



An
Bord
Pleanála

Inspector's Report ABP 315300-22

Development	Erection of 18m high monopole telecommunications structure with antennas, dishes, associated equipment, ground cabinets and fencing.
Location	Eir Exchange, Town Lots, Market Street, Bantry, Co Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	22/00043
Applicant(s)	Eircom Ltd (t/a eir).
Type of Application	Permission
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party Vs Refusal
Appellant(s)	Eircom Ltd (t/a eir).
Observer(s)	None.
Date of Site Inspection	2 nd June 2023.
Inspector	Ann Bogan

1.0 Site Location and Description

- 1.1. The site is located on part of the existing eir exchange at Market Street, Bantry, close to the junction with Church Road and Main Street. Apart from the exchange, Market Street is a residential street, Church Road has a mixture of residential and other uses including a ruined church and graveyard, while Main Street has a mixture of commercial and residential uses. The ground level rises steeply up Market Street and Church Road and to the rear (east/northeast) of the eir site. There is also residential use located at higher level overlooking the site.
- 1.2. The eir site is bounded by 2.4 height walls to the north east and south west. It houses a substantial utilitarian style two story eir offices and operations building with a 15m ridge height and approximately 10m eaves height, as well the exchange and an ESB sub-station. An existing slim omni antenna is attached to the west gable of the office building.
- 1.3. The 'red line' defined site boundary is a 7.8m by 5m rectangle located between the two existing buildings within the overall eir site. The eir site has a gated access off Market Street.

2.0 Proposed Development

- 2.1. The proposed development consists of an 18m monopole telecommunications support structure to be located between the main eir building and the smaller eir building on the eir site, adjacent to the rear (north-east) boundary and approximately 5m from the edge of Market Street. The monopole is approximately 600mm in diameter, although wider at its base. The drawings also show two sets of antennas located within the top 6m of the pole.
- 2.2. Operators ground equipment consisting of cabinets, cable ladders and a 3m long gantry pole are also proposed. The immediate area of the monopole and associated equipment would be enclosed by 2.4m high palisade fencing with gate access
- 2.3. Further information received including a visual impact assessment, site selection justification and clarification that the existing omni antenna would be removed following construction of the proposed monopole, however the further information did not put forward any significant changes to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for two reasons:

1. The subject site is positioned at the edge of the Chapel Architectural Conservation Area, within 10 metres from the Old Market House (arch -RPS 00908) a Protected Structure and in close proximity to numerous residential properties positioned along Market Street and Church Road. The proposed development, by reason of its location within an established residential area and having regard to the height and proximity of the proposed structure relative to existing residential properties, would by reason of visual intrusion, seriously injure the residential amenities and depreciate the value of property in the vicinity, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The subject site is positioned at the edge of the Chapel Architectural Conservation Area and within 10 metres from the Old Market House (arch - RPS 00908) a Protected Structure and along Church Road which also contains the walled graveyard (C0118- 034002) whilst Saint Finbarr's Catholic Church a Protected Structure (0746) stands at much higher ground. As stated in the Cork County Development Plan 2014 it is the stated policy under objectives HE 4-1 and HE 4-5 to ensure the protection of all structures and the built heritage and to conserve and enhance the special character of Architectural Conservation Areas. The proposed development, by reason of its scale, height, and utilitarian nature, would be out of keeping with its surroundings, constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the area and would seriously injure the visual amenities of the area. The proposed development would therefore contravene materially such stated objectives of the Cork County Development Plan 2014 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Planning report of 22nd March 2022

Having considered the documentation supplied with the application and the third party submissions the Area Planner recommended further information be sought including a justification for the site selection, a visual impact analysis to assess impact on the area including the architectural conservation area and protected structures,

3.2.3. Planning report on further information of 9th November

The Area Planner having considered the further information and the related five additional submissions from members of the public, and in summary, concluded that

