



An
Bord
Pleanála

Inspector's Report

ABP-317658-23

Development	Erecting a 24m high telecommunications lattice structure.
Location	Ardmore, Passage West, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	234390
Applicant(s)	APW WIP Limited T/A Icon Tower
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Joe & Ber Doherty
Observer(s)	None
Date of Site Inspection	22/11/2023
Inspector	Niall Sheehan

1.0 Site Location and Description

- 1.1. The appeal site is located on a local county road c.500m west of the Passage West settlement boundary and c.1.8km west of the town centre. The site is located just inside the Cork County Council administrative boundary with Cork City Council boundary located immediately west of the site. The south western edge of Cork City itself (built envelope) is located c.2.5km west of the appeal site.
- 1.2. The appeal site is located c.200m south of the local county road accessible via a compressed hardcore track (hedgerow on one side and timber stakes and electric fence on the other) which leads to a two-storey farmhouse, tyre business and farmyard. The access laneway rises gradually from the local road and to the middle and then plateaus towards where it meets the dwelling house and farmyard.
- 1.3. The proposed position of the mast itself is to the south/rear of the farm and commercial buildings (car mechanic garage – Passage Auto) on the brow of the hill. The dwellinghouse measures c.9m in height at the ridge while the agricultural and other sheds onsite range from c.4m to c.7m in height. Three Ireland and Meteor mobile telecommunications equipment is affixed to the highest point of the northernmost shed.
- 1.4. The appeal site is located c.115m above sea level. The topography rises steadily from the centre of Passage West/R610 to the host local county road at the site entrance. From there the landscape rises more gently and then plateaus and gently undulates to the rear/west of the appeal site location.
- 1.5. There is a standing stone (Recorded Monument CC087-004m 087-/02/1 17553/06815) located to the centre of the field directly behind the appeal site c.105m south.
- 1.6. Kilmurry Old Graveyard (Recorded Monument CO087-00501-087-02/1 17581/06828) is located at Avondale cul-de-sac off host local county road c.280m east of the site with Marmullane Church (CO087-0052002) in same grounds located 340m east of the appeal site. Both are accessed from a cul-de-sac off the host local county road.
- 1.7. The surrounding fields are mostly under grass with some under stubble from tillage harvested with relatively thick hedgerows separating field boundaries. The site boundary is characterised by timber stakes and steel wire(electric fence wire).

2.0 Proposed Development

2.1. The application was lodged with the planning authority on 06/03/2023 with a recommendation to grant permission made on the 05/07/2023. The proposal entails the following:

- Erection of a 24m lattice mast tower on concrete pad (8m x 7.4m) foundations;
- Mast tower to include lightning finial to top, preferred service provide antennae (Three) to top of mast, proposed second operator below;
- Erection of antennae's, dishes and associated telecommunications equipment;
- Erection of 2.4m high security fencing immediately surrounding concrete pad to enclose.
- No specified duration of permission is sought.

2.2. The proposed structure will replace existing telecommunications equipment which is affixed to the roof of the existing agricultural shed towards the highest point. It is stated that these buildings/the affixments are not structurally capable of providing the necessary height for equipment now needed to maintain 2G and 3G coverage and to provide modern enhanced 4G and 5G services in the target area.

3.0 Planning Authority Decision

3.1. Decision

By order dated 05th July 2023 Cork County Council issued notification of the decision to grant permission with ten conditions attached following receipt and analysis of further information.

Note Condition No.7 which states that if required by the Irish Aviation Authority, the mast shall be lighted with fixed red low intensity obstacle lights.

Please also note Condition No.10 which states that the mast shall be made available for use by 3rd party operators for whom may wish to co-locate.

In initial consideration of the application, further information was sought for the provision of a Visual Impact Assessment including photomontages, and, the clarification regarding selection of mast type (lattice structure chosen over monopole).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planer's Further Information Assessment considered that following the undertaking of photomontages and supplementary report, the erection of a 24m high lattice mast would not be seriously injurious to the visual amenities of the area. It was considered as part of this assessment that it was not necessary to change the design of mast to a monopole mast. Development Contributions were not applicable. The Senior Planner's Report concurred with the recommendations of the Executive Planner.

