

An
Bord
Pleanála

Board Order ABP-318895-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: T22.020

Appeal by Emerald Tower Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 23rd day of October, 2023 by Cork City Council to refuse to grant a licence.

Licence Application: Install a new 'Streetworks Pole' with Eir's antennas to be encased inside the top of the pole, with space for a second operator's antennas below the Eir antennas, a cabinet for Eir Mobile and provision for a second cabinet for a subsequent operator to be co-located onto this installation in future, all at R610 Rochestown Road, Maryborough, Cork.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act 2000, as amended, An Bord Pleanála directs the planning authority to **GRANT** a licence based on the reasons and considerations under and subject to the conditions set out below.

P.C.

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, 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 provisions of the 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.

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, as amended, 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 proposed development, the Board did not agree that the addition of such modest utility infrastructure would conflict with the zoning objective of the area (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 and nature of the proposed development, did not agree that the proposed development would reasonably detract from the visual amenities of the area or would seriously injure the amenities of properties in the vicinity.

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, as amended by the further plans and particulars received by An Bord Pleanála 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 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, planning permission shall have been granted for their retention for a further period.

P.C.

- (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.

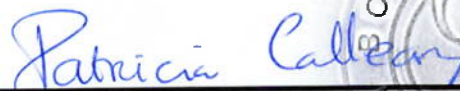
Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Surface water drainage arrangements 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.

4. The antenna type and mounting configuration shall be in accordance with the details submitted with the planning application and the appeal, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them. No alteration shall be permitted 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.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board

Dated this 16 day of August 2024.