



An  
Bord  
Pleanála

## Inspector's Report ABP317403-23

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<b>Development</b>	Erect 21m monopole, antennas, dishes and associated telecommunications equipment (revised from 24m monopole).
<b>Location</b>	Eir Exchange, Abbey Street, Cavan.
<b>Planning Authority</b>	Cavan Co. Council.
<b>Planning Authority Reg. Ref.</b>	23152.
<b>Applicant(s)</b>	Eircom Limited (t/a Eir).
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To refuse permission.
<b>Type of Appeal</b>	First Party v Decision.
<b>Appellant(s)</b>	Eircom.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	20 <sup>th</sup> October 2023.
<b>Inspector</b>	Richard Taylor.

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located within a car park area to the rear of a two storey office building of modern design finished in brick with flat roof and in the ownership of the appellant. This area is finished in tarmac hardstanding. The proposed development is located in the southwestern corner of the curtilage of this building. There is an existing 6.5-metre-high mast on the rooftop of the two storey building. The site is located within the Cavan town centre.
- 1.2. A river forms the western site boundary. To the south of the site there is a row of two storey buildings primarily in use for retail purposes. To the rear of these buildings there are there are associated returns and yard areas with rear boundaries comprising rendered walls approximately two- 2.5 metres in height. There are also two storey buildings adjacent to the northern boundary with direct frontage to Abbey street. To the rear of these buildings there is also an area of car parking and hard standing.

## **2.0 Proposed Development**

- 2.1. The proposal comprises a telecommunications mast and associated infrastructure. The application determined by the Council comprised a mast 24 metres in height. The appellant has reduced the height of the proposed monopole to 21 metres in their appeal submission. The associated cabinet is 1.65 metres in height, 1.34 metres in width and 0.66 metres in depth.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Cavan County Council issued a decision to refuse permission on 25th May 2023 for the 24-metre-high monopole and associated infrastructure. The decision was subject to one refusal reason as follows:

Having regard to the prominent location in the town core of Cavan town, to the number of protected structures in the vicinity of the site, to the location adjacent to two number architectural conservation areas (ACA's) namely: Bridge street and

Farnham street ACA's, to the proximity to the Abbeylands regeneration project, it is considered that by the nature of its height and design, the proposed development would have an adverse impact on the setting and character of the town core, protected structures and the architectural conservation areas and would materially contravene the objectives of RPS10, ACA3, ICT 04, and ICT05 as stated in the Cavan County Development Plan, incorporating a local area plan for Cavan town (2022- 2028). The proposed development would 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 refers to the original submission for a 24-metre monopole structure and ancillary infrastructure. The report notes the following:

Referring to the Cavan County development plan and telecommunications policies:

14.3.1 the town/village core objective is to protect and enhance the special physical and social character of the town and village core while providing and/or improving town or village centre facilities.

14.3.3 permitted in principle: telecommunications - included as a use or development which is permitted in this zone.

No pre-application discussions took place in relation to the proposal. No submissions were received in response to the public notices.

The report refers to the siting and design and technical justification submitted in support of the proposal. This broadly repeats issues raised in the grounds of appeal.

Visual impact: taking account of the visual impact information from 8 vantage points, the development will have a significant impact on the built environment of Cavan town and in particular from Bridge Street, Railway Road, Farnham Street, and College Street.

Urban regeneration: the Cavan town revitalisation plan (2018) includes a number of specific proposals including street redesign, car parking, public space, pedestrianisation, recreation and river and lakeside amenity space proposals.

Having regard to the initiatives for the redevelopment revitalisation and urban

regeneration of the town core area and initiatives, the height and design of the structure will cause major visual disamenities to the public realm.

Built heritage: the subject site is located immediately adjacent to two architectural conservation areas, Bridge Street and Farnham Street. There are five protected structures within 100 metres of the proposed development. The proposal is not directly within an ACA, or will affect the structural integrity of the protected structures. The development will have an adverse impact on the visual and residential amenity of the area. The location, proximity to ACA's, and protected structures in Cavan town due to the height, the visual impact of the structure is consistent with the findings of the planning history, refused under reference 22412.

### 3.2.2. Other Technical Reports

An Taisce: no response received.

Municipal District Engineer: no likely significant effects on the environment from the proposal. The existing drainage regime and surface water runoff rates will be unaffected by the proposed development.

## 4.0 Planning History

22412: Eircom limited- to erect a 24 metre high tower together with antennas, dishes and associated telecommunications equipment.

