



An  
Coimisiún  
Pleanála

**Direction**  
**ABP-322335-25**

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The submissions on this file and the Inspector's report were considered at a meeting held on 21/01/2026.

The Commission decided, as set out in the following Order, that

**WHEREAS** a question has arisen as to whether the assembly of a replacement support structure and the attachment of antennae and other telecommunications infrastructure at the EIR Exchange Site, Wellington Road, Cork City is or is not development or is or is not exempted development,

**AND WHEREAS** Eugene Glendon and others care of Peter Thomson Planning Solutions of Kells, County Kilkenny requested a declaration on this question from Cork City Council and the Council did not issue a declaration on the matter,

**AND WHEREAS** Cork City Council referred the matter to An Coimisiún Pleanála on the 17<sup>th</sup> day of April, 2025,

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 of the Planning and Development Act 2000, as amended,
- (d) Section 5 of the Planning and Development Act 2000, as amended,
- (e) Section 57 of the Planning and Development Act 2000, as amended,
- (f) Section 82 of the Planning and Development Act 2000, as amended,
- (g) Article 6 and Article 9 of the Planning and Development Regulations 2001, as amended,
- (h) Class 31, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (i) Class 29 Part 1 of the Second Schedule Exempted Development – General Local Government (Planning and Development) Regulations 1994,

- (j) the European Communities (Electronics Communities Networks and Services) (Authorisation) Regulations 2011,
- (k) the planning history of the site,
- (l) the existing buildings on the site,
- (m) the pattern of development in the area, and
- (n) the report and recommendation of the Inspector,

**AND WHEREAS**, in arriving at its decision, the Commission had regard to the following:

- (a) while the question of whether Towercom is a statutory undertaker is a matter for the regulatory authority, there is no information submitted to the Commission to indicate that Towercom would not meet the definition of Statutory Undertaker based on a contractual arrangement with Vodafone which is a Statutory Undertaker,
- (b) the assembly of a replacement support structure and the attachment of antennae and other telecommunications constitutes development as defined under section 3(1) of the Planning and Development Act 2000, as amended,
- (c) the telecommunications support structure development was erected as an authorised structure having regard to the exempted development

provision which applied at the time of its erection under Class 29, Second Schedule Part 1 of S.I. No. 86/1994,

- (d) on the basis of the information on file, including the totality of submissions received, it has not been satisfactorily demonstrated to the Commission that the structure and associated antennae became unauthorised subsequent to its erection,
- (e) in the absence of such evidence, the development referenced in the question is a replacement structure 3.2 metres northeast of the existing pole which can be considered to come within the scope of the provisions as set out in Class 31(j) of the Planning and Development Regulations 2001, as amended,
- (f) under Section 57 of the Planning and Development Act, as amended, the character or setting of Trinity Presbyterian Church as a designated Protected Structure would not be materially impacted by the replacement of a mast type structure of similar dimensions to the existing structure,
- (g) under Section 82 of the Planning and Development Act, as amended, the character of Wellington Road and Saint Luke's Architectural Conservation Area would not be materially impacted by the replacement of a mast type structure of similar dimensions to the existing structure,
- (h) there are no provisions in relation to restrictions on exempted development stated in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, which would apply to preclude exempted development,

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the assembly of a replacement support structure and the attachment of antennae and other telecommunications infrastructure at the EIR Exchange Site, Wellington Road, Cork City is development and is exempted development.

**Planning**

**Commissioner:** *Eamonn James Kelly* **Date:** 28/01/2026

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Eamonn James Kelly