



An
Bord
Pleanála

Inspector's Report

ABP-317283-23

Development	Erection of a mounted support pole including an antenna, dish and beacon extending 3 metres above the exchange roof apex with associated structures and cables on the gable end of the Eir telephone exchange
Location	Eir Exchange, Town Lots, Market Street, Bantry, Co Cork
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23148
Applicant(s)	Eircom Ltd (t/a Eir)
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom Ltd (t/a Eir)
Observer(s)	None
Date of Site Inspection	13 th July 2023
Inspector	Mary Crowley

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1.0 Introduction

- 1.1. This appeal has been considered in conjunction with ABP 31530-22 (Reg Ref 22/00043), an application for the erection of a 18m mounted support pole including antennae, dish and beacon extending 3m above the exchange roof apex to the north of the Eir building, between the main Eir building and the smaller Eir building on the site, and which was submitted by the applicant for the same site. The mounted support pole to be retained, the subject of this appeal is located on the opposite gable (southern) of the Eir building but within the same Eir Exchange complex.

2.0 Site Location and Description

- 2.1. The appeal site with a stated area of 0.0001 ha is located on part of the existing Eir exchange at Market Street, Bantry, close to the junction with Church Road and Main Street. Apart from the exchange, Market Street is a residential street, Church Road has a mixture of residential and other uses including a ruined church and graveyard, while Main Street has a mixture of commercial and residential uses. The ground level rises steeply up Market Street and Church Road and to the rear (east/northeast) of the Eir site. There is also residential use located at higher level overlooking the site.
- 2.2. The Eir site is bounded by 2.4 height walls to the north east and south west. It houses a substantial utilitarian style two story Eir offices and operations building with a 15m ridge height and approximately 10m eaves height, as well the exchange and an ESB sub-station. An existing slim omni antenna is attached to the north gable of the office building. The Eir site has a gated access off Market Street.
- 2.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer to the photos available to view within the appeal site. These serve to describe the site and location in further detail.

3.0 Proposed Development

- 3.1.1. Retention planning permission was sought on the 20th March 2022 for the erection of a mounted support pole including an antenna, dish and beacon extending 3 metres above the exchange roof apex, with associated structures and cables on the gable

end of the Eir telephone exchange. Site photos refer. The application was accompanied by a Cover Letter that included justification of the structure.

- 3.1.2. **Unsolicited information** was submitted on 2nd May 2023 where it stated that, notwithstanding the comments in the application An Garda Siochana does not directly benefit from this installation and that they had no prior knowledge of this application being made. *The purpose of the application is to improve Eirs coverage experience in Bantry for the benefit of all Eirs mobile and broadband customers in the town.*

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Kerry County Council issued a notification of decision to refuse permission for the following reason:

- 1. The subject site is positioned in close proximity to numerous residential properties positioned along Market Street and Church Road which also contains the walled graveyard (CO118-034002) whilst Saint Finbarr's Catholic Church a Protected Structure (0746) stands to the south at much higher ground, the site also being located at the edge of the Chapel Architectural Conservation Area (ACA). It is the stated policy under objective GI 14-9 of the Cork County Development Plan 2022 to protect the visual amenity of County Cork's built environment and under objective HE 16-18 to ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA. In the absence of any compelling reasoned justification, the retention of the development, would by reason of height, scale, incongruous and semi-industrial appearance constitutes a visually discordant feature coupled with a proliferation of equipment on the building that is detrimental to the historic character of the area. The development would by reason of visual intrusion seriously injure the visual amenities of the area and would seriously injure the residential amenities and depreciate the value of property in the vicinity. The retention of this development would contravene materially stated objectives of*

the Cork County Development Plan 2022 and would therefore be contrary to the proper planning and sustainable development of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The **Case Planner** having considered the proposed development and provided a detailed and comprehensive report recommended that permission be refused for 1 no reason. A further report from the Senior Executive Planner concurred with the Case Planners report and recommendation. The notification of decision to refuse permission issued by Cork County Council reflects this recommendation. The notification was accompanied by a cover letter advising the applicant that in the absence of an appeal or the removal of the unauthorised antenna that an Enforcement Notice would issue.