3.2.2. Other Technical Reports

Area Engineer's report indicates no comments;

Archaeologist's report indicates no comments.

3.3. Prescribed Bodies

Irish Aviation Authority report has stated that they do not consider necessary for obstacle lighting on the structure.

3.4. Third Party Observations

Three third party submissions

Cllr Marcia D'Alton, Councillor for Carrigaline Municipal District, Joe & Ber Doherty, neighbour to the north, Kevin and Marie O' Mahony, neighbour to the north/north west

Object on the following grounds:

- Residents living proximate expressed concerns;
- Mast is inappropriately located in rural area of high landscape value, green belt;
- Significant adverse visual impact on landscape;

- Not in accordance with designation as not for agricultural, recreation, open space use;
- Local county road narrow, badly surfaced, lead to dangerous road conditions;
- Several masts located in surrounding area (2.5km radius);
- Health concerns as near residential properties;
- Detrimental impact on nearby recorded monuments;
- Technical Justification Report is inaccurate and unfounded;

4.0 Planning History

Enforcement: EF22099 - Alleged unauthorised development of commercial car garage at farmyard without relevant planning permission at Upper Ardmore, Passage West, Co.Cork;

Planning: 06/6753 - Incomplete application, no further details available

5.0 Policy Context (as summarised)

5.1. National Policy and Guidance

5.1.1. National Planning Framework 2040

National Policy Objective 48: Develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

5.1.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996

These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse

impact; sharing; and development control. Generally supportive of development and maintenance of high-quality telecommunications service.

At 4.3 it is stated that “the visual impact is among the more important considerations which have to be taken into account In most cases the applicant will only have limited flexibility as regards location, given the constraints arising The support structures 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.

5.1.3. Telecommunications Antennae and Support Structures and DoECLG 5.2.Circular Letter PL07/12

The 2012 Circular letter set out to revise sections 2.2. to 2.7 of the 1996 Guidelines. The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply, and suggested that such locations might include lands whose high amenity value is already recognised in a development plan.... While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools, e.g. up to 1km. Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

5.2. Development Plan

5.2.1. The Cork County Development Plan 2022-2028 refers:

Chapter 2, Core Strategy, Section 2.8.2 County Metropolitan Cork Strategic Planning Area/County Cork MASP.

Chapter 5 Rural, Section 5.5.6 Planning Principles for a Greenbelt

'Retaining the Greenbelt into the future withexceptional housing demands and urban pressures represents a serious planning challenge and any incremental erosion of Greenbelt lands over time needs to be carefully monitored. The overall zoning objective for Greenbelt lands is for agriculture, recreation or open space uses'

Objective RP 5-13: Land Uses within the County Metropolitan Greenbelt

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it'

Chapter 13 Energy and Telecommunications, Section 13.18 Communications and Digital Connectivity states:

13.8.3 While the importance of telecommunications infrastructure is acknowledged, it is equally as important that the landscape, both urban and rural, are considered and protected from any significant impact caused by such infrastructure. Visual impact should be minimal in the landscape and therefore, telecommunications infrastructure will be subject to a Visual Impact Assessment. Environmental, heritage and ecological impacts of any such infrastructure will also be assessed in accordance with standard Council policies and procedures'

Objective ET 13-28: Information and Communications Technology

'a) Facilitate the delivery of a high capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County in accordance with the Guidance on Environmental Screening / Appropriate Assessment of Works in relation to the Deployment of Telecommunications Infrastructure (2020).

b) Support the roll out of the National Broadband Plan throughout the County in conjunction with relevant statutory agencies and in accordance with the above Guidance document.

c) Support the role of Smart City / Smart Region initiatives and the role of smart technologies to urban and rural areas’.

Chapter 14 Green Infrastructure and Recreation

14.8.5 In order to indicate the correlation between the sensitivity of a landscape and the degree to which it can be changed by development the Draft Landscape Strategy has categorised sensitivity as follows(relevant to appeal site only);

High sensitivity landscapes are vulnerable landscapes with the ability to accommodate limited development pressure. In this rank landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape’s limitations the character of the landscape may change.

