



An
Bord
Pleanála

Inspector's Report

ABP-318211-23

Development	<i>Permission to erect a 24m high telecommunications lattic structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing</i>		
Location	<i>Clover Hill Food Ingredients Ltd. Mount Leader Industrial Estate, Mountleader, Millstreet Co. Cork</i>		
Planning Authority Ref.	<i>235201</i>		
Applicant(s)	<i>Vantage Towers Ltd.</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Niall Murphy</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>24/06/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description.

The site is located in a small industrial estate in Millstreet, Co. Cork. The site is located in the south eastern corner of one of the occupants of the estate namely Clover Hill Food Ingredients Ltd. There are shipping containers to the west of the site and mature trees to the south beyond which there is another industrial unit at a higher level. There is a river, the River Fennow located 70 metres to the east the

banks of which are heavily tree lined. There is a small estate of 13 detached houses, Mount Leader located 200 metres to the north of the site.

2. Description of development.

The proposed development comprises of the;

- Erection of 24m high telecommunications lattice structure together with
- antennas, dishes and associated telecommunications equipment
- all enclosed by security fencing

3. Planning History.

On site

- Permission granted to Clover Hill Food Ingredients Ltd. for permission to erect 329sq.m. of photovoltaic panels on the roof of our existing manufacturing building with all associated site works

4. National/Regional/Local Planning Policy

The Cork County Development Plan 2022- 2028

- The Cork County Development Plan 2022- 2028 is the statutory plan in force at present
- The site is located within the settlement boundary of Millstream in the Cork County Council Development Plan 2022-2028 and is zoned as 'Existing Mixed/General Business/Industrial Uses' which under Objective ZU18-10 seeks to *'Facilitate development that supports in general the employment uses of the Existing Mixed/General Business/Industrial Areas. Development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted'*
- Objective EC: 8-5 Connectivity seeks to:
Prioritise infrastructure delivery across the County to enhance connectivity (multi-modal transport and digital) with the wider southern region as supported in Chapter 12 Transport and Mobility and Chapter 13 Energy and Telecommunications.
- Objective ET 13-28 Information and Communications Technology seeks to:
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.*

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 clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a 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 arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives 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 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.

Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12

- 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. Natural Heritage Designations

- The nearest designated site is the Blackwater River SAC (Site Code 002170) which is located 70m to the east of the site

Development, Decision and Grounds of Appeal

6. PA Decision.

Permission was granted subject to 19 conditions

- Condition 7 stipulates that the plant and equipment be coloured to blend in with the landscape. Details to be agreed with PA prior to commencement of development
- Condition 8 stipulates Noise levels at specified noise sensitive locations shall not exceed 55dBA between 08:00 and 20:00 and shall not exceed 45dBA at any other time.
- Condition 14 stipulates removal of equipment at end of life
- Condition 13 stipulates that the mast be made available to other 3rd party operators who wish to co-locate
- Condition 19 stipulates requirement for landscaping scheme to be agreed.

7. Internal Reports

- Environment (dated 20th July 2023) - no objection

8. Prescribed Bodies

- IAA (received 27th June 2023) - no requirement for obstacle lighting on this telecommunications structure

9. Submissions

There are two submissions on file as follows:

- Sinn Fein Millstreet/Macroom Cumann (received 17th July 2023) wishes to object to the proposed development on the grounds that:
 - The size and scale of the proposed structure makes it visually inappropriate
 - That it is an eyesore
 - Health concerns by local residents
- Multiple Residents c/o Niall Murphy (received 1th July 2023) wishes to make the following observations, that:
 - The proposed mast is located only 200 metres from Mount Leader estate which comprises of 13 house with 14 more being granted permission. No consideration has been given to the close proximity of the mast to the estate.
 - That the mast will prevent further development of the industrial estate
 - Negative Visual impact
 - The requirement for a tower at this location is not clear
 - Health implications to residents
 - That the area around the site is an SAC and the loss of wildlife due to this development
 - Increased traffic
 - Noise Emissions

