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HIGH COURT

PLANNING AND ENVIRONMENT

IN THE MATTER OF SECTION 160 OF THE PLANNING AND DEVELOPMENT
ACT 2000 AS AMENDED

2024/ 562 MCA



JOHN HEGARTY

and

EUGENE GLENDON, SYLVIA GLENDON

and

GEMMA DESMOND

Applicants

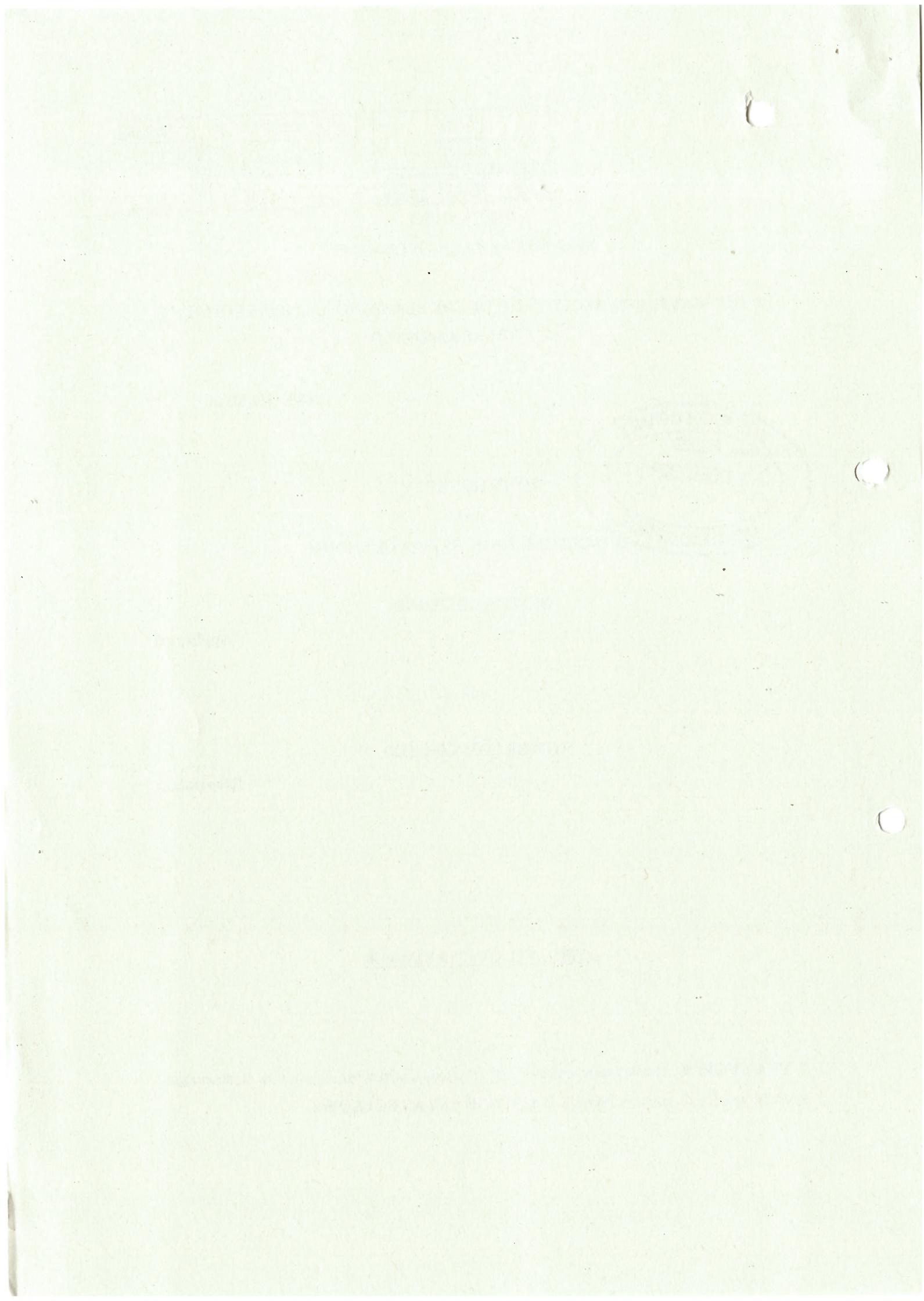
and

TOWERCOM LIMITED

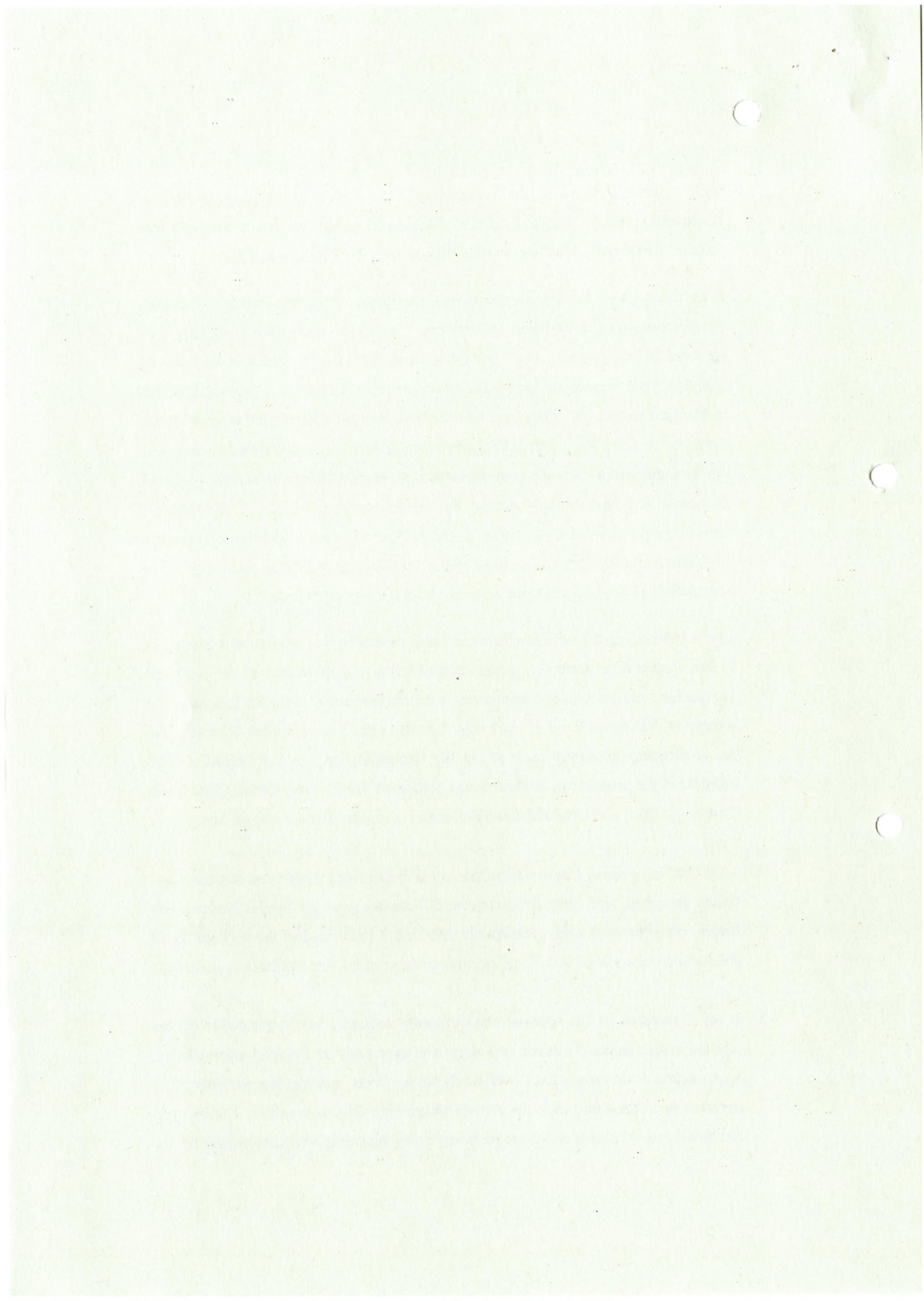
Respondent

AFFIDAVIT OF UNA SUGRUE

I, UNA SUGRUE, conservation architect, of Crossna, Knockvicar, Boyle, Co. Roscommon,
aged 18 years and upwards, MAKE OATH AND SAY AS FOLLOWS.



