



An
Bord
Pleanála

Inspector's Report ABP-318895-24

Development	Telestructure
Location	R610 Rochestown Road, Maryborough, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	T22020
Applicant(s)	Emerald Tower Limited
Type of Application	S254 Telestructure Licence
Planning Authority Decision	Refuse to Grant Licence
Type of Appeal	First Party
Appellant(s)	Emerald Tower Limited
Observer(s)	None
Date of Site Inspection	6 th June 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located in a suburban area to the west of the centre of Cork City, on the northern side of the R610 Regional Road (Rochestown Road), Maryborough, adjacent and to the south of Delford Drive residential development. The site comprises of 2 no. parcels. The larger parcel, which is located on an area of existing public open space and is located immediately adjacent and to the north of the public footpath and comprises the main site upon which the main equipment is proposed to be positioned. The smaller parcel relates to an existing telecoms vault in the public footpath. The 2 no. sites have an estimated combined site area of 14.58 sqm (main site 13.7 sqm and smaller site 0.88 sqm).
- 1.2. There are 2 no. existing, c. 1.5-metre-high green telecom cabinets located to the immediate north and north-west of the main site with 1 no. existing c. 8.5-metre-high wooden utility pole positioned between them. In addition, there are 2 no. other existing cabinets albeit of smaller scale and located c. 15 metres to the north-west.
- 1.3. The front of the site is open and visible from the public road to the south. There is existing natural screening to the rear/ north of the site in the form of existing trees and shrubs. Further to the west, on the northern side of the public footpath, there is an existing high natural screen hedge which defines the southern boundary of the public open space serving Delford Drive.
- 1.4. The nearest dwelling is estimated to be located c. 27 metres to the north of the subject appeal site.

2.0 Proposed Development

- 2.1. A licence under Section 254 (1) of the Planning and Development Act, 2000 to 2023, was sought for the following:
 - The installation of 1 no. 18-metre-high monopole telecommunications structure (406 mm diameter) and associated antennae (encased inside the top of the pole (3 no. antennae measuring 4 metres in length and 406mm in diameter)) with space for a second operators' antennas below. The monopole is proposed to be of galvanised steel and painted (in a galvanised (CL3093W) finish or any colour including dark green or black to be agreed).

- The installation of 2 no. GPS Beacons measuring c. 600 mm in height and placed c. 13.2 metres above ground level.
- The installation of 2 no. dishes each measuring 300 mm in diameter and placed c. 12.8 metres above ground level.
- 2 no. Cabinets each measuring 1.65 metres in height. Cabinet 1 measures 1.3 metres in length and 0.8 metres in depth. Cabinet 2 measures 1.9 metres in length and 0.8 metres in depth. The cabinets are proposed to be Dark Fir Green colour. The second cabinet is proposed to serve a separate future operator.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 23rd October 2023, the Planning Authority issued a notification of their intention to REFUSE the Section 256 Licence for the following reason:

1. *The proposed development, by reason of its location, height, and associated equipment, would be visually prominent and would seriously injure detract from the character and visual amenities of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the height and location of the telecommunications monopole and associated equipment, it is considered that the proposed structure would be visually prominent and would seriously detract from the visual amenities of the area and would therefore not be in accordance with the proper planning and sustainable development of the area. The proposed development, by reason of its location, height, and associated equipment, would be visually prominent and would seriously detract from the character and visual amenities of the area.

3.2.2. Other Technical Reports

- The **Roads Operations Division, Operations Directorate**, consider the proposals are adjacent but not within the public footpath in a green space and will not affect the lines of sight at the junction which is traffic light controlled. It is further considered that having regard to the aforementioned, there is no roads related reason to refuse this application and that therefore a grant of permission is recommended subject to a total of 5 no. conditions.

3.3. **Prescribed Bodies**

- None.