10. Grounds of Appeal

A third party appeal was received by Niall Murphy c/o named concerned residents on the 21st February 2024. The appeal in summary states:

- That the planner has not considered the closest residential area Mount Leader in her report
- That the site notice did not contain any planning reference number

- That the visual implications of the proposed structure have been underestimated. Photographs supplied by the applicant are not to scale
- That there is already a lot of noise and disturbance occurring as a consequence of activities within the estate. There will be cumulative noise impact as a consequence of the proposed development
- That their submission lodged to the planning authority was not taken into consideration in the assessment of this application.

11. First Party Response

A response from the first party was received on the 19th October 2024. The response in summary states:

- That issues with respect to complaints made by the third parties with respect to existing activities ongoing in the estate are irrelevant and outside of the remit of this appeal.
- Failure to secure the proposed development will result in the loss of services in the area.
- The proposed development will provide for all Vodafone Services, 2G, 4G and 5G to Mount Leader Industrial Estate, Millstreet Village and beyond.
- That the site is located within the town boundary and is located on zoned lands
- That a hill to the south west of the site acts as a backdrop to the proposed mast thereby reducing its visual impact.
- That buildings within the industrial estate will block views to the mast from Mount Leader residential estate which is at a lower elevation than the industrial estate.
- That Vodafone coverage for 2G, 4G, and 5G at present is weak and substandard in the area.
- That there are no other suitable masts in the area for co-location
- That planning notices erected were compliant with the legislation

- That the photomontages prepared are accurate and to scale
- That any noise from the cabinets associated with the a low tonal noise below 40dBA

12. PA Response

A response to the appeal was received on the 7th November 2024 and states that the Planning Authority is of the opinion that all of the relevant issues have been covered in the technical reports already forwarded to the Board and that the Planning Authority has no further comments to make on this matter.

13. Observations

None received.

Environmental Screening

14. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

15. AA Screening

Having regard to the modest nature and scale of development and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Development Plan Policy
 - Requirement for a Telecommunications Structure
 - Residential Amenities/ Health Impacts
 - Visual Impact
- 2.1.3. It is noted that the third party also raised an issue with respect to the site notice and that there was no planning reference number of the same. While the same is noted, a planning file reference number is not required on the site notice and therefore this issue raised in the appeal can be discounted.

2.2. Development Plan Policy

- 2.2.1. The subject site is located on lands zoned as 'Existing Mixed/General Business/Industrial Uses' in the Cork County Development Plan 2022 – 2028 which under ZU18-10 seeks to: *'Facilitate development that supports in general the employment uses of the Existing Mixed/General Business/Industrial Areas. Development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted'*
- 2.2.2. It is considered that the proposed telecommunications structure generally complies with the above land use zoning objective.
- 2.2.3. In addition it is considered that the proposed telecommunications structure generally complies with Objective EC8-5 Connectivity and ET13-28 Information and Communications Technology as set out under Section 4 above.

2.2.4. I also refer to National Guidance with respect of telecommunications infrastructure which are generally supportive of the development and maintenance of a high- quality telecommunications service.

2.2.5. On the basis of the above, it is considered that in principle a telecommunications mast at this location within an industrial estate is considered acceptable.

2.3. Requirement for a Telecommunications Structure.

2.3.1. The proposed telecommunications mast is for the purposes of increased connectivity for 2G, 4G and 5G coverage for the Vodafone network.

2.3.2. Comreg Maps for the area show that this coverage, as stated in the first party submission, is weak and substandard. I have examined the comreg maps in this regard and I note that while 2G coverage is good, 4G and 5G services are generally poor in the area.

2.3.3. The applicant has examined the possibility of co-location and has concluded that it would not be possible for technical reasons.

