



An
Bord
Pleanála

Board Order ABP-319912-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: T22019

Appeal by Emerald Tower Limited care of Entrust Planning and Environmental of Unit 1, First Floor, Oranmore Business Park, Oranmore, County Galway against the decision made on the 7th day of May 2024 by Cork City Council to refuse a licence.

Licence Application: Installation of 18 metres dual operator pole, associated equipment together with ground-based equipment cabinets and all associated site works for wireless data and broadband services at Maryborough Hill/Lissadell, 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.

Reasons and Considerations

Having regard to NPO 24 and NPO 48 of the National Planning Framework 'Project Ireland 2040', The National Development Plan 2018-2027, the National Broadband Plan 2020, "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in 1996 and Circular Letter PL 07/12, and Section 9.26 and 11.256 of the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the roll out of broadband services in accordance with national, regional, and local objectives. Having regard to the scale and design of the development and its distance from existing residential properties, it is considered that the proposed development would not seriously injure the visual amenities or character 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 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 Report 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 received by the planning authority on the 16th 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 the 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 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: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

3. The dual operator pole shall be a maximum height of 15 metres and the operator outdoor cabinets shall be a maximum height of 1.9 metres.

Reason: In the interest of clarity.

4. A second equipment cabinet and any ancillary equipment for a second future operator shall not be installed on site until such time as a second operator is first confirmed. The planning authority shall be notified in writing of the confirmation of a second operator four weeks before the installation of the second equipment cabinet and any ancillary equipment.

Reason: In the interests of clarity and to cater for the proper planning and sustainable development of the area.

5. This licence shall apply for a period of five 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, a licence shall have been granted for a further period. In the event of the telecommunications structure and ancillary structures hereby permitted becoming obsolete or ceasing to operate for a period of six months, the structure shall be removed and the site shall be re-instated. Details regarding the removal of the structures and

reinstatement of the site shall be submitted to, and agreed in writing with, the planning authority within three months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operator's expense.

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

6. The telecommunications pole shall be a galvanised grey and the ancillary cabinets shall be a dark fir green unless otherwise agreed in writing with the planning authority prior to the commencement of development.

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

7. The proposed cabinets and pole shall be maintained regularly and shall be kept graffiti free.

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



Emer Maughan

Member of An Bord Pleanála

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

Dated this 27th day of May 2025.