1. I am a Grade II Conservation Architect. I am a Fellow of the Royal Institute of Architects of Ireland. I hold a Bachelor of Architecture degree from University College Dublin. I hold an MA in Conservation Studies from the University of York.
2. I have extensive experience across the disciplines of Urban Design, Planning, Architecture and Conservation Architecture. From 1986 until 2011, I worked at the National Building Agency and from 1995, I was the Senior Architect at the National Building Agency specialising in building conservation. In that role, I provided advice to local authorities, including Cork City Council, and led conservation projects across the country. From 2011 until 2021, I was a Senior Architect and project coordinator at the Grangegorman Development Agency with responsibility for eleven protected structures and archaeology during the implementation of the 2012 Strategic Development Zone planning scheme. Since 2021, I have worked as a researcher on the forthcoming North Connacht volume in the *Buildings of Ireland* series, which when completed will have documented the entire built heritage of Ireland.
3. I have been engaged by the Applicants in these proceedings to advise them in relation to the conservation architecture and cultural heritage implications of the proposed replacement and erection of telecommunications infrastructure at the Eir Exchange site located at Wellington Road in Cork city. I confirm that I have reviewed the proposal for a telecommunications mast at the Eir Exchange site. In that regard, I have considered the proposal in relation to the setting of Trinity Presbyterian Church and Connaught Place and have addressed the history of the development of the site.
4. As part of my review, I have conducted a desk based study of relevant materials and online resources, and have reviewed the documents provided by the Notice Party herein. In view of the time constraints involved, I have not had the opportunity of conducting a site visit, but it is my intention to do so at the first available opportunity.
5. In my preparation of this affidavit, the applicants' solicitors have explained to me the relevant requirements in relation to acting as an expert witness, which I acknowledge. As an expert, I am aware that I owe a duty to the Court, and that it is the duty of an expert to assist the Court as to the matters within their field of expertise. I understand that this duty overrides any obligation to any party, including any party paying the fee



of the expert. I understand that I must disclose any potential conflict of interest which I may have. I confirm that I have no such conflict. My affidavit is confined to a review of the documents which I refer to and I make no wider comment in relation to the proceedings.

6. In terms of cultural significance, I note that in the volume of *Buildings of Ireland Cork City and County*, Frank Keohane states the following about the Trinity Presbyterian Church and its spire:

"Abutting the S transept, the prominent three-stage entrance tower has an elegant broach spire, angel gargoyles and crocketed lucarnes.....Staggered buttresses rising above the eaves to richly crocketed pinnacles".

