



An
Bord
Pleanála

Inspector's Report ABP-315401-22

Development

Replace 10m timber pole with a 15m high monopole telecommunications structure, together with antennae, dishes, and associated equipment.

Location

Existing Eir Exchange on the south side of Eyeries Village, Co.Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

22/618

Applicant(s)

Eircom Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party.

Appellant(s)

Eircom Ltd.

Observer(s)

None

Date of Site Inspection

3rd July 2023.

Inspector

John Bird

1.0 Site Location and Description

- 1.1. The site is located on rising ground south of the Village of Eyeries and just south-east of a staggered crossroads and on a minor road, the L4908, just off the R751. The R751, Kenmare to Castletown Bearhaven Road, is a designated scenic route forming part of The Wild Atlantic Way. The proposed mast would be located at the eastern side of the existing Eir Exchange at Inches. It would closely abut an existing bungalow and is adjacent to a guesthouse and abuts the grounds of another bungalow dwelling.

2.0 Proposed Development

- 2.1. Replace 10m high wooden pole aerial with 15m high telecommunications monopole with antennae, dishes and associated equipment.
- 2.2. The drawings on file are at a small scale and do not supply detailed dimensions of the varying diameters of the monopole, the width and depth of foundations related to existing ground levels, the proximity to the nearest dwelling, or details of the landscaping referred to in the application.

3.0 Planning Authority Decision

3.1. Decision To Refuse Permission.

Reason 1.

- Serious visual impact on special views and prospects
- Visual effect on approach roads to village
- Lack of sharing of facilities leading to proliferation of masts
- Material Contravention of stated County Development Plan Objectives.

Reason 2.

- Due to proximity and visual intrusion, it would seriously injure the residential amenities and depreciate the value of nearby properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Area Planner's Report is summarised in a Covering Report by the Senior Executive Planner dated 24/11/2022: -

- No pre-planning discussions were held.
- 15m height stated. Actual tip height will be 18.6m when the 3No. 3-pronged 3.6m wide antennae are considered.
- Within a "high value landscape" and within view of two designated scenic routes.
- The Guidelines encourage co-location and sharing.
- Existing mast 1.3km south-east of the present site. Reg Ref 21/281 refers. 3rd party Submission from that operator offers co-location. No evidence on file that this offer has been properly explored by the current Applicant.
- Agrees with Area Planner that the visual impact would seriously injure the visual amenities of the area.
- Proposal would seriously injure the residential amenities of nearby properties, by reason of visual intrusion.

Following consideration of other technical reports, the above Senior Executive Planner's Report was endorsed by the Senior Planner.

3.2.3. Other Technical Reports

Area Engineer – no engineering issues.

Environment Officer – no objection subject to waste management and end of life conditions.

(Submission from Cellnex Ireland (Indigo) – existing mast Reg Ref 21/281 at Commons West and Coulagh is available for sharing).

Submission from Irish Aviation Authority dated 18th October 2022. No objection and no requirement for warning light.

4.0 Planning History

Planner' Report states that there is no recent history and that the existing exchange and 10m metre mast have been longstanding.

5.0 Policy and Context

5.1. Development Plan

1996 Guidelines.

Circular Letter PL 07 of 2012

National Development Plan.

National Broadband Plan.

South - West Regional Plan.

Cork County Council County Development Plan 2022-2028 is the relevant Local Authority Plan.

- Telecommunications Policy.
- Landscape Designations, Scenic Routes and Wild Atlantic Way.

5.2. Natural Heritage Designations

None stated in reports.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- Supported by regional spatial and economic strategy and Guidelines.
- There is some confusion in the Planning Report, which will be addressed.
- Mast will provide critical infrastructure for this rural area and for Tetra emergency services.
- Development is essentially an upgrade.
- Complies with Development Plan and 1996 Guidelines.
- The impact on the scenic route is an acceptable balance between technological and planning designations.
- Expanding demand for services.
- Difficulty in finding new sites as cell sizes diminish due to increased demands and 5G.
- Line of sight generally needed. The exchange provides some underground services.
- Licence requirements in areas identified as weak.
- Move to 4G and 5G.
- Need for enhanced indoor coverage.
- Eyeries Village is located in a dip (Contour map and sections given) making 5G provision difficult.
- Site is well-located on a hill above the village.

- Better coverage than from the Cellnex site, even if the latter is upgraded, therefore no need to discuss co-location. Data on comparison of services.
- No direct view from closest dwelling.
- Depreciation in value of buildings should be partially offset by the value of good telecommunications.
- Precedent Bord Decisions.

