



An
Bord
Pleanála

Board Order ABP-317890-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/5200

Appeal by Eircom Limited care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 31st day of July, 2023 by Cork County Council to refuse permission.

Proposed Development: Erect a 15-metre monopole telecommunications support structure together with antennas, dishes and associated telecommunications equipment enclosed in security fencing and to remove existing 12-metre-high telecommunications timber pole, all at Eir Exchange, Friars Gate, Town-plots, Kinsale, 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, to Section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, to the location and setting of the site within an existing Eir Exchange within the Architectural Conservation Area, to the topography of adjoining lands, and to 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 residential amenities or the visual amenities of the area and would not impact negatively on the Architectural Conservation Area, Protected Structures and archaeological assets. It is considered that the proposed development would be in accordance with Section 13.18 of the Cork County Development Plan 2022-2028 and objective ET 13-28 which seeks 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.

Conditions

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 13th June 2023 and submitted to An Bord Pleanála on 28th August 2023, 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.

- (b) The development shall be sited in accordance with the plans submitted to An Bord Pleanála on 28th August 2023.

Reason: In the interest of clarity.

2. Prior to commencement of the development, details of the proposed colour scheme for the telecommunications structures and ancillary structures, and details of the fencing design and finishes, 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.

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.

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 such works.

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.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all ground excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



Una Crosse

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 18th day of June 2024.