- the proposed monopole and in particular the antennas attached would be visually obtrusive to an unacceptable degree from protected structures and the Conservation Area in the vicinity
- the site selection focused overly on the fact that the site is in the ownership of eir and did not adequately consider alternative sites.
- the negative impact on residential amenity was also a concern

Refusal of permission was recommended. The Senior Executive Planner's report of 10th November 2022 supported the recommendation of the Area Planner and these reports formed the basis of the Planning Authority decision. The Senior Executive Planner stated that the application was assessed based on the County Development Plan 2014 and Local Area Plan 2017, although regard was had to the 2022-2028 County Development Plan adopted during the process.

3.2.4. Other Technical Reports

Conservation Officer: raised concerns of potential impact on protected structures and the adjacent Architectural Conservation Area and recommended deferral of the application for a visual assessment including specific photomontages. from a number of locations in the vicinity.

Area Engineer: no objection subject to condition re surface water

Environment Department: recommended permission subject to conditions relating to waste disposal

3.3. **Prescribed bodies**

3.3.1. Irish Aviation Authority: no objection and no requirement for obstacle lighting.

3.4. **Third Party Observations**

Six submissions were received, including one on behalf of a group of forty Bantry residents. Key issues raised included:

- The proposed development permitted will have a devastating and permanently negative impact on the visual amenity of the surrounding streetscape and residential, commercial and retail properties.
- Negative impact on nearby protected structures, buildings on the National Inventory of Architectural Heritage and public buildings such as the library and Co-Action workshop
- The area is zoned residential and is predominantly residential in character
- Concerns about the site selection process which focused too much on the location of the existing antenna and the eir ownership of the site and did not consider other more suitable sites
- The development contravenes the provisions of the County Development Plan in relation to telecommunications structures and the Planning Guidelines
- The Bantry area already has good telecommunications coverage and fibre network
- Public safety and health concerns
- Application should be invalidated due to errors in relation to maps and date of public notice

Five follow up submissions were received on the further information submitted which reiterated the many of the concerns raised in earlier submissions.

4.0 **Planning History**

None

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 the Volume 1 of the plan in Section 13.18 Communications and Digital Connectivity and Objective ET13.28.

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13.8.2 *‘Enhanced digital connectivity and the roll out of smart technologies can improve quality of life by offering new choices in services, education, employment, entertainment, communications, mobility etc’.*

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)’.*

Bantry is identified in the Development Plan as a Service Centre in West Cork and Volume 5 provides for a significant expansion of the population based on an

important marine related role, including aquaculture, and key employment functions in the service and tourism industries. The Plan also makes provision for the development of the town centre to facilitate retail and other services, while protecting the unique setting of the town on which its attractiveness to tourists depends.

Section 2.7.4 makes reference to the topography and the high ground that provides an attractive setting for the town centre.

Zoning objective on the site: Existing Residential/Mixed Residential and Other Uses (ER)

18.3.3 'The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties...'
The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

Architectural Conservations Areas (ACAs): The Chapel ACA is located adjacent to the subject site and much of the town centre is covered by two additional ACAs

County Development Plan 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.

(b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.

(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.

Protected Structures

There are a number of structures on the Record of Protected Structures in the vicinity of the subject site and the Plan includes relevant policies to provide for protection of structures of such structures and their curtilage and to protect buildings on the NIAH:

County Development Plan Objectives HE 16-14: Record of Protected Structures:

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

e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.

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.....’

County Development Plan Objectives HE 16-15: 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’.

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.

The Guidelines state: 'Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation'.

The guidelines also note that 'Only as a last resort ...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'.

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

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

5.2.3. 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.

