



An
Bord
Pleanála

Inspector's Report ABP-319401-24

Development	Erection of telecommunication equipment on the rooftop including antennas, dishes, cabinets and all other associated equipment and site development works.
Location	Nido Student Accommodation, Curraheen Point, Farranlea Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2342441
Applicant(s)	Vantage Towers Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Vantage Towers Ltd.
Observer(s)	None
Date of Site Inspection	01/10/2024
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site comprises two, part--three part four three storey student accommodation blocks, on the southern side of Farranlea Road between the estates of Farranlea Park and Farranlea Grove. Each of the flat-roofed blocks has a range of telecommunications equipment at roof level.
- 1.1.2. The site is bounded on three sides by residential development, to the east by semi-detached houses in Farranlea Court, to the south by semi-detached houses in The Orchard, and to the west by detached houses with access onto Farranlea Road. Downview Estate is on the opposite of the public road and comprises a residential development of 2-4 storey residential units.

2.0 Proposed Development

- 2.1.1. On the 13th November 2023, planning permission was sought for the erection of telecommunications infrastructure comprising antennas, dishes, cabinets and other associated equipment on the western most of the two student blocks.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 11th March 2024, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 The proposed telecommunications devices would, if permitted, be visible from the public domain / street level, would be visually incongruous and would lead to a proliferation of telecommunications structure in this visually prominent location. The proposed development by reason of its scale, height, design and proximate location relative to existing dwellings and the streetscape would seriously injure the visual amenities of the area, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Proposed equipment is white in colour, covers a large area of the roof, and would be highly visible from the public realm approaching east and west along Farranlea Road. Existing building is 13.2m high, therefore not a 'tall building' as per development plan definition. Notes the guidelines recommendation for

structures to be located on tall buildings, recommends that applicant address visual impact by way of Further Information. Concerns over the intensification of telecommunications infrastructure, cumulative impact and visual clutter.

3.2.2. **Planning Report following submission of Further Information:** Notes that applicant submitted that infrastructure cannot be shared and that screening of the equipment is only feasible in terms of a shroud. Planner considers this insufficient to allay visual impact concerns and recommends refusal.

3.2.3. **SEP:** Concurs with recommendation to refuse permission.

3.3. **Prescribed Bodies**

3.3.1. **Uisce Eireann:** No objection

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. **ABP-300846-18:** Permission granted for three-storey student accommodation providing 161 bed spaces.

4.1.2. Planning Authority reg. ref **22/41533** permission granted to Ontower Ireland for the installation of telecommunications equipment on the rooftop including antennas, Remote Radio Units (RRU's), a dish, a cabinet and all other associated site development works.

4.1.3. Planning Authority reg. ref **22/41530** (EIR) for the installation of telecommunications equipment on the rooftop including antennas, Remote Radio Units (RRU's), a dish, a cabinet and all other associated site development works.

5.0 **Policy Context**

5.1. **National Planning Framework – Project Ireland 2040**

5.1.1. Objective 24 – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

- 5.2.1. The Guidelines set out government policy for the assessment of proposed new telecommunications structures, stating that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country.
- 5.2.2. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.
- 5.2.3. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.
- 5.2.4. The Guidelines state that the approach will vary depending on where a development is proposed. The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

5.3. DoECLG Circular Letter PL07/12

- 5.3.1. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications

on health grounds and 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. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

5.3.2. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

5.4. **Cork City Development Plan 2022-2024**

5.4.1. The subject site is zoned ZO 01, Sustainable Residential Neighbourhoods, with the stated objective: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. Objective ZO1.2 notes that these zones are not homogenous, including a mix of land uses.

5.4.2. Objective ZO1.2 states that "development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted".

5.4.3. Section 11.256 of the Development Plan refers to Telecommunications Structures, stating:

The assessment of any application for telecommunications antennae and support structures shall have regard to the following: 1. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996 and Circular Letter PI 07/12 published by the DECLG in 2012. 2. The co-location of existing structures is encouraged and the construction of

any new antennae or structure will only be considered when co-location is not a feasible option. Any proposal for a new structure or antennae should detail the requirements for the infrastructure and if so, why co-location is not feasible. 3. In identifying a suitable location for telecommunications structures consideration shall be given to the potential visual impact of the development and any sensitivities in the area in which the structure is proposed to be located. A Visual Impact Assessment of the development, including photomontages, may be required, depending on the nature of the development proposed. 4. Telecommunications Structures on visually sensitive elevated lands will only be considered where technical or coverage requirements mean the infrastructure is essential.