14.8.6 The Importance of a landscape character type is rated as Local, County, or National. The LCA will inform decision making in relation to the protection of the environment, natural resources and heritage and will be used to guide development.

14.8 Landscape Character Assessment of County Cork

Objective GI 14-9: Landscape

a) Protect the visual and scenic amenities of County Cork’s built and natural environment.

b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.

c) Ensure that new development meets high standards of siting and design.

d) Protect skylines and ridgelines from development.

e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

Objective GI 14-11:

Whilst advocating the protection of such scenic resources the Plan also recognises the fact that all landscapes are living and changing, and therefore in principle it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or obstruct these views and prospects and should be designed and located to minimise their impact. This principle will encourage appropriate landscaping and screen planting of developments along scenic routes.

14.10 Prominent and Strategic Metropolitan Cork Greenbelt Areas

Objective GI 14-16:

Prominent and Strategic Metropolitan Greenbelt Map Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are shown on the Prominent and Strategic Metropolitan Greenbelt(Figure 14-3) and it is an objective to preserve them from development.

5.3. Volume Four South Cork

5.3.1. Ballincollig Carrigaline Municipal District Local Area Plan refers:

Section 1.5 Passage West/Glenbrook/Monkstown

Sub-Section 1.5.20 The Core Strategy of the Plan has set a population target 6,835 persons by 2028

5.4. Natural Heritage Designations

The site is not within a designated area.

The nearest such site is Cork Harbour Special Protection Area c.2.5km north.

The Douglas River Estuary proposed Natural Heritage Area is located c.1.8km north and the Great Island Channel proposed Natural Heritage Area is located is located c.2km northwest of the appeal site.

5.5. EIA Screening

The proposed telecommunications mast is not a class of development, therefore preliminary screening or EIA is not required. Please see form 1.

6.0 The Appeal

6.1. Grounds of Appeal

As aforementioned, the appeal is for the erection of a 24m lattice mast tower on concrete pad (8m x 7.4m) foundation, lightning finial to top, preferred service provider antennae to top of mast, proposed second operator below, erection of antennae's, dishes and associated telecommunications equipment, erection of 2.4m high security fencing immediately surrounding concrete pad to enclose.

The third party appeal is submitted by Joe and Ber Doherty who live in the dwellinghouse c.215m north of the appeal site immediately adjacent west of the appeal site entrance. The appeal is based on the following grounds:

- Mast is inappropriately located in rural landscape and Metropolitan Green Belt as set out in Volume 1, Section 2.14.3, Objectives CS2-3;
- Application contrary to zoning objectives as set out in Volume 1, Section 5.56;
- A 24m high lattice telecommunications mast at c.118m above sea level will have unacceptable impact on the landscape. Contrary to high/very high landscape designation;
- Local county road is very busy and part of an amenity circuit and provision of a telecommunications mast off would have significant negative visual impact;
- Appellants suffer from dust from the access track to farmyard and mast as things stand;
- Health concerns about placing structures near residences. High concentration of houses within 1km of appeal site;

- Proposed development would have detrimental impact on views from Standing Stone, Kilmurry Graveyard and ancient Marmullane Church, both Recorded Monuments;
- Proposed condition for red beacon light by Planning Authority would be an intrusive visual feature;

6.2. Applicant Response

Charterhouse on behalf of Icon Tower responded to the grounds of the appeal. Their response is as follows:

- With regard to existing equipment located on existing farm buildings, these buildings are not structurally capable of providing the necessary height for equipment now needed to maintain 2G and 3G coverage and to provide enhanced 4G and 5G services. It is therefore intended to replace these structures.
- Acknowledged that the proposed structure will create a visual impact from the appellant's dwellinghouse however due to farm buildings it is not practical or effective to undertake mitigation measures such as planting to reduce this visual impact.
- The site location within and impact of proposed development on the Cork Metropolitan Greenbelt and Area of High Landscape Value has been addressed as part of further information provided. It is not possible to avoid either or both the Cork Metropolitan Greenbelt or the Area of High Landscape Value given they both covers substantial areas respectively.
- The site is located near a scenic route which follows the coastline. Due to the steep rise in ground from inside the coastline, the only point of visual impact on the scenic route identified in submitted photomontages is shown on Photomontage View No.8 which is 4.2km away (Bellvelly on Great Island), hence the proposed development will not create an impact on the landscape.
- Passage West Architectural Conservation Area (ACA) is located in the centre. Given that views of the proposed will not be present here the ACA will not be

affected. A variety of housing estates surround the centre of Passage West which spread inland and upland from the coast. The proposed structure needs to be tall sited at a height above in order to ensure propagation to these.

