



An
Bord
Pleanála

Board Order
ABP-319005-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 235276.

Appeal by On Tower Ireland Limited care of Entrust Limited of Unit 1D Deerpark Business Centre, Oranmore, County Galway against the decision made on the 12th day of January, 2024 by Cork County Council to refuse permission for the proposed development.

Proposed Development: A 27 metres multi-user telecommunications monopole carrying antennas, dishes, associated multi-technology equipment, together with ground-based equipment cabinets and all associated site development works to provide for high-speed wireless data and broadband services at Farm Lane, Rathvallikeen, Kinsale, 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.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Cork County Development Plan 2022-2028;
- (b) the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12; and
- (c) the scale and design of the proposed development;

The Board considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and the Cork County Development Plan 2022-2028. The Board also considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 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 lodged on the 7th day of December 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.

Reason: In the interest of clarity.

2. The mast structure shall not exceed 24 metres in height as indicated in drawings and documentation submitted to the planning authority on the 7th day of December, 2023.

Reason: In the interest of clarity and visual amenity.

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

Reason: In the interest of public health.

4. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit to the planning authority, for their written agreement, details of the specific colour finish for the telecommunications structure, as well as a landscaping scheme for the site which shall include an enhanced screen boundary.

Reason: In the interest of the visual amenities of the area and to protect residential amenity.

6. 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.

7. 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.

8. The telecommunication support structure can be fitted with suitable obstacle lighting as close to the top of the structure as possible, and be visible from every angle in azimuth, and shall fully comply with the requirements of the Irish Aviation Authority in relation to such lighting.

Reason: In the interest of orderly development and public safety.

9. (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.

10. The construction of the development shall be managed in accordance with the Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development works on the site.

Reason: In the interest of public safety and residential amenity.



Liam Bergin

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

Dated this *05th* day of *August* 2024.