- 5.4.4. **Section 9.2.3** of the development plan refers to ICT and Telecommunications noting that digital connectivity and ICT are key drivers of the social and economic development of the city. To that end, **Section 9.26** states: An efficient telecommunications system is important in the development of the economy. Cork City Council will have regard to the guidelines issued by the Department of the Environment, Heritage and Local Government, 'Planning Guidelines for Telecommunications Antennae and Support Structures' (1996) and Circular Letter PL 07/12. The assessment of individual proposals will be governed by the guidelines and the controls scheduled in the Development Management section of this plan.

5.5. **EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics, impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for the applicant has appealed the decision of Cork City Council to refuse permission. The grounds of appeal can be summarised as follows:

- The proposed rooftop installation is specifically for use by Vodafone. Eir and 3 Ireland have already been granted planning consent for their installations. These works are likely to be in place by the time ABP complete their assessment. If required, a new photomontage enabling a realistic assessment can be undertaken.
- It is submitted that there is a planning precedent in favour of such applications.
- The application is on a rooftop that is shared by all three of Ireland's network operators as required by the guidelines and the development plan.
- The additional visual impact created by the proposal is minimal, would not be visually incongruous or lead to a noticeable proliferation of telecommunications infrastructure.
- The permitted installations which create the main impact were assessed by the Planning Authority as being acceptable. The proposed installation will not magnify any resulting views.
- Every effort has been made to ensure a minimal amount of equipment, no technological conflict with existing proposals, and the setting back of equipment to mitigate any visual impact.
- National and local policy recognized the importance of high quality communications for a successful economy. The local area has seen substantial growth with taller buildings mostly to meet student demand from the nearby university and hospitals. This significant growth leads to a demand for services.
- The subject site is an urban area with dense development. The proposed installations will assimilate well into the overall environment and will not look out of place.
- The Planning Authority refusal seems to contradict local and national policy. The appellant submits that the proposal would not be contrary to the proper planning and sustainable development of the area.
- The appeal submission provides details of a market overview in terms of operators, technology, line of sight, infrastructure requirement, the importance of

modern 5G technology, statistics for the Irish market and outdoor versus indoor coverage.

- The appeal submission provides detail of the site location, the proposed installation, the planning history of the site, the zoning of the area, protected structures in the area including photographs, other designations including flood zones and the topography of the wider area. The appellant states that the increasing height of buildings, the hilly topography of Cork and the ever-increasing dense population result in signal coverage being limited to localized areas. It must be above the target coverage area. The NIDO building is the tallest building in the area and as a result is a location of last resort to secure this coverage area.
- Maps of nationwide outdoor coverage showing Vodafone's current 4G and 5G coverage in the air are submitted. There is a large contrast, with the weaker coverage area being around the proposed site. It is submitted that this coverage is not reflective of the service achieved, being a result of spillover from other sites. A controlling installation is required to prevent coverage interference and maintain capacity of service.
- Due to the increase in apartment development and associated local population linked with increases in growth and demand, the quality of service has deteriorated.
- The proposed development will close the gap in indoor coverage at this important location. Coverage issues can only be rectified through ample capacity and height. Justification Report submitted with the appeal.
- Alternative structures and sites were discounted due to lower ground, existing representation and lack of enhancement.
- The proposed development complies with the Digital Strategy and Telecommunications and co-location policies in chapter 9 and 11 of the City Development Plan.
- The proposed development complies with the 1996 DoECLG Guidelines in terms of siting and design, site sharing and visual impact. It is stated that it is not possible to locate the antenna in the centre of the roof without a tall obtrusive structure. It is submitted that the visual impact will not be intrusive.

