

An
Bord
Pleanála

Board Direction
BD-017206-24
ABP-318895-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/08/2024.

The Board decided to direct the planning authority to grant the licence, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of section 254 of the Planning and Development Act 2000, as amended, and the location and nature of the proposed development, which comprises an 18-metre high monopole telecommunications structure and associated equipment and two cabinets, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant Cork City Development Plan, 2022-2028, would not cause adverse impacts on visual or residential amenities, would not inconvenience the safety of road users, including pedestrians, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, amended by the further plans and particulars received by the planning authority on the 18th day of January 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) This permission shall apply for a period of 10 years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, permission shall have been granted for their retention for a further period.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.


4. The antenna type and mounting configuration shall be in accordance with the details submitted with the application and appeal, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

Note:

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not concur with the inspector's recommended reason number one as noting the location of the site along the inner side of the footpath that forms part of the public road, the Board considered it reasonable to conclude that the development site is along a public road within the meaning of Section 2 of the Planning and Development Act 2000 and related Section 2 of the Roads Act 1993, as amended and in this context whereby it could be concluded that it lies within open space along a public road, having regard to the nature and small scale of the development, the Board did not agree that the addition of such modest utility infrastructure would conflict with the zoning objective (Z01- Residential Neighbourhoods). In relation to the inspector's recommended refusal reason number two on grounds of visual amenity, the Board, noting the small scale nature of the development and did not agree that the development proposed would reasonably detract from the visual amenities of the area or be seriously injurious to the amenities of properties in the vicinity of the site.

Board Member


Patricia Calleary

Date: 08/08/2024