3.4. **Third Party Observations**

- None

4.0 **Planning History**

4.1.1. None on file.

5.0 **Policy Context**

5.1. **National Planning Framework – Project Ireland 2040**

5.1.1. 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.'*

5.2. **Development Plan**

Cork City Development Plan, 2022 to 2028

5.2.1. The Appeal site is zoned ZO 1 - *'Sustainable Residential Neighbourhoods'* in the Cork City Council Development Plan, 2022 to 2028. The relevant zoning objective for ZO 1 lands is *'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.'*

- 5.2.2. It is stated in Section ZO 1.2 of the Plan that *'Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.'*
- 5.2.3. Within lands zoned ZO 1 - Sustainable Residential Neighbourhoods, telecoms structures are not specifically identified as uses which either permitted in principle or open for consideration. Primary uses within this zone are stated in Section ZO 1.3 to include but are not limited to *'residential uses, crèches, schools, home-based economic activity, open space and places of public worship.'* Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of the Development Plan are stated in Section ZO 1.4 to include but are not limited to *'small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units; service stations (petrol filling stations); local medical services; third level education institutes; community based enterprise or social enterprises, health facilities including hospitals.'*
- 5.2.4. Section ZO 1.7 relates to green areas of open space and states: *'many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.'*
- 5.2.5. Section 9.23 of the Plan relates to Information and Communications Technology (ICT) and Telecommunications and recognises that Information and Communications Technology (ICT) and digital connectivity are key drivers of the social and economic development of the city.
- 5.2.6. Section 9.24 sets out the Digital Strategy for the City and Section 9.25 relates to Smart Cities. Section 9.26 specifically relates to Telecommunications and states:

'An efficient telecommunications system is important in the development of the economy. Cork City Council will have regard to the guidelines issued by the Department of the Environment, Heritage and Local Government, 'Planning Guidelines for Telecommunications Antennae and Support Structures' (1996) and Circular Letter PL 07/12. The assessment of individual proposals will be governed by the guidelines and the controls scheduled in the Development Management section of this plan.'

5.2.7. Section 11.256 of the Plan relates to Telecommunications Structures and states:

'The assessment of any application for telecommunications antennae and support structures shall have regard to the following:

- 1. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996 and Circular Letter PI 07/12 published by the DECLG in 2012.*
- 2. The co-location of existing structures is encouraged and the construction of any new antennae or structure will only be considered when co-location is not a feasible option. Any proposal for a new structure or antennae should detail the requirements for the infrastructure and if so, why co-location is not feasible.*
- 3. In identifying a suitable location for telecommunications structures consideration shall be given to the potential visual impact of the development and any sensitivities in the area in which the structure is proposed to be located. A Visual Impact Assessment of the development, including photomontages, may be required, depending on the nature of the development proposed.*
- 4. Telecommunications Structures on visually sensitive elevated lands will only be considered where technical or coverage requirements mean the infrastructure is essential.'*

5.3. Guidelines/ Circulars

5.3.1. DoHELG Circular Letter PL 11/2020

5.3.2. This circular relates to planning exemptions applicable to telecommunications works undertaken by statutory undertakers authorised to provide telecommunications services.

5.3.3. The Circular advises that:

- Section 254 of the Act outlines the provisions in relation to the licencing of appliances and cables etc on public roads. Where development of a type specified in section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a section 254 licence.
- A Section 254 Licence is required for overground electronic communications infrastructure and its associated works, and that such works are exempt from planning permission.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - (a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.
 - (b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

5.3.4. Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- a) the proper planning and sustainable development of the area,
- b) any relevant provisions of the development plan, or a local area plan,
- c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d) the convenience and safety of road users including pedestrians.

5.3.5. **Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads, (Dept. of Communications, Energy and Natural Resources, 2015)**

5.3.6. This report provides advice to telecommunications operators as to how telecommunications infrastructure could be accommodated along all road types. Table A - Stand-alone poles are the preferred option in urban areas.

5.3.7. **DoECLG Circular Letter PL07/2012**

5.3.8. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, 'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

5.3.9. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

5.3.10. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996

- 5.3.11. The 'Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures' (1996) set out government policy for the assessment of proposed new telecommunications structures ('the 1996 Guidelines'). The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.
- 5.3.12. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.
- 5.3.13. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.
- 5.3.14. The Guidelines state that the approach will vary depending on whether a proposed development is in:
- a rural/agricultural area;
 - an upland/hilly, mountainous area;
 - a smaller settlement/village;
 - an industrial area/industrially zoned land; or
 - a suburban area of a larger town or city.
- 5.3.15. The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into

account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

5.4. Natural Heritage Designations

5.4.1. The site is not located within or adjacent to a Natura 2000 site.

5.5. EIA Screening

5.5.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure, the nature of the receiving environment and the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal can be summarised as follows:

Technical Justification

- Eir require a site in the search area. Three images submitted – search ring CK_2953, coverage without CK_2953 and predicted new indoor coverage with CK_2953.
- Current sites do not provide adequate service, indoor coverage is patchy.
- A mobile base station deployment will greatly support Eir customers and the surrounding area.

