement for a mast and the nature of the development as a combined structure.
  - justification for the 'cell search area' within which telecommunications apparatus must be located to provide the uplift in coverage required.
  - a sequential approach to site selection, with existing structures identified as preferable to new ground based masts. Various alternative sites were assessed.
  - the replacement of an existing structure rather than proposing a new structure would result in limited impact on residential amenity.
  - there would be no residential properties whose amenity would be unacceptably affected by the proposed development.

- areas to the north and east of Cobh fall away considerably from the higher ground of the proposed development site and these would be far less efficient, likely requiring substantial structures.
- the appellant details national and local planning policies in support of the proposed development.
- the design and height of the proposed mast<sup>1</sup> is led by operational and technical factors of providing coverage to Cobh and the rural surrounds.
- the mast required cannot be hidden, but any impacts on the landscape and visual amenity will be limited and moderated by confining height to what is required.
- alternative designs cannot accommodate the amount of apparatus necessary to provide 4G coverage.
- the number of antenna and their size has been kept to a minimum, and the design and size of cabinets has been limited to what is required.
- the chosen height of 24m is what is required to clear surrounding clutter as well as specific technical coverage requirements.
- in relation to residential and visual amenity,
  - the proposed development is 3m taller than the existing floodlight. the proposed height is comparably similar to existing heights. There is a relatively low degree of visual impact.
  - the mast is up to 80cm wider than the existing floodlight. It is considerably wider, but the floodlight structure is more bulky at the top.
  - telecommunications equipment is located throughout the height of the mast. The proposed antennas are attached in a stacked formation, resulting in limited visual harm.
  - telecommunications equipment is located at the base primarily in cabinets. These would be mostly hidden from view.

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<sup>1</sup> reference is made in sections 6.4, 6.7 and 6.9 of the appeal that the proposed development is a lattice structure, but what is described in the notices and illustrated in the drawings is a monopole structure.



- the appellant acknowledges that the site is surrounded on three sides by areas zoned for existing residential use. As regards the site to the north, proposed future impact should not be conflated with actual impact. The site is not the subject of a planning application<sup>2</sup>. It is plausible that any future developer could provide an appropriate landscaping scheme to screen the proposed development.
- the appellant has set out in the application specific situational and technical constraints which have limited the ability to progress other sites within the area.
- the proposed development will provide economic benefits, social benefits and environmental benefits.
- the impact on the surrounding area is, at worst, highly localised and would have to be experienced against the backdrop of vertical structures.

## 5.2 The Planning Authority Response

No further comment (by report dated 11<sup>th</sup> January, 2023).

## 5.3 Observations

2no. observations are on file. Both are from residences located to the south-east of the proposed development site.

The main points of observation are as follows:

- concerns about the health and safety implications of living so close to the proposed mast.
- the proposed erection of a 24m high mast is a significant and visually obtrusive development.
- other more suitable sites in less residential areas should be investigated.
- although replacing an existing floodlight structure, the replacement structure is significantly different to the existing floodlight structure and will certainly have

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<sup>2</sup> as noted above, an application for permission was submitted on 22<sup>nd</sup> March, 2023 (PA Ref. No. 23/4526) for 92no. dwellings, and is currently at RFI stage.

a detrimental visual impact on our residence due to its size, massing, bulkiness and very close proximity to our residence.

- The reference to the dense evergreen foliage referred to by the appellant does not exist. the 3no. Leyland Cypress trees along the western boundary are to be removed for safety reasons.
- No photomontage has been provided which shows the visual impact on our residence.
- The water towers and floodlights do not validate the location of the proposed development.
- There are serious reservations about the adequacy of the alternative sites assessment, e.g., the east or west side of the main pitch on Carrignafoy Road, or to the east or south of the proposed development site.