Refused for the following reason:

Having regard to the prominent location of the towns core of Cavan town, to the number of protected structures in the vicinity of the site, to the location adjacent to two architectural conservation areas (ACA) namely: Bridge Street and Farnham Street ACA's, to the proximity to the Abbeylands regeneration project, it is considered that by the nature of its height and design, the proposed development would have an adverse impact on the setting and character of the town core, protected structures and the architectural conservation areas (ACA) and would materially contravene the objectives of RPS10; ACA 3; ICT04, and ICT05 as stated in the Cavan County Development Plan, incorporating a local area plan for Cavan Town (2022- 2028). The proposed development would be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Development Plan

Cavan County Development plan, incorporating a local plan for Cavan Town 2022-2028 is the operative plan for the area. Relevant policy considerations include the following:

Chapter 2 Settlement Strategy: 2.2 Key Town Cavan.

Cavan Town General Development Objectives: CTG 01: Promote the development of Cavan Town as a driver of economic growth and fulfil its role as a designated Key Town.

Cavan Town Physical Infrastructure Development Objectives: CTI 01 Support the delivery of the infrastructure that Cavan Town requires to grow to a Key Town.

#### 2.2.13 Natural and Built Heritage

CTH 09: Conserve, protect and enhance the built heritage of Cavan including all Protected Structures and attendant grounds, Bridge Street ACA and Farnham Street ACA, Records of Monuments and Places in accordance with best conservation practice.

Chapter 11 Built and Cultural Heritage:

RPS 1: Protect, conserve and manage the built heritage of County Cavan and to encourage sensitive and sustainable development to ensure its preservation for future generations.

RPS 10: Proposals for large scale developments and infrastructure projects should consider the impacts on the architectural heritage and seek to avoid them. The extent, route, services and signage for such projects should be sited at a distance from Protected Structures, outside the boundaries of designed historic landscapes, and not interrupt specifically designed vistas. Where this is not possible the visual impact must be minimised through appropriate mitigation measures such as high quality design and/or use of screen planting.

#### 11.3 Architectural Conservation Areas

ACA 3: Ensure that Architectural Conservation Areas (ACAs), including any associated public realm area, are protected and ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of plot size, proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio and building lines. Planning permission will not normally be approved for developments that are not consistent with, and complementary to, the character of the ACA.

ACA 5: Protect and enhance the special character of the public domain of an ACA. Features of the public domain including traffic and parking infrastructure, signage, public utilities, street furniture, and street lighting must be appropriately designed to enhance and preserve the character of the ACA.

Appendix 20 Architectural Conservation Areas: Bridge Street, Cavan ACA, Farnham Street, Cavan ACA.

#### 7.12 Information Technology and Broadband:

ICT 01: Support the delivery of high-capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the county, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices.

ICT 02: Support the co-ordinated and focused development and extension of broadband infrastructure throughout the county.

ICT 03: Co-operate with the Department of Communications, Energy and Natural Resources and public and private agencies where appropriate, in improving high quality broadband infrastructure throughout the county.

ICT 04: Achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress, and sustainable residential amenity and environmental quality.

ICT 05: Ensure the locations of telecommunications structures minimise and or mitigate any adverse impacts on communities, public right of way and built or natural environment.

ICT 06: Encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option and proposals

for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

ICT 07: Facilitate the provision of telecommunications infrastructure throughout the County in accordance with the requirements of the telecommunications antennae and support structures- guidelines for planning authorities, July 1996 and circular letter PL07/12 or any update thereof.

14.1 Land Use Zonings, 14.1.1 Permitted in Principle:

“Permitted in Principle” means that the proposed use is generally acceptable subject to the normal planning process and compliance with the relevant policies, objectives, standards and requirements as set out in the County Development Plan, in accordance with the proper planning and sustainable development of the area. If a proposal is indicated to be “Permitted in Principle” in the zoning matrix, this does not imply that planning permission will automatically be granted as other factors must be considered and each proposal will be considered on its individual merits.

14.3 Town core. 14.3.1 objective: protect and enhance the special physical and social character of the town and village core while providing and or improving town or village centre facilities.

14.3.3: Telecommunications included as a use or development permitted in this zone.