- Section 1.5.55 of the Cork County Metropolitan Strategic Plan identifies Passage West for regeneration and growth, hence need for provision of modern communication services.
- Decided to use a lattice type structure design instead of a monopole structure due to the limitations of the monopole structure.
- Stated that lattice structure can provide substantially more equipment including the positioning of antennas and smaller dishes and that it's provision may reduce future requirements for additional structures in the locality;
- The access road to the proposed mast is an existing access road used by the farmer, proprietor and customers of the car garage. The proposed use of access for proposed mast is anticipated to be minimal (c.6 visits per annum).
- A telecommunications structure c.300m north was not listed within the planning application documentation including at further information stage, as the structure is not listed on ComReg site viewer, and, is positioned on a c.12m high wooden pole, c.300m north across host local county road from access point.
- The proposed structure is to be located at back of existing farmhouse and associated buildings. The compound area and lower sections of the mast are therefore somewhat concealed. The applicant does not consider planting necessary as mitigation effects would be minimal. It is contended that trees could be planted if deemed necessary along the field edge to the rear of the appellant's property or beside and along the upper section of the access track thereby reducing the visual impact.
- With regard to the accuracy of the photomontages submitted as part of further information response, it is stated that these were undertaken by an inhouse Chartered Surveyor working with a specialist company RME Digital Solutions. Affording to technical capability and expertise, the views are regarded as verified views.

- The applicant acknowledges errors in Photomontage 5 and 6 (from Murmullane Church and Kilmurry Graveyard respectively). The error is such that the structure is further to the left of the frame than logic suggests and initial GPS reading for standing stone (Recorded Monument CC087-004m 087-/02/1 17553/06815) was used instead of proposed mast location by mistake.
- Final images taken from graveyard result in very similar assessments. Result is views of proposed structure are intermittent, dependable on direction of view;
- Further stated that despite designation of landscape, views will not be visually obtrusive and mast will form acceptable feature within the landscape. Accepted that in small number of locations closer to the site, views will be apparent;
- Contend that balance must be achieved between the visual impact and provision of service;
- Contend that provision of adequate telecommunications coverage and service vital to economic growth and current infrastructure does not have capacity to meet current demand. Also necessary to improve 4G and 5G service (anticipated increase in demand especially with phasing down of 3G) as part of changes to Irish telecommunications market.
- Stated existing infrastructure does not have capacity to meet demand.
- Stated that no empirical evidence that telecommunications infrastructure has devaluation impacts on property. Referenced previous An Bord Pleanála report PL02.243341.
- Stated national guidelines provide no restriction in terms of distances between such structures and dwellinghouses and the main requirement is compliance with standards in regards to non-ionising radiation. Stated that ComReg is licensing authority responsible for ensuring communication operators comply in this regard.
- 1996 Guidelines were modified by Circular Letter PL07/12 which advises against specifying minimum separation distances between masts and houses and reiterates health issues are not a planning consideration with such structures required to meet standards in regards to non-ionising radiation.

- Contended that by its nature the mast will be noticeable from different viewpoints however due to the combination of gradient of hill, its relationship to the coastline, housing estates in between, varying distances from different viewpoints, general flow of traffic and view lines, trees and manmade structures on the landscape including along road networks, the proposed structure will be minimal or well hidden.
- With regard to the area being of high amenity, it is acknowledged that this area is important for walkers and vehicles and along most locations the proposed mast will either not be visible or views intermittent. It is also contended that a key reason for the walk is to capture views over the lough and the harbour with attention focused on these directions north and east and not on the mast located in the opposite direction.
- The appeal site is the best available option replacing and upgrading existing installation and providing coverage to the local area. Icon Tower is an independent provider intending to provide space for other services, hence promotes sharing of mast.
- Site justification report provided as part of applicant appeal response.
- It is not possible to provide comment on appellants photography.
- With regard to any alleged unauthorised development of commercial car garage under EF22099 this is a separate issue and not for discussion as part of appeal.