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

5.3. Natural Heritage Designations

None relevant

5.4. EIA Screening

5.5. 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. OR

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal submitted by agent Towercom on behalf of eir are as follows:

- Telecoms are now regarded as critical infrastructure and are vital for the economy and this proposal will provide services for Bantry and immediate area for eir and Vodafone
- The market is rapidly moving to 4G and 5G and existing infrastructure in areas such as Bantry does not have the capacity to meet this demand and must be expanded and upgraded to ensure high-quality, high-speed service.
- Telecom services, particularly 5G, need to be close to the demand, line of site is important, the site is within an established communications exchange and is essentially an upgrade on the existing to enable representation to these operators
- Significant technological efficiencies are available by locating infrastructure at the existing exchange, with its established utilities and links.
- There is a structure at the Garda station close to the Square but due to the positioning of equipment and the nature of the structure it is not suitable

- ComReg maps give a false impression that 4G service is good in the area. The current proposal will give increased height, improved structural capacity and the ability to install directional antenna and will allow more advanced 4G and future 5G services to be provided by Vodafone and eir and will give good coverage including indoor coverage to Bantry and the surrounding area, as indicated in accompanying maps.
- The hills surrounding the town and the narrow inlet and valley shape prevent suitable propagation and it is necessary to be away from the coastline to get 360 degree coverage. Therefore, the only technically suitable location for telecommunications infrastructure is within the town centre.
- The site is located at the edge of the Town Centre zoning and close to Special Policy Areas zones and is therefore well positioned to cater for the growth of the town, including the proposed relief road.
- The Town Centre zoning doesn't specifically provide for telecoms, which are included in the industrial zoning. However, the industrial areas are some distance from the town centre. and it is not possible to provide the coverage needed for the town from a structure in an industrial area.
- The site in question is on the edge of an Architectural Conservation Area, close to one/two protected structures, which are outside the Conservation Area. The site is away from the other two Conservation Areas in the town centre and from scenic routes identified in the Development Plan. There is no alternative location to secure the catchment required.
- Section 13.18 and objective ET13-24 of the County Development Plan recognise the importance of telecommunications infrastructure for the economic development of the region.
- Submits that Section 13.8.3 of the County Plan which refers to the need to protect the rural and urban landscape and states that the visual impact of telecoms structures on the landscape should be minimal, is weak, as by the nature of a mast it will have a visual impact and due to the nature of modern demand masts will be brought into sensitive landscapes towns and villages. The Plan seems to suggest that fibre optic cable is the solution for

communications. It is submitted that fibre, masts and satellites will be working together and the Exchange brings fibre and masts together.

- Refers to the DoEHLG Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996, which refer to visual impact as an important consideration and say that in most cases the applicant will have only limited flexibility as regards location, due to technical constraints depending on context e.g. rural area, upland hilly area, industrial area, or a town. Submits that in Bantry due to topography and coastline there is limited flexibility to secure the necessary coverage and the Exchange is the ideal location, on the outer edge of the ACA and yet secures the catchment population.
- Refers to the Guidelines requirement that only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns or villages. Submits that due to new technology since the Guidelines were written it is now necessary for masts to be located in towns to provide the service required.
- Refers to the Guideline provision that only as a last resort should masts be located in residential areas or near schools. areas. Submits that the proposal, a monopole on an existing utility site, is in keeping with the Guidelines that state if such a location becomes necessary sites already developed for utilities should be used and the mast designed for the specific location with minimum height, and monopole preferred.
- Bearing in mind the need for the site, the advantage gained from the existing exchange, the requirement to be close to source of demand, this can be regarded as a last resort.
- It is acknowledged that there is visual impact in the near vicinity of the structure, with views from further away being intermittent, and hidden in key locations, scenic routes and from the coast.
- Submits that there is no evidence that the proposed development would depreciate the value of property in the vicinity as stated in the first reason for refusal. Refers to a number of Bord Pleanála decisions where the issue was discussed.

- Refers to previous Bord Pleanála decisions that point out that the national guidelines provide no restriction on distance of masts from houses, and also cases where 18m high infrastructure has been granted in towns and villages
- Submits that in trying to reach a balance between the Guidelines, the Development Plan and technological requirements the best compromise has been achieved.