- Submitted photomontage was undertaken on an empty roof. The overall impact is minimal to medium. Should the Board require, a shroud can be added to further screen.
- The proposed development is exempted development under Class 31(k) however due to the use of the building for students, permission is needed.
- The proposed development is supported by the objectives of Project 2040, the National Planning Framework and the National Development Plan 2018-2027
- The Board is requested to grant permission.

6.2. Planning Authority Response

6.2.1. None on file.

6.3. Observations

6.3.1. None on file

7.0 Assessment

7.1.1. I have reviewed the proposal in the light of the National Development Plan 2018 – 2027, National Planning Framework, Telecommunications Antennae and Support Structures Guidelines and Circular Letter PL07/12, Cork City Development Plan 2022 – 2028, the submissions of the parties, and my own site visit.

7.1.2. I note that the need for the proposed development was not raised as an area of concern by the Planning Authority. I note the comprehensive detail provided by the appellant regarding the need for the proposed development, the reason for choosing the subject site and the reasons for not using existing infrastructure on site, and finally compliance with national and local policy on telecommunications. I am satisfied that these issue has been addressed satisfactorily, accordingly, I consider that this appeal should be assessed under the single issue of visual impact.

7.2. Visual Impact

7.2.1. The Planning Authority's single reason for refusal refers to the visibility of the proposed devices from the public domain / street level, stating that if permitted, the development would be visually incongruous and would lead to a proliferation of telecommunications structure in this visually prominent location.

- 7.2.2. On the date of my site visit, the telecommunication infrastructure granted under Planning Authority reg. ref 22/41533 (Ontower Ireland) and 22/41530 (EIR) had been constructed. Approaching from the east and west along Farranlea Road, the structures were visible from a distance. At street level only a glimpse of the structures was possible, and only when specifically sought out. The narrow, pale coloured structures did not appear dominant and did not break the skyline view. They did not appear incongruous, reading as standard urban roofline infrastructure.
- 7.2.3. Permission is sought to erect three 2mx2m ballast frames (two at roof level, one at lower set-back third floor), and a 1.65m cabinet (third floor). The external appearance of the proposed development is similar to that already existing on the roof. I am satisfied that the proposed development, while intensifying the extent of development at roof level, is not at a scale that is uncommon in a suburban / urban area that is not characterised by standard two-storey dwellings. I am satisfied that little to no visual impact will arise, over and above that, that is existing. The proposed masts will not raise interest over and above the visual impact already existing, nor will it draw attention to the extent of development at roof level.
- 7.2.4. It is considered that the proposed development is in keeping with the zoning objective for the area and section 11.256 of the Cork City Development Plan 2022-2028 with regard to the City's digital strategy, is in keeping with the pattern of development in the area and accords with the proper planning and sustainable development of the area.

8.0 AA Screening

- 8.1.1. I have considered the proposed development of telecommunications infrastructure on an existing building, in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Cork Harbour SPA (004030), 3.5km to the south-east.
- 8.1.2. Having considered the nature, scale and location of the project in a built-up, mixed use area and on an existing student accommodation building, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows, the limited nature of the works and the distance from nearest European site and lack

of connections. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

- 10.1.1. Having regard to the National Development Plan 2018 – 2027, the National Planning Framework, the Telecommunications Antennae and Support Structures Guidelines, the Cork City Development Plan 2022 – 2028, the pattern of development in the area and the location of the development on an existing structure with existing telecommunication infrastructure, it is considered that, subject to conditions, the proposal would improve the coverage and capacity of mobile telecommunication and broadband services in line with national and local planning objectives. The site selected is appropriate, in principle, for this proposal, and the siting of it reflects the advice of the Guidelines with respect to the siting of telecommunication support structures. The amenities of the area, including visual amenity, would not be unduly affected. The proposal would thus accord with the proper planning and sustainable development of the area.

11.0 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 Details of the proposed colour scheme for the telecommunications structure, ancillary structures, fencing and gates shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 3 A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

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.

Gillian Kane
Senior Planning Inspector

16 October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Telecommunications infrastructure		
Development Address	Nido Student Accommodation, Farranlea Road, 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	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
No			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			No EIAR or Preliminary Examination required
4. Has Schedule 7A information been submitted?			
	n/a		

Inspector: _____ **Date:** _____