Site Selection

- First choice is co-location. Already done at the nearest 4 out of 6 telecoms structures – Table 1 and Figure 1.
- No suitable existing structures in the search ring. A new structure is needed in this densely populated area owing to the extent of surrounding vegetation, the surrounding built form and increasing network capacity issues.
- Local community suffer from a severe lack of high-speed wireless broadband and data services.
- New structure is proposed as a last resort as per the 1996 Government Guidelines. It is an optimum location in the search area.
- The height is the lowest possible.
- Siting of mast has been done very successfully here without resulting in significant environmental impacts.
- Siting choice is based on analysis including a sequential approach in accordance with the City Development Plan and the 1996 Guidelines. A number of existing telecommunications sites were then investigated, see table 1.
- No suitable existing telecommunications sites were identified which are capable of providing the coverage required. As per the map in figure 1, there is an absence of existing telecommunications sites in this area.
- The site is located on a large grass verge close to a bus stop and close to several existing utility cabinets and electricity telegraph poles with overhead lines. There are several mature and semi mature trees in the area along the roadside and within the housing estates in the area.
- Excellent tree screening minimises visual impact.
- The site is owned by Cork City Council.

Reason for Refusal no. 1

- Height, Scale and Location
 - The predicted visual impact is not significant, as supported by accompanying photomontages, particularly viewpoints 1 & 2 where the proposal is indiscernible owing to existing screening.
 - The Visual Assessment is in line with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition) 2013, (Landscape Institute). 3 of the 4 no. viewpoints assessed predict a low-moderate impact with the 1 no. remaining predicted to have a negligible visual impact. The selected viewpoints were taken within close proximity to the proposal and show it in its fullest form and in 'worst case'.
 - At 18m the monopole will house 2 no. separate operators with capacity for future upgrade works.
 - Other similar structures in the area include streetlights and vertical elements including hedging and trees which help to blend the structure into its surroundings including the road environment and will not result in visual clutter to the extent referenced in the reason for refusal which is considered to be very harsh and extreme and lacks objectivity.
 - The Monopole is removed from any nearby residential dwellings and is not directly overlooked by dwellings.
 - The 18m monopole is not considered to be out of scale in the immediate area, see viewpoints 3 & 4.
 - The site does not appear to be a prominent location to warrant a refusal.
 - The structure will not appear as a dominant or isolated feature.
 - The visual prominence and impact on visual amenities are overstated.
 - The monopole will be a new and noticeable feature and will within a short time be viewed as additional roadside infrastructure. The second cabinet would not be constructed until an additional operator is confirmed.
 - The area is not considered to be highly sensitive and can absorb the structure as part of the existing character.

- Visual Prominence and Impact
 - The green colour of the cabinets blends into the existing grass at this area making them almost indistinguishable as shown in the submitted Photomontage Report. The Board is requested to review the Photomontage Report/ Images.
 - It is not possible to relocate or underground the cabinets.
 - The Applicant is willing to accept a condition that the second cabinet will not be constructed until a second operator/ provider is agreed for this location.

Reason for Refusal no. 2

- It is respectfully requested that the Board disregards the second reason for refusal.
- There are no impacts on heritage, ecology, or landscape.
- An International Commission for Non-Ionising Radiation Protection (ICNIRP) Declaration was submitted with the licence application as evidence of compliance with specified limits.
- Visual Assessment: The Photomontages clearly demonstrate that no significant visual impacts on nearby sensitive receptors such as neighbouring properties or cultural heritage assets such as Protected Structures, local roads and public rights of way/ walking routes or parks.
- The proposal is supported by 2 no. Goals and Objective no. 4 of the National Planning Framework, Sections 6.2, Section 6.2.3 of the Regional Spatial and Economic Strategy (RSES) for the Southern Region of Ireland, Section 9.24 (Digital Strategy), Section 9.25 (Smart Cities), Section 9.26 (Telecommunications) and Section 11.253 (Telecommunications Structures) of the Cork City Development Plan 2022 – 2028.
- The site forms part of the local road infrastructure and is not zoned.
- The proposed development accords with the Department of Environment Heritage and Local Government, Telecommunications, Antenna and Support Structures (Guidelines for Planning Authorities – 1996) and Circular PL07/12.

