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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

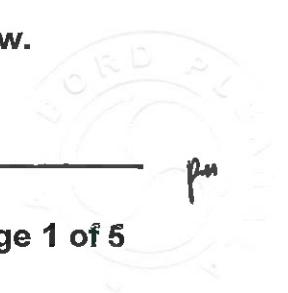
**Planning Register Reference Number: 20/06289**

**Appeal** by Eircom Limited care of 4Site of 4Site House, Raheen Business Park, Limerick against the decision made on the 24<sup>th</sup> day of June, 2021 by Cork County Council to refuse permission for the proposed development.

**Proposed Development:** To replace an existing 25 metre monopole telecommunications support structure with a new 40 metre multi-user lattice telecommunications support structure, carrying antenna and dishes and to extend the compound enclosed by a 2.4 metre high palisade fence together with associated ground equipment cabinets and associated site works at The Barn Wood, Castlemartyr, County Cork.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**



## **Matters Considered**

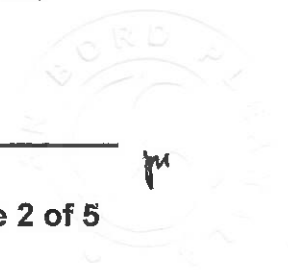
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to:

- (a) the strategic importance of the national broadband service,
- (b) the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996,
- (c) Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in October, 2012,
- (d) the policies and objectives set out in the Cork County Development Plan,
- (e) the siting and design of the proposed development within woodland at a location where there is established telecommunications infrastructure, and
- (f) the existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a necessary upgraded telecommunications service for the Castlemartyr area, would not seriously injure the character, setting and visual amenities of the Castlemartyr



Architectural Conservation Area or the protected structures in the vicinity, would not seriously injure the amenities of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 10<sup>th</sup> day of February, 2021, the 16<sup>th</sup> day of March, 2021 and the 2<sup>nd</sup> day of June, 2021 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. (a) This permission shall apply for a period of ten 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, planning 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. 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 commencement of development.

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

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

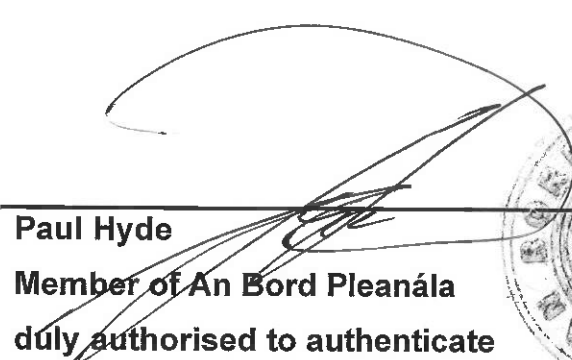
5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

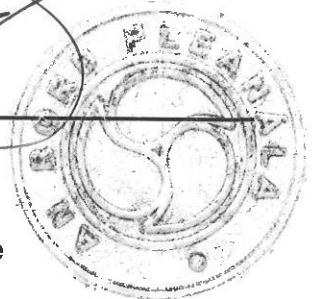
**Reason:** In the interest of the visual amenities of the area.



6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

  
Paul Hyde  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board



Dated this 20<sup>th</sup> day of DECEMBER 2021