Applicant Response

- None

6.2. Planning Authority Response

Letter dated 17th January 2023.

- Reaffirms its Decision.
- Complete lack of consideration of alternative locations.
- Apparently only financial reasons for choosing existing facility.
- No comparison between scenic impact of present proposal in comparison to existing vertical slim timber pole.
- Coulagh Bay House BoB is not the "dominant feature" - compare with Photomontage 5 and photos in Planner's Report dated 21st November 2022.
- "easiest option, rather than sustainable development.
- Planning precedent is not a logical argument.
- Reiterates impact of structure.
- Incongruous structure.

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. Appropriate Assessment Screening

7.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built up rural area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

7.3. During the site visit there were heavy showers, but local features were clearly visible. The existing Cellnex tower area on a high wooded site was intermittently visible.

7.4. None of the photomontages were taken from inside the exchange site or (with permission) from the properties most affected by the proposal.

7.5. As stated at 2.2 above, the drawings on file are at a relatively small scale (largest at 1:100) and do not give details of the width of the mast at specific heights, nor of the widths and depth of the foundation in relation to existing ground levels and the closely adjoining dwelling. Specific distances to vulnerable uses are not referenced.

7.6. Notional landscaping is not supported by a landscaping plan.

7.7. My measurements taken from the plans are approximately as follows: -

Distance from face of monopole to south-west corner of adjoining bungalow – Est. 9.1m

Distance from outside edge of upper aerials to southwest corner of adjoining bungalow – Est. 7.6m.

Distance from edge of mast to bungalow garden – Est. 2.8m.

Width (diameter) of mast as seen at approximate eye-level from within the bungalow – Est. 0.75m.

7.8. From the limited photomontages submitted I consider that the proposed mast would have a major impact on the scenic routes, and locally at the entry to the village.

- 7.9. By reason of height, proximity and aerial spread I consider that the proposed mast would have an overbearing presence in relation to the adjoining bungalow and would lead to a very serious loss of residential amenity.
- 7.10. I have sought in making my Recommendation to balance the requirements of national, regional, and county level broadband policies against scenic and tourism amenity policies and the impact on adjoining properties.
- 7.11. The scenic routes and the nearest buildings are physically immovable assets whereas the mast operator has numerous options that could avoid the permanently damaging effects of the present proposal.
- 7.12. It is my opinion that the mast operator has failed to engage with the offer of co-location nor has it examined options for other locations for 3G and 4G services.
- 7.13. Equally, it has failed to show options for small cell 5G services, which might (had information been given), be able to use existing underground (ducts) or cables in Eyeries Village area, which are referred to by the Applicant).
- 7.14. In a worst-case scenario, it might be possible to locate only a slimline 5G monopole towards the front of the site, thus reducing to some extent the detrimental aspects of the present proposal. This would require a new application and would leave many issues still open.
- 7.15. **Recommendation**
- 7.16. That the Appeal be rejected, essentially on the grounds in the Planning Authority's two Reasons for Refusal. Thus, I recommend that it be refused on the grounds of impact on scenic amenity and that inadequate consideration has been given to co-location of appropriate services or of alternative locations. Essentially these could provide for large cell services. Alternatives should also be provided for small cell services. The overbearing and intrusive mast by reason of height, diameter, spread of dishes, antennae and aerials would have a disastrous impact on residential amenity and particularly on the immediately adjoining bungalow.

8.0 Reasons and Consideration

1. Due to its height, the complexity of dishes, antennae and aerials, and its proximity to designated scenic routes and within an area of high landscape value, the proposed mast would conflict with Policy Objectives GI-14-9, GI-14-13 and GI-14-15 of the Cork County Council County Development Plan 2022-2028 which seek to protect visual amenity and scenic routes and to prevent inappropriate development on approach routes to villages. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The Applicant has failed to provide adequate information in relation to re-location and the offer thereof, to alternative sites, and to alternative methods of service provision for the area and for Eyeries Village. The Appellant has therefore failed to follow the due processes set out in the Telecommunications Antennae and Support Structures Guidelines 1996. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. The proposed development by reason of its scale, height and proximity to existing dwellings and visitor accommodation would have an overbearing and obtrusive impact on these uses and seriously injure the residential and other amenities of these buildings, their uses, and the use of their attendant grounds. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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


John Bird,
Planning Inspector

2nd August 2023

DECISION QUASHED