- In conclusion, the Board is requested to grant permission.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Introduction

7.1.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). In their consideration of the development, under section 254(5) of the Act, the Board is required to have regard to:

- a. the proper planning and sustainable development of the area,
- b. any relevant provisions of the development plan, or a local area plan,
- c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d. the convenience and safety of road users including pedestrians.

7.1.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of Development/ Zoning
- Section ZO 1.7 of the Development Plan (Green areas and open space in residential estates) (New Issue)
- Co-Location
- Visual Impact

7.2. Principle of Development/ Zoning

- 7.2.1. The subject site is zoned ZO 1 – ‘*Sustainable Residential Neighbourhoods*’ in the Cork City Development Plan, 2022 to 2028. The relevant zoning objective for ZO 1 lands is ‘*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*’ Telecoms Structures are not listed as a primary use or uses that are acceptable in principle on lands zoned ZO1. It is stated in Section ZO 1.2 that ‘*development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.*’
- 7.2.2. Section 11.256 of the Plan relates to Telecommunications Structures and sets out a total of 4 no. criteria against which proposals for telecommunications antennae and support structures should be assessed. The 4 no. criteria are reference to national policy/ guidance, co-location, visual impact and justifications where the lands are visually sensitive or in upland areas. The subject site is not identified as a visually sensitive location so therefore only the issues of co-location and visual impact are of relevance.
- 7.2.3. The above matters are discussed in further detail below in Sections 7.4 and 7.5 respectively.
- 7.2.4. It should be noted that the decision issued by the Local Authority on 23rd October 2023 includes 1 no. reason for refusal only and not 2 no. reasons for refusal as referenced in the Appeal.

7.3. Section ZO 1.7 of the Development Plan (Green areas and open space in residential estates) (New Issue)

- 7.3.1. Section ZO 1.7 of the Plan relates to green areas and open space in residential estates including any green area or public amenity which formed part of an executed

planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. The policy guidance seeks to protect such lands for recreation, open space and amenity purposes.

- 7.3.2. Although the subject appeal site is positioned along the public footpath, it also, in my opinion, forms part of the functional public open space associated with the adjacent housing development at Delford Drive and is not a separate or distinct grassed area which is in a separate use or indeed a narrow linear verge along the roadside. I note that although there are 2 no. existing utility cabinets positioned to the immediate north/ north-west of the subject appeal site, the said installations only occupy a small footprint. The subject appeal site has not been previously developed for utilities.
- 7.3.3. I am therefore satisfied that the subject appeal site falls within a category of land to which the policy guidance set out in Section ZO 1.7 applies. I consider the development as proposed to be unacceptable in principle at the proposed location.
- 7.3.4. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.4. Co-Location

- 7.4.1. Section 4.0 of the Applicants Planning Statement sets out the Site Selection Process and Discounted Options for the proposed development. This includes an appraisal of the 6 no. nearest telecommunications structures, as shown in table 1. Of the said 6 no. structures, all are outside the Operators stated search ring and the Operator already has equipment on 4 of the 6 no. facilities. The Applicant states there are no suitable existing structures in the search area to locate the Operators equipment. The Applicant states that a sequential approach to site selection was undertaken in accordance with the Development Plan and the Telecommunications Guidelines, 1996.
- 7.4.2. I am satisfied that the Applicant has demonstrated sufficient justification for the choice of the subject site from a technical perspective. I am further satisfied that the Applicant has suitably addressed the issue of potential co-location of equipment on other existing telecommunications structures in the wider area, that no such structures are available within the defined search ring or beyond and therefore that

there is no potential to co-locate at another separate structure. I finally note the proposals allow for the future co-location of a separate operator at the site.

- 7.4.3. I am satisfied that the Applicant has explored all potentially viable alternative sites in the area and, in doing so, has suitably justified the proposed development in terms of Co-Location. Notwithstanding this there are other, more substantive, issues raised throughout this report.