#### 5.1.2 The National Development Plan 2018–2027

National Strategic Outcome 7 - Enhanced Amenity and Heritage:

The NPF recognises the value of cultural heritage as a key component of, and contributor to, the attractiveness and sustainability of our cities, towns, villages and rural areas in terms of developing cultural creative spaces, private inward investment, and attracting and retaining talent and enterprise. This includes all elements of living space including streets, public spaces, built heritage and natural amenity areas, cultural and sporting opportunities and sustainable transport networks, all of which play a central part in defining the character and attractiveness of places.

#### 5.1.3 National Planning Framework 2020 – 2040



National Policy Objective 17: Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.

National Policy Objective 48: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

#### 5.1.4 Other relevant Guidance:

DECLG Planning Guidelines 'Telecommunications Antennae and Support Structures' (July 1996) and any amendments or revisions and Circular Letter PL07/12 issued by DECLG (October 2012).

## 5.2. Natural Heritage Designations

The site is located within the buffer area of Lough Oughter and associated Loughs SAC and SP Natural 2000 SAC buffer zone. The nearest SAC Natura 2000 is located 3.4 kilometres from the application site.

## 5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposal will provide critical infrastructure and services for Cavan town, its environment and beyond. The site is within an established communications

exchange with associated utilities and links already in place. The proposal will enable representation by the service operators to provide modern services to one of the most important towns and populated areas within Cavan County.

- This application addresses both Eircom and Vodafone's need to upgrade its coverage comment to improve services for Cavan town and the wider area will be connected directly into the existing exchange which will enhance services for the operators. For Vodafone this will enable modern services to be transferred via the new monopole to linking structures further away.
- The development plan indicates that Cavan town has substantial growth planned and its successful economy is also vital for the county. It is submitted that in today's marketplace modern communications is a critical component for the economy of a town, and for Cavan this impacts the county. The growth in technology is continuing to grow exponentially. It is therefore important to ensure communications infrastructure and the services it provides keep abreast of technological demands to ensure a continued developing economy. CV01 and CTI 01 objectives of the development plan recognise that modern services are required to retain economic status for important towns such as Cavan.
- The applicant has taken into consideration the previous refusal and the latest refusal and therefore the proposal has a revised height of 21 metres as a mitigation measure to further reduce visual impact. 21 metres is the minimum height required to accommodate the equipment add secure links for line of sight.
- Existing structures: these comprise two other sites, the Garda station mast to the north of the town and the mast on Gallows Hill to the southeast of the town. All three operators transmit from both these sites. Vodafone also transmits from the Eir exchange. The three sites effectively form a triangle and between them can ensure modern services throughout the town for the foreseeable future.
- Coverage: 2G services cover a wide area however are unable to provide for modern data services. 3G services are being turned off over the next year and the focus is to provide quality 4G and 5G services. Each generation of service

has resulted in smaller catchment zones, especially in densely populated areas such as Cavan. Coverage overlaps are necessary to ensure quality of service. Since the application was submitted Vodafone has been able to link the exchange with the Gallows Hill site to improve 5G services. However, Vodafone is unable to link the exchange installation with the Garda mast and as such there is a substantial area in the heart of Cavan that is unable to secure 5G coverage. The proposal will overcome this gap in coverage which shows both 4G enhanced services and 5G (reference to coverage map). The existing 6.5 metre rooftop installation on the exchange building is unable to secure the necessary links to the surrounding sites in order to take advantage of the utilities from the exchange. The increase of height above the existing installation provides Vodafone with additional line of sight to surrounding sites to enable them to be connected via radio link to the high-capacity network. These connected sites will experience increased capacity uplift for 4G and future 5G services. The increased height will also provide Vodafone with the ability to install directional sector antennae.

- Photomontages illustrates that the visual impact of the proposed monopole will be minimal on protected structures and ACA's.
- RPS 10 was listed as a reason for refusal. However, this objective recognises that where it is not possible to avoid designated area, as in the situation here, the visual impact must be minimised through appropriate mitigation measures such as high-quality design and or use of screen planting. It is submitted that the modern monopole design and reduction in height to 21 metres represent the best mitigation measures possible. The proposal therefore meets with RPS 10 and does not conflict with any other objectives listed, the protected structures development objectives, and natural and built heritage development objectives.
- Abbeylands masterplan: it is understood that the council have secured funding for the project. The Abbeylands modernisation will respect the history, however it is submitted must not prevent nearby development and the interests of economic growth, such as the proposed telecommunications structure. This is an ambitious project and appears to shift the flow of the town to provide easy pedestrian access using the Abbeylands area as its core. This

in turn will bring a shift in demand for communications towards this area of the town and the need for modern services is intensified. When considering the existing view at the bend where Abbey Street meets Reg No 40000371, the Bell tower and gates to Abbeylands, it is acknowledged that there is likely to be an impact. However, it is submitted that this will only apply when the line of travel view is towards the proposed structure. The pedestrian throughways proposed at Abbeylands will generally result in views and other directions. Also, the dense nature of the buildings and narrow streets cause views of the proposed structure to be intermittent or hidden.