4.2.2. Other Technical Reports

- **Environment** – No objection.
- **Area Engineer** – No objection.

4.3. Prescribed Bodies

4.3.1. Irish Aviation Authority – No observations.

4.4. Third Party Observations

- 4.4.1. **An Garda Siochana** – Strongly objects to the content of the planning application inferring that the applicaiton for retention is being made in conjunction with this organisation and is based on the operational requirements for the organisation. Clarification sought as to how An Garda Siochana are featured so prominently in this application without any necessary or suitable engagement taking place.
- 4.4.2. There are 4 no observation recorded on the planning file from (1) Bernie O'Sullivan, (2) Caha Rock & Co Ltd, (3) Brendan & Catherine O'Sullivan and (4) Dolf D'hondt.
- 4.4.3. The issues raised relate to intensification of use, location within a residential area, inadequate examination of the array of protected structures, features of areas of

archaeological significance as well as designated Architectural Conservation Area in the immediate area, has not satisfactorily demonstrated that the site is the “last resort”, visual impact, justification for claim that there is an urgent requirement from the local Garda for the enhancement of their services, health and safety and impact to residential amenities.

5.0 Planning History

- 5.1. As mentioned in Section 1.0 above there is a concurrent appeal (yet to be decided) on this site that may be summarised as follows. I also note from the Case Planners report in this case that the site has been the subject of a recent warning letter. No further details in this regard have been provided.

ABP 315300-22 (Reg Ref 22/00043) – Cork County Council refused permission for the erection of 18m high monopole telecommunication structure with antennas, dishes, associated equipment, ground cabinets and fencing for 2 no reasons relating to (1) visual impact, injury to residential amenity and depreciation of property values and (2) detrimental impact to Chapel ACA and protected structures and material contravention the objectives HE 4-1 and HE 4-5 of the Development Plan. The decision has been appealed to the Board. To date no decision has issued.

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The operative plan for the area is the **Cork County Development Plan 2022 – 2028**. Volume 1 of the plan in **Section 13.18 Communications and Digital Connectivity** and **Objective ET 13.28** recognises the importance of improving telecommunications infrastructure for the social and economic well-being of communities, as well as the need to protect the urban and rural landscape from significant impact: **Objective ET 13-28: Information and Communications Technology** sets out the following:

a) Facilitate the delivery of a high-capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County in accordance with the Guidance on Environmental Screening / Appropriate

Assessment of Works in relation to the Deployment of Telecommunications Infrastructure (2020)'.

- 6.1.2. I refer to **Volume 5 West Cork** of the Development Plan where Bantry is identified as a **Service Centre**. Section 2.7.4 makes reference to the topography and sloping land around the town centre. The appeal site is zoned **Existing Residential/Mixed Residential and Other Uses (ER)** where Volume 1 of the Development Plan states that *the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities*. Relevant section of the objective is as follows:

ZU 18-9: Existing Residential/Mixed Residential and Other Uses

Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas - Residential development, residential care, sheltered housing, specialised housing, small scale retail, local centres/ neighbourhood centres, small scale commercial, community facilities, childcare facilities, education facilities, places of worship, civic uses, small scale offices, local medical /healthcare services, marine facilities, sports facilities, recreation and amenity facilities, bed and breakfast/guesthouses/hotels

- 6.1.3. Lands immediately across the road from the appeal site are within the **Chapel Architectural Conservations Areas** and also zoned Town Centre. Relevant policies as set out in Volume 1 of the Development Plan area as follows:

Objectives HE 16-18: *Architectural Conservation Areas Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by;*

- a) *Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to*

the special character of the ACA from demolition and non-sympathetic alterations.