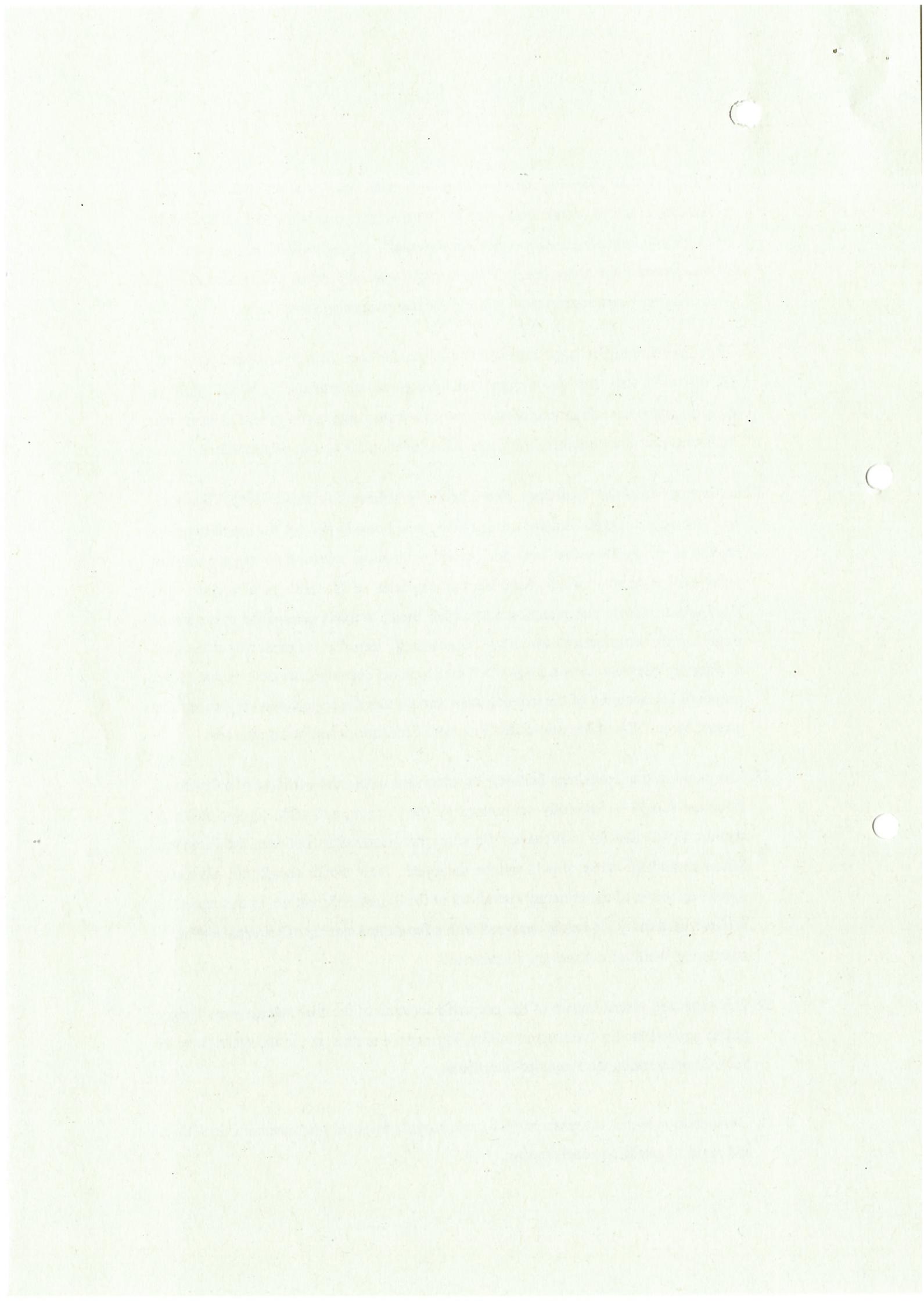
7. According to Keohane, these important vertical features are enhanced by the Church's *"imposing hillside setting"*, and the windows of the Church, including the extraordinary six-light window of the north transept, containing *"the finest decorative tracery in the city"*.
8. This combination of flowing and rectilinear Gothic tracery is just about visible from Wellington Road through the gap between Connaught Place and the Eir Exchange building.
9. The grounds of Trinity Presbyterian Church originally included the full sloping site rising from Summerhill North to Wellington Road. This provided a dramatic setting for the church and spectacular views from Wellington Road of the north transept window, the spire, and the city beyond. A series of low retaining walls mitigated the steepness of the slope, and the open character of the space was a welcome relief along the densely built thoroughfare of Wellington Road.
10. In the 1970s the Department of Posts and Telegraphs (P&T) built a long low single-storey building (with basement) in the narrow wedge-shaped plot to the north. The site profile was reconfigured by the construction of a deep east-west retaining wall. Later in the 1990s the rear of the church was excavated to support a car parking area. As a result, the present viewing area is confined to a small 15m gap between the Eir

Exchange building and 23 Connaught Place. The transept and spire are still visible, but the view is impacted by the current telegraph pole and would be further impacted if the proposed monopole is installed in the location illustrated in the documents which I have considered.