2.3.4. On the basis of the foregoing, I accept the need for a telecommunications mast at this location.

2.4. Residential Amenities

2.4.1. The nearest house is located at Mount Leader Housing Estate located 200 metres to the north of the proposed development site.

2.4.2. The Cloverhiil Food Industrial Unit is located between the proposed mast and the aforesaid housing estate.

2.4.3. While it is likely that the said mast will be visible from the housing estate, I do not consider that the visual impact of the same would affect the residential amenities of properties within Mount Leader Housing Estate.

2.4.4. The appellants have also raised the issue of potential health impacts arising from the proposed development.

- 2.4.5. In relation to these matters I note the provisions of Circular Letter PL07/12 issued by the Minister under section 28 of the Planning and Development Act 2000, as amended, which states that 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. The letter further advises that health and safety matters are regulated by other codes and such matters should not be additionally regulated by the planning process. Accordingly, the issue of health and safety will not be considered further within this report.
- 2.4.6. The appellants also raise the issue of noise arising from the proposed development and the impact the same would have on their residential amenities. I note that from the first party submissions that there would be some noise from the base cabinets which result as a consequence of the operation of cooling fans. It is stated that the noise level associated with the same would be in the region of 40dBA. I do not consider that this noise level would impact upon adjacent private residential properties.
- 2.4.7. On the basis of the foregoing, I do not consider that there will be an impact to the residential amenities of the nearest properties at Mount Leader Housing Estate.

2.5. Visual Amenities

- 2.5.1. With respect to visual amenities, I note that the case planner sought a Visual Impact Assessment by way of a further information request.
- 2.5.2. I note first off that there are no visual designations associated with the proposed development site as per the statutory development plan serving the area.
- 2.5.3. I note that Visual Impact Assessment was submitted upon response to the further information request which included for verified photomontages which show the for the visual impact of the proposed mast from different viewpoints.

- 2.5.4. The photomontages show that the mast, which is a lattice type structure, for the most part will be visible from eastern views. However, having considered the photomontages submitted, I do not consider that the visual impact is significant.
- 2.5.5. Views from Mount Leader Housing Estate to the north have not been shown in any of the photomontages submitted. However, submissions from the first party state that views from the estate are blocked by the Cloverhill Food Industrial Building and that the houses are at a lower elevation than the mast and so much of the mast will be blocked by the building. There is also a backdrop of mature trees to the south of the mast.
- 2.5.6. While it is accepted that the mast will be partially visible from Mount Leader Housing Estate and the wider landscape in general, I do not consider that this impact would be negative and as such it is considered that the proposed development is acceptable from a visual amenity perspective.

3.0 Recommendation

- 3.1. Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

4.0 Reasons and Considerations

- 4.1. Having regard to:
- (a) National policy regarding the provision of mobile and telecommunications services,
 - (b) The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July 1996, as updated by circular Letter PL07/12, issued by the Department of the environment, Community and Local Government on the 19th of October 2012,
 - (c) The policy of the planning authority as set out in the Cork County Development Plan 2022-2028 to support the provision of telecommunications infrastructure,

(d) The location of the site within an industrial estate

(e) The nature and scale of the proposed telecommunications support infrastructure,
It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not be contrary to the overall provisions of the current development plans for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
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 the commencement of development.</p> <p>Reason: In the interests of the visual amenities of the area.</p>
4	<p>The proposed cabinets at the base of the free-standing structure shall be acoustically insulated in order to minimise any potential noise nuisance to the occupants of nearby residential units. Details of the insulated cabinets shall be submitted, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interests of visual amenity</p>

5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 Monday to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity of the site</p>
6	<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 intended construction practice for the development including hours of working, noise management measures and offsite disposal of construction and demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
7.	<p>When equipment or structures are no longer required, they shall be decommissioned, dismantled and removed from the site within 3 months of the cessation of its use unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</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.

Andrew Hersey

Planning Inspector

31th July 2024