



An  
Bord  
Pleanála

## Inspector's Report ABP315507-23

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### Development

Erection of an 18m high monopole telecommunications structure and, associated equipment and the removal of a 15m high structure.

### Location

eir Exchange, Lislevane (Td.),  
Co.Cork.

### Planning Authority

Cork County Council.

### Planning Authority Reg. Ref.

226276.

### Applicant

Eircom Limited (t/a eir).

### Type of Application

Permission.

### Planning Authority Decision

Refusal of permission.

### Type of Appeal

First Party

### Appellant

Eircom Limited (t/a eir).

### Observer(s)

None.

### Date of Site Inspection

19<sup>th</sup> April 2023.

### Inspector

Derek Daly.

## **1.0 Site Location and Description**

- 1.1. The site is located approximately 100 metres to the north of Lislevane village approximately and 4 kilometres to the southeast of Timoleague in the west of County Cork. It has a stated area of 0.0036 hectares that accommodates a small single storey exchange building and associated equipment, including a 15 metre monopole telecommunication structure operated by Tetra Ireland and which forms part of the National Digital Radio Service (NDRS) for the emergency services. The telecommunication structure is within a compound enclosed by a 2.4 metre high wooden fence. There is also an ESB power pole and the mast and pole are located in the eastern area of the site away from the public road and to the rear of the old exchange building. There is an overhead electricity line traversing the site between the exchange building and antenna compound.
- 1.2. The site has frontage onto a local road which provides access and defines the western boundary and this is an open boundary. Immediately to the south is an existing dwelling the front building of which is forward of the exchange building. The remaining boundaries adjoin open lands including the common boundary are defined by boundaries which are variable in height formed in part by hedgerows and parts of which are relatively open.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of an 18 metre high free-standing communications structure with its associated antennae, communication dishes, ground equipment, and all associated site development works including extending the existing 2.4 metres wooden fence around the proposed new compound to enclose the antenna and cabinets. The top of the monopole would include existing equipment currently located adjoining the exchange building with proposed operator equipment also located on the proposed new monopole. Cabins/cabinets shown on the drawings are exempted development. It is proposed to remove the existing 15 metre monopole telecommunications structure located in the northeastern corner of the site. The new mast will be located to the south of the

existing mast in the south eastern corner of the site and cabinets will be located on the position of the current mast.

- 2.2. The development would form part of Eircom Ltd's existing telecommunications and broadband network. The structure will also accommodate the existing operator Tetra Ireland on the site and allows for multi operator use.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reason:

The proposed development by reason of its scale, height and proximity of the proposed structure relative to an existing residential property, would seriously injure the amenities and depreciate the value of property in the vicinity by reason of proximity and visual obtrusion from inside habitable rooms and around the private rear curtilage of the adjoining dwelling. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning report dated the 30<sup>th</sup> November 2022 refers to

- The sense of encroachment between the existing telecommunications mast and the adjoining dwelling.
- The principle of telecommunication infrastructure is supported and compatible with national, county and local plan policies and guidelines.
- There is clearly an evidenced need or justification for improved coverage.
- The proposal will not materially harm the sensitive high value landscape in which it is located.
- Reference is made to the location of the proposed mast closer to the existing dwelling than the existing mast and the more dominating nature of the new mast on the existing dwelling.

- Reference is made to risk of damage to the adjoining property during the construction stage.
- If consideration is being made to a grant of permission it should be by the location of the new mast on the site of the existing mast or provision of a proper quality screen fence on the party boundary.

3.2.2. The SEP report dated the 1<sup>st</sup> December 2022 endorses the recommendation of the planning report.

### 3.2.3. Other Technical Reports

Environment report dated 14<sup>th</sup> November 2022 indicated no objections.

Area engineer report dated 1<sup>st</sup> December 2022 indicated no objections.

## 4.0 Planning History

P.A. Ref. No 18/649. Existing 15 metre monopole granted permission.

ABP Ref. No 88.228344 / P.A. Ref. No 07/3125. Temporary permission granted for an 18 metre support pole for a period of ten years.

## 5.0 Policy and Context

### 5.1. Development Plan

Cork County Development Plan 2022-2028.

The plan broadly supports the provision of telecommunications infrastructure at appropriate locations.

Chapter 8 on Economic Development and in section 8.15 relating to the rural economy the importance of telecommunications to help support the rural economy into the future as it allows people to work either from home or closer to where they live is recognised and a good digital connectivity is considered to be vital to the rural economy.

Chapter 13 relates to Energy and Telecommunications and section 13.18 specifically refers to Communications and Digital Connectivity where in 13.8.1 it is recognised that to optimise the opportunities from smart technology, access to high-speed, high

capacity digital and communications infrastructure needs to improve across the County.

Section 13.8.2 recognises the provision of a modern, efficient communications system and digital connectivity is essential for the economic development of the region and supports the development of the new Smart Region and Smart Technology initiatives that are coming on stream in urban and rural areas.

Section 13.8.3 while it recognises 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.

Objective ET13-28 set out as an objective the provisions set out in section 18.13.

## **5.2. National Planning Guidelines**

- 5.2.1. Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996. Section 4.3 includes; Only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and 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.
- 5.2.2. Circular Letter PL 07/12, DoECLG 2012 This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

## **5.3. Natural Heritage Designations**

None relevant.

