



An
Bord
Pleanála

Inspector's Report ABP-316057-23

Development	Section 254 Licence for a wireless broadband and data communication steelworks pole to address identified mobile and wireless broadband coverage area blackspots.
Location	Grass Verge on Carrignafoy Avenue/East Hill, Carrignafoy, Cobh, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	S/254/3/2022
Applicant(s)	Emerald Tower Limited.
Type of Application	Section 254 Licence.
Planning Authority Decision	Refuse Licence.
Type of Appeal	First Party.
Appellant(s)	Emerald Tower Limited.
Observer(s)	None.
Date of Site Inspection	14 th August, 2023.

Inspector

Aiden O'Neill.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
2.3. Decision	5
2.4. Planning Authority Reports	5
3.0 Planning History.....	6
4.0 Policy and Context.....	6
4.1. National Policy	6
4.2. Development Plan.....	8
4.3. Natural Heritage Designations	9
4.4. EIA Screening	9
5.0 The Appeal	10
5.1. Grounds of Appeal	10
5.2. Planning Authority Response	12
5.3. Observations	12
6.0 Assessment.....	12
7.0 Recommendation.....	16
8.0 Reasons and Considerations.....	16

1.0 Site Location and Description

- 1.1. The proposed development site is located on a c. 2m wide grass verge to the side of the approach from East Hill to the south to the four-arm Velvet House Cross Roundabout, which has a sculptural centrepiece, and which roads have recently been resurfaced, in the mature primarily residential area of Carrignafoy to the north-east of Cobh town in East Cork.
- 1.2. There is an existing 'Stop' sign to the south of the proposed development site, an existing telecoms vault and footpath to the west, and an existing boundary fence and 2no. cabinets also to the west, on the opposite side of the footpath. An area of open space that serves O'Neill's Place mature residential estate is located to the west of the boundary fence. To the north-west is St. Colman's Catholic Cemetery, and a bus stop for the Cobh Connect private bus service that serves the town and provides bus services to Cork City, as well as Carrigtwohill and Little Island. There are established residential properties to the north-east and south-east, including Velvet House to the immediate north-east.
- 1.3. The distance between the edge of the public road (East Hill) and the boundary fence of O'Neill's Place, including a footpath of between 1.8m, is c. 4m.
- 1.4. There are no Protected Structures or properties listed on the National Inventory of Architectural Heritage (NIAH) in the immediate vicinity of the proposed development site. Patrick's Square residential area c. 800m to the south-east is an Architectural Conservation Area (ACA).

2.0 Proposed Development

- 2.1. Approval is sought for a Section 254 Licence for an 18m high galvanized and painted Alpha Streetpole solution with 3no. 4m long Alpha antennas encased inside the top of the pole, with space for a second operator's antennas; internal cabling; 2no. link dishes; 2no. GPS beacons; 1no. ancillary outdoor cabinet, and provision of a 2nd cabinet for a subsequent operator (both 1.65m in height); and all operating works. The proposed monopole would be 0.406m in width, and the dishes are 0.3m in diameter. It is stated that the existing street lamp may need to be removed, and if it is, the lamp will be relocated onto the proposed Streetpole.

2.2. The purpose of the proposed development is to provide high speed broadband and data services to the area to address identified mobile and wireless broadband coverage area blackspots.

2.3. **Decision**

The Planning Authority decided to refused the Section 254 Licence on 13th February, 2023, for 1no. reason as follows:

Having regard to the location of the proposed development on a grass verge adjacent a public road and the proximity to the existing roundabout and footpaths, the Planning Authority is not satisfied that the proposed development would not endanger public safety by reason of a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2.4. **Planning Authority Reports**

2.4.1. Planning Reports

The Planner's Report formed the basis for the Planning Authority's decision. The following comments were made:

- Given the separation distance as well as existing street lighting, utility poles and overhead lines, it is not considered that the proposed infrastructure will impact negatively on the cemetery.
- The proposed pole is not deemed to result in a significant visual effect. On balance, it is considered that the proposed pole although in a visually prominent position would be similar in character to existing street lighting and utility poles.
- I note the Planning Authority has granted similar proposals in similar residential locations in other areas.
- Given the area is not particularly sensitive, it is not an elevated site and is not located in an ACA, and having regard to other similar licence applications which have been granted, I have no objection from a planning perspective.

- in relation to roads and traffic, the planner’s report refers to the assessment by the Area Engineer who:
 - considers the proposed infrastructure including equipment is located too close to the roundabout and existing footpaths therefore refusal is recommended.
 - the applicant is advised to consider a more suitable location and to contact the Area Office to discuss.

The report of the Senior Executive Planner by email dated 10th February, 2023 endorses the recommendation of the planner to refuse the Licence.