11. The proposal, located on the Eir Exchange site, is within the original curtilage and present attendant grounds of the Trinity Presbyterian Church, a Protected Structure, (Ref. No PS425) and its two former school buildings. It also impacts upon three other Protected Structures and their settings: No. 23 Connaught Place (Ref. No PS457), No. 22 Connaught Place (Ref. No PS456) and No. 21 Connaught Place (Ref. No. PS455). No 23 has been reported to me as the home of a Minister of the Trinity Presbyterian Church in the 19th Century and therefore may have an additional cultural heritage value in terms of its social history. These properties are also all located within the *Wellington Road and Saint Luke's Architectural Conservation Area (ACA)*.
12. The Protected Structure of the Trinity Presbyterian Church and its curtilage and attendant grounds have architectural, historical, artistic, cultural, technical and social interests. The building is one of the most unique and prominent in the setting and the locality.
13. The site of the Presbyterian Church is distinctive, visually rich, of special interest and has an extensive setting beyond the building curtilage into the ACA. The setting of the Church and Eir Exchange site extends to the streetscape and beyond to surrounding property including Connaught Place which has associations with the Church site.
14. Development materially affecting Protected Structures requires an application for planning permission and cannot avail of planning exemptions relating to development normally exempted for a similar property which does not have Protected Structure status.
15. The protected status of the buildings and the ACA provide a form of statutory protection with the aim of ensuring a higher level of consideration for proposed development. In describing an ACA, the Cork City Council Development Plan Vol. 3 Built Heritage Objectives states: "*The designation of an area as an Architectural Conservation Area*

(ACA) under the Planning Acts is a way to protect the character of Cork's historic areas. The aim is to protect their special characteristics and distinctive features while encouraging suitable contemporary development". Objective 8.32 of the Cork City Development Plan states that "Changes that materially affect the character of an Architectural Conservation Area will require planning permission".

16. The Architectural Heritage Protection Guidelines for Local Authorities (hereinafter "the Guidelines") state that the design and location of advertising hoardings, signage, awnings, canopies, flagpoles, banners, satellite dishes, masts and pylons as items that may need particular attention within an ACA (Section 3.7.4). (emphasis added)
17. In Section 3.8 of the Guidelines, *Features and Structures Detrimental to the Character of the Area* it suggests policies or objectives could be adopted for the replacement of structures or features that are unacceptably intrusive, where their replacement or substantial alteration would improve the character of the area as a whole. The Guidelines indicate that planning authorities should actively pursue the reduction of impact of existing features which are unnecessarily intrusive, in particular at the time of their replacement. This suggests that development opportunities such as that of the proposed replacement of the existing mast should take the opportunity to reduce their impact on an ACA or any associated Protected Structures when being replaced.
18. It is noted in the Guidelines that new development within the curtilage of a Protected Structure should be carefully scrutinised by the planning authority. It also states in section 13.5.2 that for a Protected Structure the relationship between the Protected Structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the Protected Structure. In that regard, it is clear that Trinity Church is designed with a façade and steeple of principal elevation addressing Wellington Road and Summerhill.
19. The increased visual impact of the proposed location of the mast which is no longer placed against the Eir Exchange building interrupts a unique gap in the urban form of the ACA addressing the Protected Structures.
20. The increased size of the mast, revised location and additional antennae are a significant and material planning consideration.



21. Mindful of the visual richness and historic importance of the Protected Structures, the setting of the Protected Structures, and the location of the proposed development within the landscape of the ACA, it is my professional opinion that the proposal negatively affects the special characteristics and distinctive features of the designated cultural heritage sites.

22. In this regard the proposal would, in my professional opinion, materially affect the character of the Protected Structures and of the ACA.

23. In my opinion, the current proposal should be thoroughly reviewed, its planning status clarified and an architectural heritage impact assessment produced with recommendations to reduce or eliminate any residual impacts.

Una Sugrue

I hereby confirm that I have identified the said Una Sugrue to Elaine O'Toole.

Eoin Brady
25/11/2024

Deponent

Filed on the ^{11th} ~~20th~~ day of ^{December} November 2024 on behalf of the Applicants by FP Logue LLP.
Lenin House, Great Strand Street, Dublin 1

Elaine O'Toole
SWORN before me a practising solicitor/~~commissioner for oaths~~ by the said