- Chapter 6 telecommunications and Chapter 7 transport and infrastructure: these sections of the plan suggest that there is a substantial reliance on the fibre network. It is submitted that masts and fibre will work together, as in the case of the proposed installation. The exchange is connected to a fibre network with additional facility to enable enhanced services to be provided to other locations via line of sight links.
- Development objectives for information communication technology: the refusal states the proposal would materially contravene both objectives ICT 04 and 05. This is not the case. With regard to ICT 04, there is a clear imbalance with a need for improved services. This need will be intensified with both the closure of 3G services and the development of Abbeylands, plus future growth of the town. The implications impact the town and beyond as a link will not be able to be achieved with the equestrian centre Telecommunications site. With regard to ICT 05, it is submitted that the redesign to the monopole reduction in height mitigate any adverse impacts.
- Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12:
- The Eir exchange is an ideal location as it provides utilities to enhance the immediate area but also sites further away. It is on the outer edge of the ACA yet secures a large catchment population. The proposal has made every effort to mitigate and minimise any impact to the area to create unacceptable balance between provision of services with visual impact. It is acknowledged the structure will remain noticeable from different locations. Also, being close

to the ACA, protected structures and Abbeylands development does not justify a refusal of permission when considering the telecommunications guidelines. It is submitted the best compromise has been achieved.

- Due to new technology since the guidelines were written it is now necessary for free standing masts to be located within or in the immediate surrounds of smaller towns or villages to provide the services required. Cavan is a major town and one of the most important towns within the county. It is not unusual for a number of masts to be located within such towns. The exchange site is a location already developed for utilities. The proposed structure is designed to support more than one operator as required.
- The proposal will cluster with an existing telecommunications rooftop site that can no longer meet their demands for the immediate area. The proposed development can also provide enhanced services to other sites. Bearing in mind the need for the site, the advantage and utilities gained from the existing exchange, the requirement to be close to the source of demand, this can be regarded as a site of last resort. Government policy and strategy promotes improved access to digital and broadband communications to revitalise rural Ireland, promote competitiveness, facilitate ICT structures, such as the proposal.
- No third-party objections were received to the proposal. It is assumed that this is because the location is a recognised utility and that the services required by residents, businesses, social and for tourism or acknowledged by the general public and are in demand.
- Planning precedent: Telecommunications structures of similar height and design are common for established utilities properties and town centre and village settings. We refer to decisions by An Bord Pleanála which include Balla, 21 metres ABP 311200-21, and Scariff, 21m ABP 314689-22.

## 6.2. Planning Authority Response

- Some of the issues set out in the grounds of appeal are considered addressed in the original planners report dated 25th May 2023.

- Notwithstanding the reduction in height, the proposed telecommunications structure at this location within the town core will be visually intrusive and the reason for refusal is valid.

### 6.3. **Observations**

- none received.

### 6.4. **Further Responses**

- none received.

## 7.0 **Assessment**

7.1. 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. Appropriate Assessment (AA) also needs to be considered. The main issues, therefore, are as follows:

- (i) Revised proposal.
- (ii) Need for the proposal.
- (iii) Visual impacts to built heritage and townscape.
- (iv) Precedent.
- (v) Appropriate Assessment.

Each issue shall be considered in turn below.

- (i) Revised proposal.

7.2. The appellant in their submission have revised the proposal considered by the Council reducing the height of the monopole from 24 metres to 21 metres. I note that the design of the monopole remains unaltered retaining operators equipment in two areas at the top of the structure. Given the lack of objections from third parties, the Council has had the opportunity to comment on the revisions and the nature of the revisions which are limited to a reduction in height of three metres, I consider that no

issue of prejudice of any party arises and accordingly the revisions are admissible. I shall therefore consider the revised scheme within the appeal.

(ii) Need for the proposal.