- b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.*
- c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA*

6.1.4. **Protected Structures** - There are a number of structures on the Record of Protected Structures in the vicinity of the site and the Development Plan includes relevant policies to provide for protection of structures of such structures and their curtilage and to protect buildings on the NIAH as follows:

Objectives HE 16-14: Record of Protected Structures:

- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.*
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.*
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.*
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.*

Objectives HE 16-15: Protection of Structures on the NIAH - *Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County*

6.1.5. Other relevant policies as set out in Volume 1 of the Development Plan are as follows:

GI 14-9: Landscape

- a. *Protect the visual and scenic amenities of County Cork's built and natural environment.*
- b. *Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.*
- c. *Ensure that new development meets high standards of siting and design.*
- d. *Protect skylines and ridgelines from development.*
- e. *Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.*

6.2. **National Policy Framework**

National Policy Objective 24 - *Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas*

6.3. **Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, 1996**

6.3.1. These Guidelines set out the criteria for the assessment of telecommunications structures. Of relevance:

- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location (Section 4.3).
- Facilities and Clustering (Section 4.5). Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All

applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets. The matter of sharing is probably best dealt with in pre-planning discussions.

6.4. Circular Letter PL07/12

- This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and instead advises that a condition be included stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

6.5. Natural Heritage Designations

- 6.5.1. The appeal site is not located in or immediately adjacent to a European Site

6.6. EIA Screening

- 6.6.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The first party appeal has been prepared and submitted by Charterhouse and may be summarised as follows:
- 7.1.2. This planning application followed a warning letter dated 8th February 2023, SKB23007. The application letter advised that the installation was erected in response to urgent requirement from local Garda for the enhancement of their services. It is

unclear how this reason arose which was incorrect. An acknowledgment of this error was given to the Council.

- 7.1.3. Eir's Service in Bantry Town was provided by 2 sites prior to 2023 namely the ESB Tower on an elevated hill 1500m outside of town and the H3G Bantry town site closer to the town centre.
- 7.1.4. The ESB site provides adequate outdoor coverage to the town and general area, but due to this large service area, data speeds can be poor due to too many users relying solely on this site. It is also unable to provide Indoor Service in the Town centre due to its distance from the centre.
- 7.1.5. The H3G site was a face mounted installation on an office behind the Town. The solution was limited due to the shared nature and prevented Eir from providing a 4G Indoor service in Bantry town centre which is now required for modern mobile data services. Eir was requested, and compelled, to vacate this antenna due to the ending of a commercial agreement.
- 7.1.6. The Installation on the Eircom Exchange has enabled Eir to Deploy 4 bands of 4G Services allowing multiple users High speed Data of up to 300Mbps along with limited 5G Service and supporting legacy 2G&3G Voice capability. These technologies are a necessity in modern day communications due to the ubiquitous use of Mobile Data in the modern world. The installation at the exchange completes the gaps being experienced by the former H3G installation.
- 7.1.7. At the time it was considered that the installation met with the exempted development rules. However, a misinterpretation of the exact rules and installation occurred resulting in the need for the retention planning application.
- 7.1.8. There is no empirical evidence that telecoms infrastructure has a devaluation impact on property. In fact, where there isn't the benefit of coverage and data services a negative impact can arise. Reference is made previous appeals and comments therein; 247800, 243341, 236307 and 216361 refer.
- 7.1.9. Bantry is recognised as an important town within West County Cork with proposals for substantial growth in the future and within close proximity to the installation. This requires infrastructure and telecommunications is a vital cog in the growth of Bantry.

- 7.1.10. Eir's 4G and 5G coverage in Bantry was substandard requiring improvement. Following the loss of the use of the H3G installation Eir was forced to find alternative location. The installation is a response to that requirement. It was erected under the impression that it was exempt. The exchange building is however an ideal location, outside the ACA, it is light industrial / commercial in nature and can provide Eir with added amenities. The installation is considered congruous with the nature of the Eircom exchange and is insignificant in its visual appearance.
- 7.1.11. It meets with the requirements of the Telecommunication Guidelines where telecommunications infrastructure is to be developed within towns that sites already used for utilities be used with the structures adapted for the specific location.
- 7.1.12. The installation on the exchange building deploys 4 bands of 4G services allowing multiple users high speed data of up to 300Mbps along with a limited 5G Service. This is a small installation, congruous with the nature of the site and is regarded as insignificant compared to the general street scape and when bearing in mind the important services provided for Bantry, its business, social and tourism needs.
- 7.1.13. The visual impact is minimal, as detailed by the visual report attached to Appendix 1, which demonstrates by photographs around the area that consideration has been given to the Architectural Conservation Area and future development proposals as zoned for the town.