## **5.2. Further Response**

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. In relation to matters of health and safety, I have no reason to dispute the evidence presented that the proposed development is compliant with the International Commission on Non-Ionising Radiation Protection (ICNIRP) and EU Radio Equipment Directive (RED) Compliance. I also note the provisions of Circular Letter PL07/12 which requires Planning Authorities not to determine planning applications on health grounds.
- 6.3. The main issues, therefore, are as follows:
- Site Location
  - Visual impact

- Appropriate Assessment

#### 6.4. Site Location

- 6.4.1 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.
- 6.4.2 The 1996 Guidelines are also clear in stating that locations of telecommunications infrastructure will be substantially influenced by radio engineering factors.
- 6.4.3 In this respect, the applicant has provided a reasonable technical case for the need for additional telecommunications infrastructure to address the identified deficiencies in network coverage in the eastern area of Cobh.
- 6.4.4 I concur with the applicant that the need for telecommunications equipment in terms of coverage and capacity is not disputed by either the Planning Authority or observers.
- 6.4.5 From a technical perspective, sufficient evidence is provided that the existing structures in the western area of the town, including the Cobh ESB mast c.700m to the west, are too far away to provide the required coverage in the east of the town.
- 6.4.6 The applicant has also demonstrated that a location to the north or further east, including locations outside the development boundary of the town, would either provide insufficient coverage or would require a mast of significant height because of the topography in those locations.
- 6.4.7 The Carrignafof Road area is identified by the applicant as the area in the east of Cobh that is particularly deficient.
- 6.4.8 The applicant has also demonstrated that there are no industrial estates or industrially zoned land in this area, with the nearest being c. 500m away at Ticknock, at a lower level, and that the nearest commercial building – a local supermarket – does not have the structural integrity to accommodate the required equipment, and the height is too low. There are no other commercial premises in the search area.
- 6.4.9 It is also stated that the adjacent Water Tower structures could also not accommodate the level of equipment required, and there would be interferences if a mast was to be located too close to the towers.

- 6.4.10 In this respect, the applicant has chosen the existing Cobh GAA grounds as the preferred location in the Carrignafoy area for the proposed mast in the absence of any reasonable alternative location.
- 6.4.11 However, this location within the development boundary of Cobh town is in the vicinity of existing and proposed residential areas.
- 6.4.12 The Planning Authority refused permission on the basis that the applicant had not provided sufficient justification for the location of the proposed mast adjacent to existing residential properties and a zoned residential area of the settlement, having regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) which state that such sites should only be progressed on as a last resort.
- 6.4.13 Having regard to the application and appeal documentation on file, it is my opinion that the applicant has provided a satisfactory assessment of alternative locations to demonstrate that the proposed development site is the only suitable location. There are limited alternative options in this area of Cobh to address the identified deficiencies in network coverage.
- 6.4.14 I note the 2no. alternatives put forward by one of the observers. The GAA pitch at Carrignafoy is surrounded by generally medium density residential development to the north, west and east, while a proposed mast to the south of the GAA pitch fronting on to the public road would not be acceptable from a visual impact perspective, given the open nature of the lands at this location. The lands located further east were already ruled out by the applicant, with the closest site to the east subject to a current appeal (ABP-313634-22) for a 71 unit residential development.
- 6.4.15 Noting the previous refusal by Cork County Council (09/6722) and the Board on appeal (PL04.235596) in the vicinity of the proposed development site, the applicant proposes the replacement of an existing floodlight structure to the north-east of the GAA pitch that is located further back (c. 70m) from existing residences in the vicinity than was previously proposed in the refused scheme (c. 30m).
- 6.4.16 It is considered that the replacement of an existing 21m floodlight structure with a proposed mast is generally supported by the provisions of the 1996 Guidelines which states that *sites already developed for utilities should be considered*. In this respect, it is noted that the previously refused mast (Cork County Council (09/6722) and the

Board on appeal (PL04.235596)) considered the use of replacement floodlights as an alternative but ruled it out on the basis of interference with the foundations of the pitch (Section 11.5 of the Inspector's report on PL04.235596 dated 13<sup>th</sup> April, 2020). The use of replacement floodlights is, therefore, a legitimate alternative, and, in this instance, is the preferred option for the proposed development.