6.3. Planning Authority Response

The planning authority did not respond to the grounds of the appeal.

7.0 Assessment

7.1. Areas of Assessment

- 7.1.1. Having examined the application details and all other documentation on file including the submissions received in relation to the appeal and inspected the site, and, having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are

- Principle of development;
- Technical Justification
- Visual impact;
- Impact on residential amenity - statement regarding health, traffic, noise and dust, depreciation of property values;
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. Having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the development plan, it is noted that the provision of a telecommunications mast at the site is not excluded subject to detailed proper planning.
- 7.2.2. The appellants raise the principle of acceptability in a green belt zone. Section 5.5.6 of the Cork County Development Plan outlines the incremental erosion of Greenbelt lands overtime which needs to be carefully monitored with the overall zoning objective for agriculture, recreation and open space uses.
- 7.2.3. With regard to objectives to preserve the character of the area (and subject to exceptions) and reserve the land generally for agriculture, open space or recreation, it is noted that the landscape is a working functional landscape. Furthermore the appeal site is proximate to Passage West which is experiencing current and anticipated growth with location relative to Cork City and Environs. Recent census record populations of 5,843 persons in 2016, growing to 6,051 persons in 2022 with a population target of 6,835 in 2028 (all as per Volume 4 of Cork County Development Plan 2022-2028). The Development Plan does not exclude the development of telecommunications infrastructure in principle in this location. This is a working landscape which already hosts a variety of farm buildings, one off housing and other structures and the need for adequate technological infrastructure in an experiencing population growth with further significant growth projected.

- 7.2.4. Given there are existing telecommunications onsite, the need to improve coverage and support social and economic development in the area, I would consider that the provision of 1 no. telecommunications mast at the site location does not in itself compromise agricultural lands or contravene the zoning or objectives. It is noted that this was considered at planning application stage by the planning authority who considered it acceptable. Subsequent to all of the aforementioned I consider the provision of a telecommunications mast at the site location in the greenbelt open to consideration.
- 7.2.5. For the purposes of clarity, it is noted that a Technical Justification including coverage maps (for 4G) were provided as part of the planning application in addition to being included in the appendices to the applicant's appeal response. As per the Technical Justification, the coverage in the subject and wider surrounding Passage West area varies considerably. There is a significant portion of the subject area (around and north east of the appeal site) reachable by the proposed structure currently under 'fair' coverage.

7.3. **Visual impact**

- 7.3.1. The "Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities" published by the Department of the Environment in 1996 as noted, state visual impact as one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to identification of suitable sites for telecommunications installations. The Guidelines recommend that great care be taken when dealing with fragile or sensitive landscapes. It is also stated that 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 where feasible.
- 7.3.2. As per 'Policy Context' section 5.0 above, I note the provisions for development of telecommunications infrastructure, and, also provisions for protections and management of the greenbelt and landscape (Area of High Landscape Value).
- 7.3.3. It is also important to note in addition to the aforementioned policy objectives that any such mast requires to be sited at a high point within the locality in order to achieve

adequate propagation, hence the rationale for site selection and mast type and height at a sensitive location.

- 7.3.4. On assessment of the impacts on local coastal, scenic and other routes and viewpoints with regard to visual assessment (visual amenity), I have noted that:

The gradient of the host landscape and subject site is such that it falls gradually/steadily from the proposed location to the local county road, falls steeply from the local county road towards the outskirts of the settlement boundary, falls steadily from the outskirts towards the Pembroke Wood area and then flattens out towards the R610 regional road, the centre of Passage West and then the coastline.

- 7.3.5. With respect to views of the proposed structure along and near the coast from east/south east of Rochestown to north of Monkstown including both through and around Passage West, these are almost non-existent. This includes views from the R610 and Passage West Greenway amongst other connecting routes. Due to the topography and gradient of the landscape, the proposed structure is not visible and is hidden from view in the majority of instances. As per photomontage view 7, the mast will be visible in the skyline from around Ardmore Estate to the north western side of Passage West however the impact of such will not be significant. It is noted that there are views of other development present.