7.2. Planning Authority Response

- 7.2.1. The Case Planner in their submission set out the following as summarised:
- There is an undetermined appeal at the site in relation to an 18m high mast refused by Cork County Council
 - Undertaking “unauthorised development” with scant regard to the integrity of the planning system cannot be condoned.
 - There is nothing in the appeal that would suggest any variation from the decision
 - There is no investigation on what other suitable “alternative sites” are available. The Planning Authority does not support the contention that “there isn’t a better location for such an installation”.
 - It is requested that the first party appeal is dismissed.

7.3. Observations

7.3.1. None

7.4. Further Responses

7.4.1. None

8.0 Assessment

8.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Reasoned Justification
- Visual Impact
- Depreciation of Property Values
- Other Issues
- Appropriate Assessment

8.2. Principle

- 8.2.1. Retention planning permission is sought for a mounted support pole including an antenna, dish and beacon extending 3 metres above the existing exchange roof apex with associated structures and cables on the gable end of the Eir telephone exchange. As documented in Section 4.1 above planning permission was refused for reasons of visual impact (to be discussed below) and absence of any compelling reasoned justification for the retention of the development. Depreciation of property values are also discussed below.
- 8.2.2. The appeal site is zoned as 'existing residential/mixed residential and other uses' (ER), and adjacent to the Town Centre zone. While the zoning matrix does not explicitly provide for utilities, it is evident that there has been a long term established use on the

site for telecommunications infrastructure. Accordingly, the principle of such a use is considered acceptable.

8.3. Reasoned Justification

- 8.3.1. The ComReg maps show that the majority of Bantry town and environs has 'very good' or 'good' coverage for most levels of telecommunications infrastructure, including 4G and 5G services. Existing and predicted coverage maps have also been included and it is evident that the installation will improve the existing telecommunications in the area.
- 8.3.2. While I am satisfied that the applicant has demonstrated that the proposal would provide an improvement in coverage, further consideration of the reasoned justification for the selection of this site is required.
- 8.3.3. I note from the cover letter accompanying the application (Section 2.7 (and map) therein refers) that 4 no existing sites with telecommunication structures within the town were identified as follows:
- The Exchange site (appeal site) where Vodafone already have an established installation on the opposite side of the building. For security reasons and conflicts with equipment it is not possible to combine the installations.
 - A roof top structure in the town centre. Stated that this site is unable to ensure the utility services and security provided by the exchange.
 - used by eir which is inadequate for their needs,
 - A rooftop structure to the north of the appeal site. Stated that this site is unable to ensure the utility services and security provided by the exchange.
 - There is also a structure behind the Garda Station (not listed by ComReg). Stated that this site is unable to provide the necessary coverage requirements for parts of Bantry that the exchange can provide.
- 8.3.4. I further note from the appeal that Eir's service in Bantry Town was provided by 2 sites prior to 2023 namely the ESB Tower on an elevated hill 1500m outside of town and the H3G Bantry town site closer to the town centre.

- 8.3.5. It is stated that the ESB site provides adequate outdoor coverage to the town and general area, but due to this large service area, data speeds can be poor due to too many users relying solely on this site. It is also unable to provide Indoor Service in the Town centre due to its distance from the centre.
- 8.3.6. The H3G site was a face mounted installation on an office behind the town square but was limited due to the shared nature and prevented Eir from providing a 4G Indoor service in Bantry town centre which is now required for modern mobile data services. Eir vacated this antenna due to the ending of a commercial agreement.
- 8.3.7. No reference is made to the concurrent application and subsequent appeal also before the Board for a similar development at this site. This is certainly a deficiency in this application. However, it is it would appear that similar arguments and reasoned justification have been put forward for both applications. The recommendation set out in this report together with the recommendation of the Inspector dealing with the concurrent appeal requires careful consideration to ensure that the decisions of the Board have regard to both.
- 8.3.8. Overall, I am satisfied that the applicant has demonstrated that the retention of this antenna has enabled Eir to deploy 4 bands of 4G Services allowing multiple users high speed data of up to 300Mbps along with limited 5G Service and supporting legacy 2G&3G voice capability. I agree with the applicant that these technologies are a necessity in modern day communications. I further accept, given the topography and shape of the valley within which Bantry is located that this makes it difficult to get coverage other than in the town centre. As much of the town centre is within an ACA this makes the established Exchange site an optimum location. Accordingly, it is recommended that this element of the reason for refusal can be set aside.