7.3. The appellant in their statement of case set out a case of need for the proposal. In summary this case of need relates to 3G services being closed in the near future and therefore the operators need to provide quality 4G and 5G services. They include a signal coverage map from ComReg. Essentially the appellant seeks to demonstrate that there is a substantial area within Cavan that is unable to secure 5G coverage from Vodafone. The area in question broadly relates to the northern section of Cavan town between the appeal site and the next available mast structure located to the north located at a Garda station. A predicted coverage map indicates that the proposal would facilitate mostly “very good” or “good” signal services. They indicate that an existing 6.5 metre high rooftop installation located on the adjacent exchange building is unable to secure the necessary links to surrounding sites, but would be facilitated by the increased height of the proposed monopole. The Council have not disputed the need for the proposal in their evidence.

7.4. National and local planning policy supports the provision and improvement of telecommunications infrastructure. Taking account of the relevant policies and information provided by the appellant and the response from the Council, I consider that there is sufficient evidence to demonstrate that there is a need for the proposal and that it would, if permitted, assist the provision of mobile signal services within the northern area of Cavan.

(iii) Visual impacts to built heritage and townscape.

7.5. National planning policy and the development plan both support telecommunications provision. However, the policy framework also highlights the importance of protection of built heritage assets. There is disagreement between the parties regarding the visual impact of the proposal. The central issue in this case relates to impacts on built heritage features comprising Architectural Conservation Areas (ACA's), protected structures, and the Abbeylands area of the town which is identified in the plan as an area for regeneration. The appellant has sought to demonstrate that no adverse impact will arise through the provision of updated photomontage supporting information from what they consider to be the key views of the appeal site and

associated monopole and equipment. The key views will therefore be considered in turn referencing impact on built heritage assets and the Abbeylands area.

Photo montage view 1 Farnham Street & Photomontage view 3:

- 7.6. The appellant states that View 1 is taken from Farnham street close to the junction with Abbey street, within the ACA and opposite protected structures Reg number 40000166 house, and Reg number 40000168 Farnham school. Farnham school is the white building in the foreground and it is submitted that the structure will have a minimal impact especially when considering the existing installation on the Eir exchange rooftop. The Council identifies View 1 as adversely impacting on the built environment.
- 7.7. The appellant states that View 3 is taken from the roundabout where the R198 meets the R212 with a view of the structure and at the town towards the southeast with the mast at Gallows Hill in the background. It is submitted the two masts complement each other and the proposed structure assimilates into the streetscape. The Council identifies View 3 as adversely impacting on the built environment.
- 7.8. The school building is two stories in height with hipped and pitched slate roof and is of relatively simple architectural composition. The view provided indicates that the top portion of the monopole and associated finial would be read with, and between, 2 chimney structures on the building. The view also indicates the top of the existing rooftop telecommunications facility and associated rooftop of the Eir exchange building. From this viewpoint, I consider that the proposal would adversely impact individually and cumulatively with the adjacent structures on the setting of the building, chimneys and its associated uncluttered roofscape, and would also adversely impact the roofscape and building from views across the site from opposite the school site frontage. I also consider all public viewpoints of a protected structure and associated impacts are of equal importance. Based on site visit assessment of views from around this building, I consider that there is also a key view of the monopole from Abbey Street across the single storey gable return to the site. This view opens further as you travel eastwards along Abbey Street from outside the Abbey graveyard site from which the top section of the monopole would be clearly visible. The existing Eir building and neighbouring built form would not significantly obscure or mitigate views of the structure. Furthermore, I also consider



there is a key view of the structure from the southern side of the roundabout at the Farnham place and Farnham street junction. From this viewpoint the protected structure would be read in conjunction with the proposed monopole. The existing deciduous tree within the curtilage of the school would facilitate a degree of mitigation when travelling from the roundabout towards the Farnham street and Abbey street junction. However, I consider that the proposal would adversely impact on the setting of this structure from all of the additional views identified above. In relation to view 3, I do not consider the vegetation or the distant mast at Gallows Hill satisfactorily mitigate the visual impact of the proposal. The proposal would read as a discordant feature within the roofscape views from this location and accordingly disagree with the appellant that the visual impact would be minimal and acceptable.