6.2. **Planning Authority Response**

- No additional comments

6.3. **Observations**

- None

6.4. **Further Responses**

- None

7.0 **Assessment**

7.1. Having considered the policy framework, the issues raised in the appeal and the documentation submitted with the application I consider the main issues to be assessed are:

- Principle of the development
- Justification for site selection
- Visual Impact on surrounding heritage and townscape
- Impact on residential amenity
- Appropriate Assessment Screening

7.2. **Principle of the development**

7.2.1. ComReg maps show that the majority of Bantry town and environs has 'very good' or 'good' coverage for most levels of telecommunications infrastructure, including 4G and 5G services. However, the appellant makes the case that it needs further

improvement to meet the rapidly growing demand for such services and that the more advanced services particularly 5G need to be closer to the source of demand than previously and that access to services indoors in particular, need improvement. I am satisfied that the operator's proposal to plan for improvement in services is reasonable, while acknowledging that some observers to the planning application contend that the current service is good at present.

- 7.2.2. The site of the proposed development is zoned as 'existing residential/mixed residential and other uses' (ER), and adjacent to the Town Centre zone. The zoning does not explicitly provide for utilities, however there has been a long term established use on the site for telecommunications infrastructure and in principle continuation or improvement of such a use is considered acceptable. However, the key issue to be considered is whether the proposed structure itself is acceptable in this location, and that is assessed below.

7.3. Justification for site selection

- 7.3.1. In the documentation submitted with the application 4 existing sites with telecommunications structures within the town were identified:
- the Exchange site where Vodafone already have a pole, which is considered inadequate for eir,
 - a roof top structure used by eir which is inadequate for their needs,
 - a rooftop structure used by Three on an elevated site near Marino Terrace which is considered inadequate for eir.
 - a structure behind the Garda Station near the main square which due to positioning of equipment and the nature of the structure is not suitable.

The appellants also point out that locating at the Exchange site would give access to fibre links not available at other sites.

- 7.3.2. The applicants could arguably have included more information on assessment of additional alternative sites for the proposed structure; they however submit that the topography and shape of the valley make it difficult to get coverage other than in the town centre and that much of the town centre is within ACAs and that the Exchange site is the optimum location. The question of alternative sites must also be balanced against the availability of an existing utility site in the town, as referenced in the

Guidelines. The critical test, therefore, is whether or not the proposed development on this particular site can be deemed acceptable.

7.4. Visual impact on heritage and townscape

- 7.4.1. The proposed structure is an 18m high, 600mm diameter monopole and includes two antennas, which the appeal documentation states would be used by Vodaphone and eir, and would replace an existing slender antenna mounted on the building, used by Vodaphone.
- 7.4.2. The Guidelines advise against location of free-standing masts in towns and villages and the Development Plan states that visual impact of telecoms structures should be minimal on the urban and rural landscape. The historic character of Bantry and its streetscape is recognised in the Development Plan by the designation of much of the town centre as Architectural Conservation Areas, including the Chapel ACA immediately adjacent to the Exchange site. It is therefore important to critically assess the potential visual impact of the proposed structure.
- 7.4.3. In terms of visual impact, the bottom 2-3m of the structure would be concealed from view for the most part by the high boundary walls of the site, while the upper part and the antennae would be more visible. The bulk of the existing eir building on the subject site would reduce the visual impact of the structure from some viewpoints as shown in photomontage images of upper Market Street. In addition, the narrow streets lined with two and three storey buildings mean that the structure is screened from many of the nearby streets in the lower parts of the town centre.
- 7.4.4. However, the flat area of the town gives way rapidly to elevated ground and the upper half of the structure and antennae would be clearly visible from public areas such as the area around the library and mill wheel on Bridge Street/top of Market Street. The modernist style library is a protected structure and rated as of national importance on the NIAH, and is within the ACA. It would also be visible adjacent to the 'Boys Club' building on the upper part of Church Road and visually prominent from the elevated land used for 'market gardening' and residential purposes at present, immediately to the west and above the Exchange site. It is also likely to be prominent, if more distant, from elevated areas to the west of the town centre above Marino Street and Glengariff Road.