- 7.3.6. As part of my inspection in respect of coastal and scenic routes, I also reviewed the western coastline of Great Island for which the proposed structure cannot be seen in the vast majority. In addition to the aforementioned, I note that the development would not be significantly visible from the interior of Great Island namely at the Lissansisky/Ballard Hill.

- 7.3.7. With regard to photomontage viewpoint No.8 taken along the R624 near the bridge connecting Great Island with Fota Island c.4.2km north east, views of the proposed structure will be relatively minor and will not distort westward views from this part of Great Island.

- 7.3.8. As per views from the host local county road, although the mast would be visible from certain point/junctures along the road, I would consider that the principal views for walkers along this local county road would be of Lough Mahon, the River Lee and Cork Harbour.
- 7.3.9. Marmullane Church and Kilmurry Graveyard are located to Avondale cul-de-sac off host local county road (c.280m east of the site east of appeal site). As per photomontage view 5 and my site inspection to Marmullane Church and Kilmurry Graveyard, views from Marmullane Church are imperceptible as they are blocked off by vegetation. As per photomontage view 6 and my site inspection, the mast will be clearly visible from the centre/centre-rear of Kilmurry graveyard(c.280m away). Views from Kilmurry Graveyard would look across the brow of the hill rather than towards the brow/ridge, however coupled with the significant distance to the proposed mast, I am of the view that it would not affect the setting of Kilmurry Graveyard.
- 7.3.10. I am of the view that the discrepancy regarding Photomontages 5 and 6 (from Marmullane Church and Kilmurry Graveyard respectively) has been adequately clarified in the applicant response to appeal and was understood prior to undertaking a site inspection and subsequent assessment.
- 7.3.11. Views of the structure along the L2474 (local county road south of host local county road) are either hidden from view or barely visible. (photomontage view 3 at Rathanker).
- 7.3.12. As per photomontage view 1, the view of the mast would be significantly visible from the standing stone(recorded monument) to the field south of the appeal site/adjacent farmyard. It is contended that the mast structure would not significantly worsen the existing situation as views are already partly interrupted in the subject area with agricultural sheds. It is noteworthy that views from the standing stone are panoramic, hence cover a broader view than just at/over the proposed. Views of the standing stone itself from the appeal site and surrounding area would not be affected by the proposed mast. It is noted that while the application was referred to the Development Applications Unit during the planning application stage, no report was received.

- 7.3.13. From my site visit to both the site, surroundings and relevant viewpoints listed in photomontages submitted, I would consider the photomontages provided as part of further information response to be representative and satisfactory. As aforementioned, the discrepancy regarding Photomontages 5 and 6 has been adequately clarified in the applicant response.
- 7.3.14. Tree planting to the western side of the access road to the rear of the appellant's dwellinghouse and surrounding the mast were all considered as part of the assessment process. Following both a study of verified photomontages and also a walk on and around the site including farm and commercial buildings, I would consider that there would be very little visual amenity gain to be achieved by way of tree planting around the proposed mast or in the vicinity partly due to the location of the farm buildings, hence do not consider it to be either necessary or practical in this instance.
- 7.3.15. With regard to the mast design, notwithstanding the Guidelines preference for a monopole structure, the lattice structure offers possibility of the placement of a larger amount of equipment. Following an assessment of photomontages, in addition to a visit of the site and surrounding area, a lattice mast (agricultural setting amongst agricultural buildings) would not be seriously injurious to visual amenity and is therefore considered acceptable. I have recommended the attachment of a condition that structure shall be made available for use by third party operators who may wish to co-locate. I would point out to the Board, that if considered necessary, there may be an option to plant trees either along the field to the rear of the house or along the upper length and beside the access road.
- 7.3.16. Overall, I conclude the visual amenity impacts arising from the proposed development to be acceptable.

7.4. Impact on residential amenity;

- 7.4.1. Firstly with regard to health concerns expressed by the appellants, the Commission for Communications Regulation (Com Reg) is the licensing authority of the use of radio frequency and are the responsible body for ensuring that communication operators comply with licensed conditions relating to non-ionising radiation. In addition the

'Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities (1996) were modified by Circular letter PL07/12 which advised against specifying minimum distances between mast and dwellinghouses. It also states that health issues are not a planning consideration in relation to telecommunications structures.

