



An  
Bord  
Pleanála

Board Order  
ABP-315401-22

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 22/618**

**APPEAL** by Eircom Limited (Eir) care of Towercom Limited of Limer House, Main Street, Dundrum, Dublin against the decision made on the 24<sup>th</sup> day of November, 2022 by Cork County Council to refuse permission.

**Proposed Development:** Replacement of a 15-metre-high timber pole with a 15-metre-high monopole telecommunications structure, together with antennas, dishes and associated telecommunications equipment, including two number ground cabinets, all at Eir Exchange, Inches, Eyeries, County Cork.

## Decision

**GRANT** permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

## Reasons and Considerations

Having regard to the provisions of the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region, the Cork County Development Plan 2022-2028, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, the location and setting of the site located on an existing Eir Exchange, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and the wider Loop Head Peninsula, including views from the 'Scenic Route' along the R478 Regional Road and other scenic routes in the area and would be in accordance with Objective GI 14-14 (Development on Scenic Routes) of the Cork County Development Plan 2022-2028 for location near scenic routes and, furthermore, the objectives of Chapter 13 of the development plan to facilitate the delivery of high quality digital and mobile telecommunications throughout Cork County. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

DECISION QUASHED

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In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree with the overall assessment of the Inspector. The Board did not accept that the proposed development, located on an existing Eir Exchange to replace an existing 10-metre mast with a 15-metre monopole telecommunication structure, would have an overbearing or obtrusive impact on the residential and other amenities of the area. The Board did not agree with the Inspector that the proposed structure would seriously injure the visual amenities of the area as it was located behind a prominent building within the village and while the proposed development will be five metres higher than the existing pole, as part of the existing landscape there are a number other vertical structures in the area, including ESB poles and overhead cables and road signs. Finally, the Board did not accept that the applicant had failed to provide adequate information in relation to alternative sites as both its planning application and appeal did examine the suitability of the Cellnex/OnTower site and set out clear reasons why the proposed development and location should be preferred, which was accepted by the Board.

The Board considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority.

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

3. 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.

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

**Reason:** In the interest of public health.

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5. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at its own expense, remove the mast, antenna and ancillary structures and equipment.
- (b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

6. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

**Reason:** To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

  
Peter Mullan

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

Dated this 24<sup>th</sup> day of February, 2024.

DECISION QUASHED