- 7.4.5. There would be significant negative visual impact on buildings and streetscape close to the proposed structure. These include a number of protected structures, in particular the Old Market House Arch as shown in photomontages submitted, and when viewed from the graveyard and ruins of the Church of Ireland (identified on the NIAH viewer, C0118- 034002 and scheduled for addition to the Record of Monuments and Places) on the west side of Church Road (see photomontage). Both of these historic structures are on the historic town trail and visited by tourists. It would also be prominent and discordant when viewed from buildings on the west side of Main Street close to the junction with Market Street and would be particularly dominant when viewed from the houses opposite the site on the western side of Market Street. The structure would also be visible from the rear of some buildings along Glengarriff Road to the west, many of which are in residential use.
- 7.4.6. I am of the opinion therefore that although the proposed structure is not a dominant feature in many of the lower town centre streets, it would be a strongly discordant feature when viewed from nearby buildings and streets and would also have a negative visual impact when viewed from public areas and buildings on nearby elevated sites including those within the ACA, and would not be in accordance with the designation of much of the adjacent areas as an ACA. The siting of the proposed structure as proposed would be at variance with the Planning Guidelines and not in accordance with the Development Plan objectives for protection of the character and setting of buildings on the Record of Protected Structures and structures on the NIAH, and protection of the character of ACAs.

7.5. Impact on residential amenity

- 7.5.1. There are three residential buildings on Church Road whose rear elevations are within 25m of the proposed structure and while the high wall of the eir site will somewhat lessen the impact, the overall bulk and height of the structure will be very dominant and I consider it would have a significant negative impact on their residential amenity. Similarly, the amenity of houses on the lower part of Market street facing the eir site will be negatively impacted, as will the some of the residential uses on Glengarriff Road.
- 7.6. In conclusion, having examined the documentation submitted with the application and the appeal, and taken into account the relevant national and local policies, and

while recognising the need for improvements in telecommunications coverage in the interests of economic and social development, I am satisfied that the telecommunications structure if permitted, would have a detrimental visual impact on the historic character of the town, including surrounding protected structures and architectural conservation area as well as being seriously injurious to the amenity of residences in the vicinity.

7.7. Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites and a lack of ecological or hydrological connection between the development and any European site, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. Refusal of permission is recommended for the following reasons.

9.0 Reasons and Considerations

1. The proposed development by reason of its scale, character and overbearing nature would result in a significant and negative visual impact on the surrounding streetscape and on the character of adjacent Architectural Conservation Areas, materially contravening Objective HE 16-18 of the County Development Plan, which seeks to protect and enhance the character of Architectural Conservation Areas. It would seriously injure the visual amenity and appreciation of protected structures and monuments in the vicinity and would materially contravene Objective HE 16-14 of the Cork County Development Plan which seeks to protect structures on the Record of Protected Structures and their curtilage and attendant grounds and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would also be contrary to national guidance as set out in section 4.3 of the Department of the Environment and Local Government Planning Guidelines 'Telecommunications Antennae and Support Structures' (1996) which seeks to limit such development in town and villages; and would not be in accordance with the Cork County Development Plan which stresses the importance of ensuring that the landscape, both urban and rural, are protected from any significant impact caused by telecommunications infrastructure (Section 13.8.3). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
3. Having regard to the Department of the Environment and Local Government Planning Guidelines 'Telecommunications Antennae and Support Structures' (1996) and the height, scale and location of the proposed development close to residential development, it is considered that the proposed development would have an overbearing impact on nearby houses and would be visually obtrusive and seriously injurious to existing residential amenity and would, therefore not be in accordance with proper planning and sustainable development

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

06 June 2023