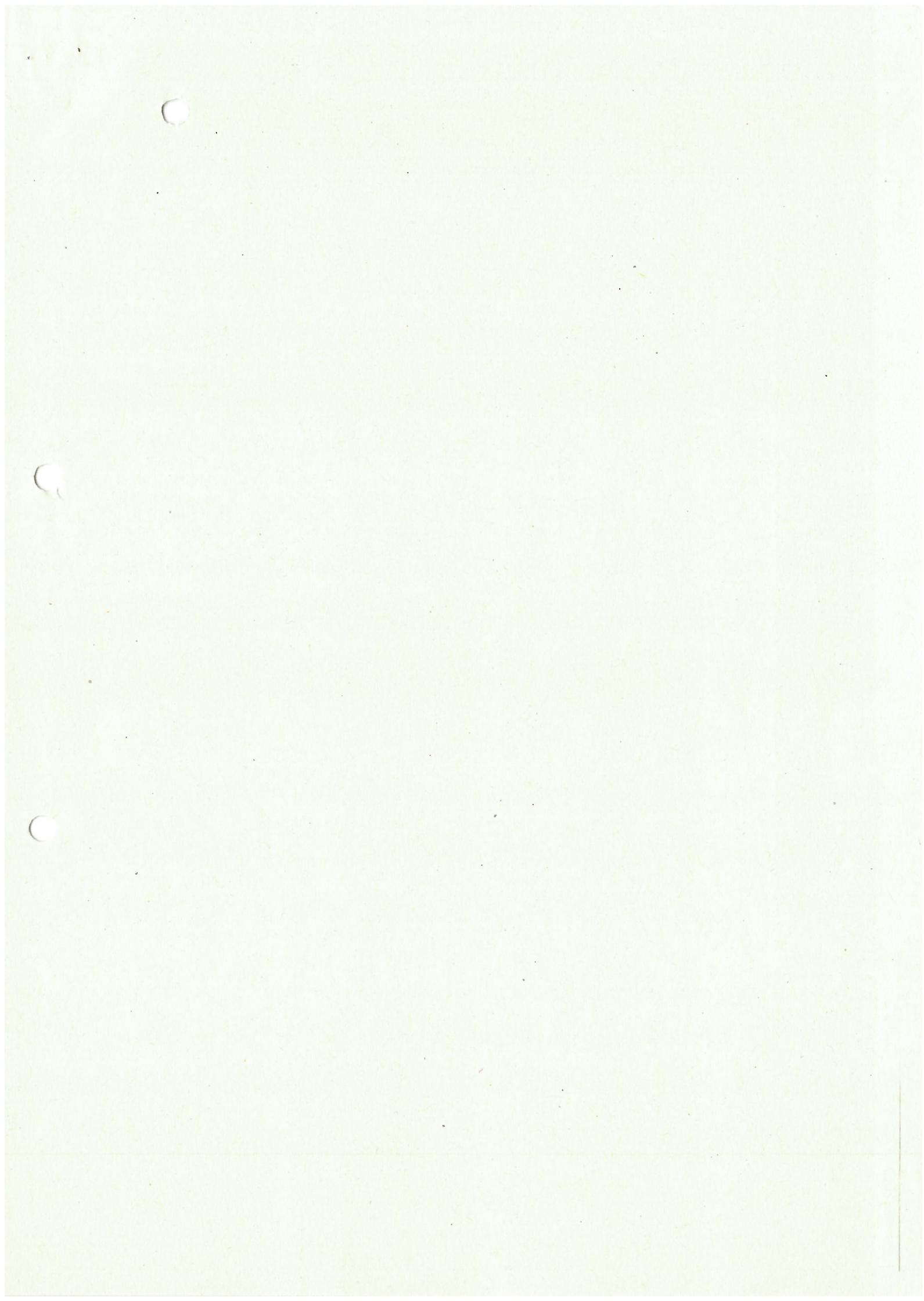
UNA SUGRUE

a) who is personally known to me; or
b) who has been personally identified to me by *Eoin Brady* who is personally known to me and who has certified to me his/~~her~~ personal knowledge of the Deponent; or
c) ~~the identity of the Deponent has been established by me by reference to a~~

~~containing a photograph of the Deponent.~~
this 25th day of November 2024

at *Main Street, Carrick, Shannon*
in the County of *Leitrim*
Elaine O'Toole
Practising Solicitor/~~Commissioner for Oaths~~
Practising Solicitor

Elaine O'Toole
Practising Solicitor
Carrick-on-Shannon
Co. Leitrim
0719671500
info@eotsolicitors.ie
www.eotsolicitors.ie



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