- 7.4.2. Secondly with regard to Non Ionising Radiation(NIR) site assessments taking place in a timely fashion or otherwise, neither the planning authority or An Bord Pleanála has the relevant authority to conduct such assessments. This is the remit of Comreg.
- 7.4.3. With respect to the host local county road serving as an attractive walking circuit for local residents, I would consider that the principal and more expansive views from this road would be to the east over Lough Mahon, the River Lee and Cork Harbour and not eastwards towards the brow of the hill.
- 7.4.4. With regard to the creation of noise and dust impacts, the servicing of any such proposed mast would be limited to a small number of visits per year and these traffic movements are not considered to significantly exacerbate the existing situation onsite. Any creation of noise during the construction process would be limited to the construction period only and I have attached a condition for a Construction Management Plan to be agreed with the Planning Authority which would provide relevant controls.
- 7.4.5. With regard to impact on nearby residential amenity, the nearest residence (appellant's) is located c.215m north west with the Passage West settlement boundary c.500m east. The nearest neighbouring property(appellant's forms the first of 6 no. dwellinghouses running east to west linearly along the local county road following the site entrance) Following a site visit, I would consider that there are no adverse residential impacts to these particular properties. I also consider adequate separation exists to Passage West settlement (c.500m east). For the purposes of clarity, despite a level of linear development to the host local county road on leaving Passage West travelling westward, I do not consider the area to be overly built up, nor could I classify the area as predominantly residential.

- 7.4.6. With regard to any degradation of the appellants or nearby residents visual amenity (as opposed to from the surrounding and wider landscape), while the mast would be visible from both the appellants and surrounding properties, their view at present is limited to the brow of the hill as it plateaus. It is also noted that there is another antennae and water tower both south west (c.0.75km and 0.85km away) also positioned towards the brow of this hill(both accessible off the L2474 south) for which are visible from the rear of the appellant's property. I would contend that the principal view from these nearest residential properties is actually front view looking down over Passage West and Lough Mahon/Cork Harbour east which is expansive and which will not be affected. This is irrespective of usage of front or rear gardens to a greater extent.
- 7.4.7. With respect to any devaluation of the appellant's house(cited as part of further information submission included in appeal appendices) or other property in the surrounding are, no evidence has been submitted to support this. Having regard to this assessment and distance between the proposed telecommunications structure and these properties, I am satisfied that the proposed development would not seriously injure the residential amenity or amenities of the area to such an extent that would adversely affect the value of this property or that in immediate vicinity.
- 7.4.8. With regard to the imposition of a condition relating to a red beacon light on the mast requested by way of condition from Cork County Council, this was not requested by the Irish Aviation Authority, who consider no safety basis for its inclusion, hence I recommend its omission in event of a decision to grant planning permission.
- 7.4.9. Overall, I conclude the potential residential amenity impacts arising from the proposed development to be acceptable.

7.5. **Appropriate Assessment**

- 7.5.1. As regards Appropriate Assessment having regard to the nature of the site and of the proposed development, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with any other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission be **GRANTED** with conditions attached.

9.0 Reasons and Considerations

Having regard to the National Planning Framework, the Cork County Development Plan 2022-2028, the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities 1996 as revised by Circular Letter PL07/12, the existing telecoms infrastructure on the site, the scale and design of the proposed development with respect to visual and residential amenity impacts, I consider that the proposed development would not give rise to unacceptable impacts on visual amenity of the area, or on residential amenity, or, give rise to the creation of a traffic hazard ,and, 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. Reason: In the interest of clarity.
2.	Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road.

	Reason: To prevent flooding of the public road.
3.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and amenity.</p>
6.	<p>The telecommunications structure shall be made available for use by third party operators who wish to co-locate.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>

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.

Niall Sheehan

Niall Sheehan
Planning Inspector

12th December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Erecting a 24m high telecommunications lattice structure		
Development Address	Ardmore, Passage West, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	Not a class of development
			No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: *Niall Guerin* Date: 12th December 2023