Photomontage view 2

- 7.9. The appellant indicates that this view is taken close to the junction of Farnham place and at the end of Bridge Street. It is at the edge of Bridge Street ACA. The proposed structure juts above the roof of the corner properties. It is submitted that it assimilates into the skyline well and would come an easily accepted feature. The Council identifies View 2 as adversely impacting on the built environment.
- 7.10. This vista forms a view into the Bridge Street ACA. The buildings fronting onto Farnham Place are located outside of the ACA, with the first buildings within Bridge Street forming the edge of this ACA. These buildings are generally two storeys in height, save for neighbouring buildings to the east. The roofscape is of uniform pitched design with dormer windows included in the neighbouring buildings. The submitted photomontage indicates that the upper element of the monopole and associated operators' equipment would be visible from the indicated viewpoint. From site visit assessment, and consideration of this locality, I consider that views towards the site when approaching from the south on Farnham Place would, to a degree, be obscured by existing buildings on the eastern side of the road. Views of the structure would largely be limited to around the junction of Farnham Place, Bridge Street and Wolf Tone Street. Wolf Tone street topography rises to the west. Wolf Tone Street facilitates views of the site and into the wider ACA from this elevated position. I consider that the structure would be visually discordant from these viewpoints and would detract from this simple and uncluttered roofscape over adjacent buildings within the ACA.

#### Photomontage view 4: Farnham Street

- 7.11. The appellant states that this view is taken from Farnham street close to Town Hall street within the Farnham ACA and near the town hall arts centre protected structure building. As shown the proposed structure cannot be seen at this point. It is submitted that the visual impact would be hidden or minimal from any viewpoint northwards. The Council does not identify view 4 as adversely impacting on the built environment.
- 7.12. Based on the photo montage evidence presented, the opinion of the Council, and site visit assessment, I am satisfied that there would be no adverse visual impact of the structure from the viewpoint indicated due to intervening structures and buildings.

#### Photo montage view 5: Bridge Street

- 7.13. The appellant states that this view is taken from adjacent to monuments record number: CV020-055008, the bridge within Bridge Street ACA. The appellant states that this is the most prominent view of the proposed structure. However, it is submitted that the road and path are at 90 degrees and therefore the line of travel view is away from the proposed structure for the stop as such and bearing in mind the short length of the bridge, the structure will more often than not, be missed. The view is also close to protected structures Reg number 40000195 and Reg number 40000196. It is submitted that when studying these properties, one's back will be against the view of the proposed structure. Also, when coming out of these properties, due to the angle of view as a result of the diagonal flow of the river under the road, and narrow nature of bridge street the proposed structure will be difficult to see, if at all. The Council identifies view 5 as adversely impacting on the protected bridge structure.
- 7.14. Based on site visit assessment I consider that views of the structure would be restricted within the streetscape either side of the protected bridge due to the height of existing built form and close relationship of the public footpaths on both sides of Bridge Street. Views of the proposed structure would be evident at or immediately adjacent to the bridge. The river to the rear facilitates a clear and uncluttered vista which is framed by the existing buildings on either side of the bridge. I consider that this adds to the setting of the protected structure. The proposed monopole would be located in close proximity to the bridge and accordingly by virtue of its height and

design would draw the eye away from the bridge and result in a competing visual element to the bridge structure and the protected built form and roofscape of the ACA at this location. I therefore disagree with the visual assessment of the appellant and consider that the monopole would result in unacceptable impacts.

Photo montage view 6: Bridge Street

- 7.15. The appellant states that this view is taken at the end of Bridge Street at the junction with Main Street. It is at the opposite edge of Bridge street ACA compared to photomontage view 2. It is close to monuments record number CV020-055009 and record number: CV020-055003, also protected structures Reg number 40000208 and reg number 400-00209. It is submitted that the visual impact is minimal especially when considering the existing rooftop installation. The Council have not identified this viewpoint as having an impact on the built environment.
- 7.16. Based on site visit assessment I consider that the proposal would have limited visual impact from the viewpoint indicated. The building in the foreground finished in stone and adjacent building are not subject to protected status, nor is the building on the opposite corner. Similarly, there will be restricted or limited views of the proposed structure close to the junction within Abbey Street and therefore I am satisfied that no adverse impact would arise from this location.