8.4. Visual Impact

- 8.4.1. Cork County Council in its reason for refusal stated that the development by reason of visual intrusion would seriously injure the visual amenities of the area and would contravene materially Objective GI 14-9 and HE 16-18. These objectives are as follows:

GI 14-9: Landscape

- a. *Protect the visual and scenic amenities of County Cork's built and natural environment.*
- b. *Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.*
- c. *Ensure that new development meets high standards of siting and design.*
- d. *Protect skylines and ridgelines from development.*
- e. *Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.*

Objectives HE 16-18: *Architectural Conservation Areas - Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by;*

- a) *Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.*
- b) *Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.*
- c) *Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA*

8.4.2. The appeal site is located on lands zoned Existing Residential/Mixed Residential and Other Uses (ER). However, the site is in close proximity to the Chapel ACA and Protected Structures of note. I refer to the Visual Impact Assessment submitted with the appeal together with photos taken on day of my site inspection. Given the topography of Bantry town together with careful scrutiny of the townscape the antennae to be retained is visible from various vantage points including when viewed

from the graveyard and ruins of the Church of Ireland on the north side of Church Road. However, I do not consider that these views would have such a significant negative visual impact as to warrant a refusal.

8.4.3. Conversely, what was very evident on day of site inspection was the significant visual impact of the antennae when viewed on approach down Market Street when travelling in a northerly direction. However, when viewed in the context of the overbearing Exchange building together with the tapestry of paraphernalia associated with any townscape such as Bantry I do not consider the visual impact to be so negative as to merit a refusal.

8.4.4. I refer to the foregoing objectives and I am satisfied that the antenna to be retained by reason of its scale, design and location protects the visual and scenic amenities of the built and natural environment of Bantry, meets high standards of siting and design, protects the skyline and respects the established character of the area and in particular the Chapel ACA and setting of buildings on the Record of Protected Structures. I am satisfied that to permit this proposed development would not materially contravene the Development Plan. Accordingly, it is recommended that this element of the reason for refusal can be set aside.

8.5. Depreciation of Property Values

8.5.1. With regard to the impact to property values I note the proposal is situated within an established utilities site. The national guidelines provide no restriction in terms of distances between such structures and dwellings and the main requirement is compliance with standards in regard to non-ionising radiation. I would note that it's not uncommon for such structures or antennae to be in close proximity to residential development (particularly in urban areas) and that there is no requirement for a set separation distance. Having regard to the assessment and conclusion set out above in the terms of visual impact I am satisfied that the proposed development would have no adverse impact on residential amenities (subject to compliance with requirements on non-ionising radiation) in the event that it is retained that would adversely affect the value of property in the vicinity. Accordingly, it is recommended that this element of the reason for refusal can be set aside.

8.6. Other Issues

- 8.6.1. **Development Contribution** – I refer to the Cork County Council Development Contribution Scheme. Telecommunications masts are not exempted. Further “retention” applications are not exempted. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is **attached**.

9.0 Appropriate Assessment

- 9.1.1. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

- 10.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

11.0 Reasons and Considerations

- 11.1. Having regard to:

- a) the national strategy regarding the provision of mobile communications services,
- b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,

c) the policy of the planning authority, as set out in the Cork County Development Plan 2022 – 2028, to support the provision of telecommunications infrastructure, and

d) the nature and scale of the proposed telecommunications support structure,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>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 the 2nd May 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.</p> <p>(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 removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.</p> <p>Reason: In the interest of orderly development.</p>

3.	<p>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.</p> <p>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</p>
4.	<p>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.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

16th July 2023