#### 5.4. EIA Screening

The proposed development does not fall within the scope of any of the Classes of development for the purposes of EIA.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The need for the proposal is accepted and the exchange is an acceptable location.
- The planning report implies if the replacement structure was located in the exact position of the existing then it is likely it would have been granted. This was investigated as part of the appeal process and was not however realistic.
- The impact of the new structure is marginal compared to the existing and does not warrant a refusal of the development.
- The need for the development and justification of the proposal with an increased height is outlined as it will enable the introduction of modern technologies in the eir network as 4G and 5G coverage in the area requires significant improvement to meet increased demand in the area.
- Reference is made to provisions in the current County Development Plan 2022 -2028 in relation to telecommunications and in particular the provisions set out in section 13.18 and to Objective ET13-28 which supports the delivery of high speed broadband infrastructure and smart technologies. Specific reference is made to section 13.8.3 of the plan in relation guidance for assessment of telecommunications infrastructure.
- Reference is made to National Guidance in particular Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996 and Circular Letter PL 07/12 and in particular identifying the importance of quality telecommunications, that applicants may have limited flexibility as regards location and that the proposed site does not conflict with sensitive designations. It is also indicated that due to new technology since the

adoption of the guidance it is now necessary for free standing masts to be located within the immediate vicinity of towns and smaller villages.

- Due to the confines of the site, it is accepted that the new structure will be closer to the existing property but the need for the site, the advantages gained from the existing exchange and the requirement to be close to the source of demand makes this a site of last resort.
- No third party objections were submitted.
- Specifically in relation to locating the new mast at the current location as referred to in the planning report was considered but it is not practical as it would require a new foundation and would be very complex, significant constraints in working on the site and the need to retain existing services.
- The difference in location is 3.8 metres which will result in minimal impact to the adjoining property.
- Further screening can be incorporated.
- The proposal will not impact on the value of the residential property.
- Reference is made to precedent in the provision of 18 metres high structures in towns and villages granted by An Bord Pleanála
- The need for the upgrade of the current telecommunications network in the area to meet future demand is emphasised as the existing structure on the site cannot provide eir with the necessary height for propagation requirements to meet the demand for 4G and 5G services in line with national policy and strategy to provide this essential infrastructure.
- The impacts arising from the proposed development will not have a meaningful negative effect particularly when comparing to the existing structure.

## 6.2. Planning Authority Response

The planning authority in a response is of the opinion that all relevant issues have been covered in the technical reports and have no further comment.

## 7.0 Assessment

- 7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Visual Impact
- Residential Amenity
- Appropriate Assessment

### 7.2. Visual Impact

- 7.2.1. It is well recognised that placing infrastructure of this nature in or in proximity to small towns and villages is challenging and this is reflected in the advice contained in Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines (the Guidelines) that it should only be as a last resort. However, the advice also concedes that it may be necessary and, in that event, existing utility sites should be considered and specific design solutions should be employed.
- 7.2.2. It is also recognised that in relation to this site that a telecommunication mast has been located on the site for in excess of fifteen years with the benefit of a planning permission on what is an existing utility site historically in use for telecommunications.
- 7.2.3. In relation to visual impact the existing mast is not visually prominent and any visual impact is immediate to the site. An increase in height from 15 metres to 18 metres will not significantly visually impact the wider area.

### 7.3. Residential Amenity

- 7.3.1. This is essentially the major issue and forms the basis of the planning authority's decision to refuse planning permission. It is noted that the principle of the development is not at issue or necessarily the raising of the height but the relocation of the structure approximately 3800 mm in a southerly direction towards an existing dwelling. This will locate the proposed structure to within 2500mm of the common boundary and within 6500mm of the dwelling at its nearest point.



- 7.3.2. The issue to consider is whether this new location will have a detrimental effect on the residential amenities of the dwelling in terms of visual outlook. It is noted that the new compound housing the structure will be enclosed by a 2.4 metre high wooden fence similar to the current fence around the existing structure. The proposed structure is to the rear of the dwelling and is viewed at an angle from the dwelling. The visual impact in part arises from the absence of any quality screening along the part boundary of the appeal site.
- 7.3.3. It is also noted that the planning report refers to the possibility of a proper quality fence along the party boundary in part to address the worsening of visual outlook and the grounds of appeal does refer in relation to this matter stating that further screening can be incorporated.
- 7.3.4. The location of the structure at the furthest possible location from the dwelling would be the optimum position. The applicant/appellant has examined this and stated it is not possible to do so for reasons relating to difficulties during construction given the limited workspace area and also cites that it would result in a loss of the current NDRS service during the construction which it is considers needs to be avoided. I have no reason to dispute this position.
- 7.3.5. I do not consider that relocation of the structure will not have a significant detrimental effect on the residential amenities of the dwelling in terms of visual outlook. I do accept that it will have a limited effect but not to a significant degree. The main visual impact will not be from the increase in height but from the closer presence of the mast structure and the new fence. I do consider that enhanced landscaping and screening along the party boundary would further assist in reducing any visual impact and should be conditioned as part of a grant of planning permission.

#### 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the minor nature of the proposed development in close proximity to the village and the separation distance to any European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to

- National Planning Framework,
- the current Cork County Development Plan 2022,
- the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12,
- the existing telecoms infrastructure on the site and the established use of the site for telecommunications purposes, and
- the scale and design of the proposed development,

it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and the current Cork County Development Plan 2022. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

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.
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	<b>Reason:</b> In the interest of clarity.
2.	Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority. <b>Reason:</b> In the interest of public health.
3.	The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure. <b>Reason:</b> In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.
4.	Details of the specific colour finish for the telecommunications structure shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The applicant shall also submit to and agree with the planning authority prior to commencement of development a landscaping scheme for the site which shall include an enhanced screen boundary on the southern party boundary of the site adjoining the site of the existing residential property. <b>Reason:</b> In the interest of the visual amenities of the area and to protect residential amenity.
5.	On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense. <b>Reason:</b> In the interest of clarity

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Derek Daly  
Inspectorate

8<sup>th</sup> May 2023