Photo montage view 7: Railway Road

- 7.17. The appellant states this view is taken further away from the town along the R198 compared to photomontage view 3. It highlights how well the proposed structure assimilates into the streetscape with a myriad of other structures along the scope of view. The Council have identified that there will be significant impact on the built environment from this viewpoint.
- 7.18. This view is from a short distance on Railway road and also known as the R198. The site forms part of a collection of built form which terminates the vista from this location as you approach the roundabout and associated road junction. The river is located to the north, or left-hand side, which includes mature trees and vegetation to the rear of the public footpath. The opposite side of the road comprises two storey historic built form. The vegetation on the northern side of the public road would provide a degree of screening from mid to long distance viewpoints. However, the structure would be more readily visible from the southern side of the road and

associated public footpath and become increasingly visually apparent as you travel closer to the junction and associated roundabout. As discussed above under the assessment of view 3, it is considered that the visual impact of the proposal will be unacceptable and visually discordant with the built form and associated roofscapes within the ACA.

Photomontage view 8: College Street

- 7.19. The appellant states that this view is taken part way along College street, R212 to the south of the zone town core and this shows the proposed structure cannot be seen. The Council have not identified that this view would adversely impact on the built environment.
- 7.20. This view is taken from College street and the photomontage drawing indicates that it is located approximately 101 metres from the site. Existing built form to the north of the viewpoint comprises two storey historic buildings. The photomontage indicates that these buildings will fully obscure views of the monopole. Based on this information and site visit assessment I am satisfied that the proposal will not be readily visible from this location due to intervening buildings and structures.

Abbeylands Masterplan

- 7.21. The Council refer to the local area plan map which includes master plan areas in close proximity to the proposed development. The Abbeylands area is noted as master plan 1 on the plan. The evidence indicates that the Council were successful in securing capital funding under the URDF to redevelop this site. It comprises an increase in public and civic space in the town core and includes street redesign, car parking, public space, pedestrianisation, recreation and river and lakeside community space proposals as set out in the Cavan town revitalisation plan (2018). The Council considered that the height and design of the proposed structure will cause “major visual dis-amenities to the public realm”. The appellant, at paragraph 9.9, acknowledges that there is likely to be an impact on this existing view at the bend where Abbey Street meets Reg number 400 00371, the Bell Tower and gate to Abbeyland. They state that this will only apply when the line of travel view is towards the proposed structure. In addition, the pedestrian throughways proposed at Abbeyland will generally result in views in other directions. Also, that views of the

proposed structure will be intermittent or hidden by intervening buildings and narrow streets.

7.22. The Council have not identified any specific viewpoints from within or around the Abbeylands master plan areas. As stated above I consider that the proposal will be readily visible from Abbey Street, across the curtilage of the protected school structure. Views of the monopole will be restricted to a degree from within the master plan area by existing built form on the periphery. Based on visual assessment, I consider that the proposal would detract and visually compete with the Bell Tower structure when viewed from the Abbey graveyard and to a greater extent from the northern side of the internal area of Abbeylands. This issue aside, on balance, I do not consider that it would compromise the delivery of the regeneration project or any of the specific proposals. As stated above it is considered however that the proposal will adversely impact on protected structures and ACA's.

7.23. Based on the above assessment of the views of the site, I consider that the proposal fails to meet policies RPS 10, ACA 03, ICT 04 and ICT 05 of the development plan. I do not consider that the need for the proposal outweighs the visual impact on built heritage assets that are adjacent and in close proximity to the appeal site.

(iii) Precedent

7.24. The appellant considers two other cases approved by An Bord Pleanála, Balla and Scarriff demonstrate support for the proposal and that it is not uncommon for utilities properties in town centre and village settings.

7.25. I have not been provided with the full details of these cases within the evidence before me. I acknowledge that telecommunications structures can be facilitated within town and village locations, however such structures must be appropriate to the location and compliant with relevant policies of the plan area within which the proposals are located. I do not therefore consider these cases to be materially relevant to this appeal which must be assessed on its merits in relation to relevant policy and site context.

(iv) Appropriate Assessment

7.26. Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed

development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## 8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission is REFUSED based in the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the prominent location in the town core of Cavan town, to the number of protected structures in the vicinity of the site, to the location adjacent to two number architectural conservation areas (ACA's) namely: Bridge street and Farnham street ACA's, to the proximity to the Abbeylands regeneration project, it is considered that by the nature of its height and design, the proposed development would have an adverse impact on the setting and character of the town core, protected structures and the Architectural Conservation Areas and would materially contravene the objectives of RPS10, ACA3, ICT 04, and ICT 05 as stated in the Cavan County Development Plan, incorporating a local area plan for Cavan town (2022-2028). The proposed development would 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 in inappropriate way.

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Richard Taylor  
Planning Inspector

07 November 2023