6.4.17 In addition, and consistent with the Guidelines, the proposed mast has been designed and adapted:

- to include a replacement floodlight structure for the GAA pitch;
- to be the minimum height necessary to provide the required coverage relative to nearby buildings, trees and surrounding typography;
- to provide a monopole structure; and
- to facilitate the provision of 3no. operators.

6.4.18 It is noted that the lands to the north are subject to a current application for residential development, submitted in March, 2023, well after the application for the proposed development was refused permission in November, 2022. The application for residential development is currently at RFI stage, with the final layout not yet determined. The application is also subject to extensive objection. It would be unreasonable to require the applicant for the proposed mast to have regard to the impact on the lands to the north in this context.

6.4.19 In addition, the Green Infrastructure objective that applies to the proposed development site states that no development other than development which supports Green Infrastructure will be considered. Having regard to the letter of support from Cobh GAA which states that the proposed development will benefit the Club and community, it is my opinion that the proposed development is in accordance with the Green Infrastructure objective.

## 6.5. Visual impact

6.5.1 It is noted that the proposed development is an 18m Streetpole, which, of itself, will be a visually prominent structure.

6.5.2 The proposed development is wider than the slender floodlight, and is taller, and comprises significantly more equipment, both at the base, and on the pole itself.

- 6.5.3 However, I would agree with the applicant that the existing floodlight is bulkier at the top than the proposed development, whereas the proposed telecommunications equipment is located throughout the height of the pole, and the proposed antenna are attached in a stacked format. In doing so, the applicant has attempted to mitigate the visual impact of the proposed development.
- 6.5.4 I also note that the applicant has stated that the design and height are fully justified from a technical perspective, being the minimum amount of apparatus proposed at the lowest height.
- 6.5.5 I also note that the proposed development would not result in a net gain of infrastructure, compared to the previously refused proposal for an additional pole.
- 6.5.6 Having visited the site and the general area in the vicinity, I would be of the opinion that the visual impact of the proposed development would be localised to receptors in the immediate vicinity.
- 6.5.7 I do agree with one of the observers that the suggested dense evergreen foliage screening between the proposed development site and the nearest residence is overstated.
- 6.5.8 However, I would be of the opinion that the visual impact is not significant when considered in the context of the 2no. existing water towers – which will remain the dominant features in the landscape with the proposed development in situ; the existing floodlights; and the existing ball nets.
- 6.5.9 I would also be of the opinion that views of the lower elements of the proposed development would be limited.
- 6.5.10 The pattern of existing infrastructure and screening in the general area of the proposed development site, as demonstrated in the applicant's photomontages, would indicate that the proposed development can be successfully absorbed into the existing landscape without significant impact.
- 6.5.11 Having regard to the photomontages, and having viewed the proposed development site up close, and at a distance, I would be inclined to agree with the applicant and the Council's planner that, while the proposed pole will be prominent, it will be acceptable in visual terms.

## 6.6. 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 granted based on the reasons and considerations set out below.

## 8.0 Reasons and Considerations

Having regard to:

- (a) the strategic importance of the national broadband service,
- (b) the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996,
- (c) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (d) the policies and objectives set out in the Cork County Development Plan 2022-2028,
- (e) the siting and design of the proposed development at a location where there is established infrastructure, and
- (f) the existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a necessary upgraded telecommunications service for the Carrignafoy area, would not constitute a visually discordant feature that would not adversely injure residential and visual amenity. The proposed development would be consistent with the guidance of Section 4.3 of the Guidelines on Telecommunications Antennae and Support Structures 1996 and the provisions

of the Cork County Development Plan 2022. The proposed development would in the interests of the proper planning and sustainable development of the area.

1. 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.

**Reason:** In the interest of clarity.

2. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

3. The transmitter power output, antenna type and mounting configuration, as well as the floodlights, 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.

**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.

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.



6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

**Reason:** In the interest of the visual amenities of the area.

7. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.

**Reason:** To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

8. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

*Aiden O'Neill*

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Aiden O'Neill  
Planning Inspector

20<sup>th</sup> August, 2023

**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.**