2.4.2. Other Technical Reports

2.4.1 Area Engineer: the Area Engineer’s report by email dated 10th February, 2023 reflects the summary provided by the planner above. It is also stated that the applicant was previously advised that the location was not appropriate and that inside the fence would be more suitable.

3.0 Planning History

None.

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.

4.1.3 Circular Letter PL11/20

DoECLG Circular Letter PL011/20 advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc. on public roads.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - where the proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users.

4.1.4 Other National and Regional Policy.

- Project Ireland 2040 – The National Planning Framework, 2018
- The Regional Spatial and Economic Strategy for the Southern Region (RSES), 2020

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 Existing Residential/Mixed Residential and Other Uses. Telecommunications are not listed as an appropriate use in such zones.

Policy objective ZU 18-9 states that: Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Policy objective EC 8-5 in relation to Connectivity seeks to *Prioritise infrastructure delivery across the County to enhance connectivity (multi-modal transport and digital) with the wider southern region.*

Section 13.8.1 of the Plan states that *access to high quality digital and mobile telecommunications infrastructure is critical to the social and economic wellbeing of communities and can support the revitalisation of towns, villages and rural areas.*

Section 13.8.3 of the Plan also states that *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.*

4.3. Natural Heritage Designations

No designations apply to the proposed development site. The proposed development site is c. 3.5km north of the nearest Designated Site, the Cork Harbour SPA (Site Code: 004030).

4.4. EIA Screening

- 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 main grounds of appeal as set out as follows:

- Eir – the proposed operator – requires a location in the area of the proposed development site. The current indoor coverage in this area is patchy. A mobile base station at the proposed location would greatly support Eir customers.
- There are no suitable existing structures in the search area to locate Eir's equipment and the local community currently suffer from a severe lack of high-speed wireless broadband and data services. Broadband is an essential public service.
- Eir has 2no. existing structures in the area, but due to the sheer amount of intervening vegetation and built form, as well as increasing capacity issues on its network, Eir cannot meet its objectives without a new structure, which is a last resort in accordance with the Guidelines.
- The location is the optimum location in the search area.
- The height is the lowest height possible to 'see' over surrounding high trees and built form for two operators to share the same pole.
- All mobile operators have an obligation to provide 100% coverage throughout the country, including this location. The nearest existing sites are too far away for the newer technologies to work.
- A balance is required between planning requirements and the requirement for modern communications.
- There are no resulting significant environmental impacts from the proposed development.
- The proposed development is compliant with the emission limits set by ComReg.
- The siting of the proposed development was decided after firstly analysing the requirements for a new and improved broadband coverage. A number of

existing telecommunications sites were investigated. These must be at relatively high points, and be environmentally suitable.

- There are a lot of urban vertical infrastructure items in the area, and it is the optimum location in terms of protecting residential amenity and minimising visual impact.
- The proposed structure will be coloured in grey finish, and is of slender design, and would not seriously impact the visual or residential amenity of the area.
- The proposed location would provide the optimum location to site the equipment achieving the desired area and level of coverage, and, as it can accommodate a second operator, will reduce visual clutter and a proliferation of telecommunications structures.
- The photomontages attached clearly demonstrate no significant visual effects, with all viewpoints predicting moderate-low visual effect which is not significant.
- The proposed development is supported by national, regional and local policy, and the principle of the proposal is acceptable.
- In relation to traffic hazard and safety, the safety of road users is paramount and was a primary consideration when choosing the proposed development site.
- The proposed development is located on a grass verge and is set back from the footpath. The footpath is 1.8m wide and the proposed development does not affect this. There is sufficient space on the footpath to allow pedestrian traffic to walk safely.
- The proposed pole is located 13.5m from the centre of the roundabout and is aligned with the existing street lights on the verge.
- The proposed development promotes visual cohesion with existing street lights.
- There is no clear indication that this proposed development will be a traffic hazard as there is no sightline issue for incoming traffic as the traffic is flowing

to the left, and therefore the proposed development is not an obstacle for road users as they reach the junction they will be looking to the right for oncoming traffic.

- The first cabinet will be built for Eir and the second cabinet will only be built when a second operator co-locates on the same site. The two cabinets are in line with the proposed pole.
- There is no policy in the Plan or DMURS that any street furniture located on a grass verge on a roundabout is contract to proper planning and sustainable development.
- A transport consultancy based in the UK reviewed the decision and states that it is not clear what is meant by the reason for refusal, however the key elements such as visibility at the roundabout for vehicles and the existing footway are unaffected, suggesting that the proposed development would not be expected to have a significant traffic/road safety impact.
- A similar application was submitted to Dublin City Council for a roundabout at Clarehall, Dublin 13, which was granted permission, and the Roads Department of Dublin City Council had no issue with the proposal.