7.5. Visual Impact

- 7.5.1. The subject site is not located within a visually sensitive or high value landscape. I note the visual assessment and the associated 4 no. viewpoints presented by the Applicant in the submitted Planning Statement. In each case the level of visual effect is found to be either Moderate-Low or Low-Negligible. I further note the Applicant's Response to Further Information which includes further technical justifications for the proposed overall height of the structure at 18 metres.
- 7.5.2. There is an existing utility pole positioned c. 1.5 metres to the north-west of the subject appeal site. This pole is estimated to measure 8.5 metres in height. The proposed new monopole, at 18 metres, would be over twice the height of the existing utility pole, see drawing no. CK-2953-01-PD-04, Rev. A. In addition, 2 no. Operator cabinets are proposed at ground level.
- 7.5.3. In my opinion, the subject appeal site is at a prominent location at the intersection of Delford Drive Estate Road, Perrier Drive and Rochestown Road (R610) Regional Road and at a partially open area of green space. As discussed further above, the appeal site is considered to form part of the overall public open space which serves the adjacent residential development to the north at Delford Drive.
- 7.5.4. The nearest residential property is estimated to be located c. 27 metres to the north of the subject appeal site. It is noted that direct views to the subject development from this said dwelling would be somewhat screened by existing mature and semi-mature trees and shrubs positioned to the north and northwest of the appeal site, see viewpoint no. 3. The dwelling to the immediate south, on the southern side of the R610 Regional Road, is estimated to be within 43 metres of the subject appeal site and its northern boundary estimated to be within 12 metres. Although there is some existing mature planting along the frontage of this property which would serve to partially screen the proposed development, it is my opinion that the proposed

monopole, would be somewhat visible from some of the upper floor windows and would certainly be clearly visible when exiting the property.

- 7.5.5. The locations for the chosen 4 no. viewpoints are shown on the Viewpoint Location Map. I note the number sequencing of the selected viewpoints (1 to 4) does not correspond with the locations shown on the Viewpoint Location Map. Irrespective of this, none of the selected viewpoints are located within close proximity of the appeal site where, in my opinion, such views would be more critical.
- 7.5.6. For example, a viewpoint taken directly in front, to the immediate south of the proposed development, on the opposite side of the Regional Road would, in my opinion, be important. Another viewpoint could also be taken from the southern side of the intersection to the east.
- 7.5.7. In addition to the existing utility pole to the north-west, there is an existing bus shelter positioned within c. 19 metres to the north-west of the site, 2 no. existing c. 1.6-metre-high green utility operator cabinets also located to the northwest and existing traffic lights to the southeast. There are also 2 no. existing low level utility operator cabinets positioned c. 1.5 metres to the rear/ east along the estate road serving Delford Drive. I share the opinion of the Local Authority regarding the visual impact of the proposed cabinets at this location which in my view will serve to create visual clutter.
- 7.5.8. Having regard to the height of the proposed monopole structure at 18 metres, the location of the site at a prominent intersection, within a residential area and on an area of land in use as public open space, I am satisfied that the proposed development, if permitted, will result in a discordant/ incongruous feature, will impact negatively upon the established visual and residential amenities of the of the area and is therefore not in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment Screening

8.1 Appropriate Assessment Screening

- 8.1.1. Given the nature and scale of the development proposed, which is for a telecommunications support structure and ancillary works, and separation distance

from the nearest Natura 2000 site, it is considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site and there is no requirement for a Stage 2 Appropriate Assessment.

9.0 Recommendation

- 9.1.1. I recommend that a licence be REFUSED for the following reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the ZO1 'Sustainable Residential Neighbourhoods' zoning of the lands, the location of the Appeal site on an established green space which forms part of the public open space associated with an established housing development and to guidance provided in Section ZO 1.7 of the Cork City Development Plan, 2022 to 2028 where there will be a presumption against development on all open space in residential estates (including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space), it is considered that the proposed development, if permitted, would serve to conflict with the ascribed zoning objective for the lands to *'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'* and would therefore not be in accordance with the proper planning and sustainable development of the area.
2. The proposed development is located at a prominent intersection where it is considered that the proposed monopole structure and associated equipment would serve to detract from the visual amenities of the area and would be seriously injurious to the amenities of properties in the vicinity of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Frank O'Donnell
Planning Inspector

25th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318895-24		
Proposed Development Summary	Telestructure		
Development Address	R610 Rochestown Road, Maryborough, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A - Not a Class	EIA Mandatory EIAR required
No	X	N/A - Not a Class	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A – Not a Class	No EIAR or Preliminary Examination required
Yes		N/A – Not a Class	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____