5.2. **Planning Authority Response**

No further comment.

5.3. **Observations**

None.

6.0 **Assessment**

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

6.2. The main issues are as follows:

- Traffic hazard
- Site Selection
- Visual Impact
- Appropriate Assessment

6.3. Traffic Hazard

6.3.1 The Planning Authority refused permission on the basis that it was not satisfied that the proposed development would not endanger public safety by reason of a traffic hazard.

6.3.2 This decision was influenced by the location of the proposed development on a grass verge, adjacent to a public road, proximate to an existing roundabout and footpaths.

6.3.3 Limited information is provided by the Planning Authority on the rationale for the reason for refusal.

6.3.4 In my opinion, the proposed development, located on a grass verge, will not prevent the use of the footpath except, I would envisage, during the temporary construction phase, in which case, in the event that the Board were minded to grant the Licence, a condition should be attached requirement a construction stage traffic management plan to be agreed with the Planning Authority.

6.3.5 I would, however, be of the opinion that the proposed development, once operational, is likely to obstruct sightlines on approach to the Velvet House Cross Roundabout from East Hill to the south. The Proposed View of Viewpoint 4 demonstrates that the full extent of the road network off the Roundabout, and Stop sign on the same verge as the proposed development on the East Hill approach to the Roundabout, are partially obscured by the 2no. cabinet structures, 1.65m in height each, cumulatively with the pole.

6.3.6 I accept that, as pointed out by the applicant, traffic in this direction would principally be observing traffic coming from the east, nevertheless a clear and unobstructed view of the road network and Stop sign on approach to the Roundabout is vital for traffic safety.

6.3.7 I also note that the second cabinet will only be built when a second operator co-locates on the same site. However, it is important to consider the proposed development in its entirety, as presented in the Licence application, including the photomontages. Given the need for this supporting infrastructure and the configuration of the proposed development site, it does not appear possible to avoid this obstruction.

6.3.7 For this reason, I would be inclined to agree that the proposed development is likely to result in a traffic hazard, and recommend refusal for this reason.

6.4. Site Selection

6.4.1 The applicant has provided sufficient information to demonstrate that the area in which the proposed development is located is deficient in Eir coverage.

6.4.2 The applicant has also examined existing telecommunications structures, but has concluded that there are no suitable existing structures to locate Eir's equipment.

6.4.3 It is also stated that Eir has 2no. existing structures in the area, but for various reasons, Eir cannot meet its objectives without a new structure.

6.4.4 The basis for choosing the area of the proposed development, in terms of the lack of coverage in the area, is not disputed.

6.4.5 However, the applicant has not provided any justification as to why the location previously suggested by the Area Engineer, in the open space area to the west of the proposed development site, is not suitable.

6.4.6 This open space area is sufficiently large to accommodate the proposed development with only a minor reduction in the provision of open space for O'Neill's Place residential area.

6.4.7 There are already 2no. cabinets and a street lamp post located adjacent to the fence that bounds this open space area, meaning that the proposed development would be accommodated at a location where there are existing utilities.

6.4.8 This location would also ensure that the objective of addressing the deficiency in coverage in this area of Cobh, and, critically in terms of the reason for refusal, will minimise the potential for a traffic hazard.

6.4.9 In my opinion, therefore, the applicant has not justified the location of the proposed development.

6.5. Visual impact

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

6.3.2 I have also given due consideration to the report of Cork County Council's planner.

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

6.3.4 However, having regard to the fact that the proposed structure is a monopole, to its slenderness, as well as the fact that the antenna are located internally to the pole, and the proposed finish, I would be inclined to agree with the applicant that the proposed development is unlikely to result in a significant visual impact.

6.3.5 The pattern of existing infrastructure and screening in the general area of the proposed development site, as demonstrated in the applicant photomontages, would indicate that the proposed development can be successfully absorbed into the existing landscape.

6.3.6 Having regard to the Visual Assessment provided by the applicant, including the photomontages, and having viewed the site, 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.

6.3.7 Were the applicant to submit a proposal for the location proposed by the Area Engineer, this would further ensure that the proposed development would not result in a significant visual impact.

6.6 Appropriate Assessment

6.6.1 Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any

European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

7.0 Recommendation

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

8.0 Reasons and Considerations

Having regard to the location of the proposed development on a grass verge adjacent a public road and the proximity to the existing roundabout and footpaths, the Board is not satisfied that the proposed development at this location would not endanger public safety by reason of a traffic hazard. 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.



Aiden O'Neill
Planning Inspector

19th August, 2023.