



An
Bord
Pleanála

Inspector's Report

ABP-318900-24

Development	Telestructure
Location	Tory Top Park, Ballyphehane, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	T22023
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 in the grass verge, on the northern side of Tory Top Road in Ballyphehane, c. 33 metres to the east of its intersection with Lower Friar Road Walk Road and within c. 1.8 km to the south of the centre of Cork City. The appeal site measures 6.0 metres in length and 1.9 metres in length, has an approximate site area of 11.4 sqm and fronts onto the Tory Top Road to the south and the public footpath to the rear/ north. There is an existing ESB substation cabinet (estimated to measure c. 1.8 metres in height) positioned to the immediate north-west of the subject appeal site within Tory Top Park.
- 1.2. Tory Top Public Park and a Lourdes Grotto are positioned to the immediate north and north-west of the site and Tory Top Public Library (including a 1916 Commemoration Monument and Flagpole to the front) is located to the immediate south, on the opposite side of the public road. In addition to established residential uses, particularly to the east, south and south-west, other established uses nearby include Ballyphehane Community Centre c. 60 metres to the east, a row of mixed commercial uses c. 55 metres to the south-east, Gaelscoil An Teaghlaigh Naofa c. 94 metres to the south-east, Presentation Secondary School and Maria Assumpta Pre-School located c. 86 and c. 125 metres further to the south-west respectively. The nearest residential property is within c. 20 metres to the south-east.

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 at the top/ inside 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.
- 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 8th December 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 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, 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 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. The Local Authority Planner recommends that permission be refused, as per the 1 no. Reason for Refusal issued.

3.2.2. Other Technical Reports

- The **Roads Operations Division**, consider there is no roads related reason to refuse this application and therefore recommend that the licence be granted subject to 5 no. conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning and Section 254 Licence Application History

4.1.1. Planning and Section 254 Licence Application History on the subject appeal site

- None.

4.1.2. Planning and Section 254 Licence Application History in the surrounding area

Site located at Patricks Road, c. 568 metres to the north

- **T21.013 (Appeal Ref. No. ABP-314137-22):** Section 254 Licence for Telestructure Pole (15m monopole and ground equipment cabinet). Licence REFUSED on 31st October 2023 for the following reason:
 1. *Having regard to the policies of the Cork City Development Plan 2022 – 2028, the Government’s guidelines on Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, Department of Environment, 1996, the location of the proposed development approximately six metres distant from an existing telecommunications structure and associated cabinet located to the west of the application site, it is considered that insufficient technical justification and evidence has been provided in respect of alternative sites to support the location of the development. Section 11.253 Telecommunications Structures of the development plan states: “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". It is considered, therefore, that the proposed development would be contrary to development plan policy and Government guidelines, and to the proper planning and sustainable development of the area.

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. The lands to the immediate north of the subject appeal site are zoned ZO 15 – *'Public Open Space'*, the relevant zoning objective for which is *'to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities'*.

5.2.5. The lands to the immediate south of the subject appeal site are zoned ZO 8: *'Neighbourhood and Local Centres'*, the relevant zoning objective for which is *'to protect, provide for or improve local facilities'*.

5.2.6. 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.

5.2.7. 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.'

5.2.8. 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_2948, existing indoor coverage CK_2948 and predicted new indoor coverage with CK_2948.
- 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 2 out of 5 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 grass verge close along Tory Top Road, adjacent to Tory Top Park and opposite Ballyphehane Public Library. There are lots of

semi-mature and mature trees along the road and within the park. There are some electricity/ telegraph poles with overhead cables in the area.

- There is existing tree screening around the site location to the north and south and it is substantially screened from the east and west also. This makes the site an ideal location in terms of the protection of the residential and visual amenities of the area. Acceptable separate distances from surrounding dwellings are observed.
- The site is owned by Cork City Council.

Reason for Refusal No. 1

- Height and Location
 - With regard to the limitations of the site, being almost entirely residential in nature, the optimum location was to place the proposed development on the grass verge along the southern boundary of the park, facing the library as far away as possible from existing residential dwellings.
 - The site location is the least disruptive/ obtrusive siting available at this location having no impact on footpath widths or the predominant use of the roadside for car parking.
 - The Board is requested to take into account the difficulties of providing a service at this location and the limitations of 4G technologies.
- Visual Prominence and Impact on Visual Amenities
 - The predicted visual impact is not minimal, as supported by accompanying photomontages, particularly viewpoints 4 to 8, where the proposal is entirely invisible.
 - Both wintertime and summertime photomontages submitted.
 - ABP precedent case 300664-18 is referenced where a 35-metre separation distance from the nearest dwelling was deemed to be acceptable. The Appellant considers that any visual impact from a dwelling would need to be so severe as to make the dwelling an unacceptable place to live, i.e. resulting in an intolerable dominating

effect. The Applicant refers to the proposed monopole as a slender 15m pole.

- The proposed development will not result in any significant visual impact.
- Associated Equipment and Traffic Safety
 - Ground cabinets have been sited to avoid impact to existing footpath widths. This has either been overlooked or ignored by the Local Authority in its assessment. The Local Authority is seeking to relocate the cabinets which would be disruptive and visually prominent.
 - The proposals have no effect upon pedestrian or traffic movements. This is acknowledged by the Road Department in their internal Report.
 - It is not feasible to underground or relocate the cabinets as proposed, see Applicant's response to the Request for Further Information.
 - 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.
- Additional Planning Merits
 - 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 effects are predicted. There would be 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 will not have any significant amenity impacts. The Board is requested to disregard the second reason for refusal.

- The Visual Assessment has assessed 2 no. of the 4 no. photomontages to be negligible with the remaining 2 no. to be moderate-low.
- 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 is considered to be an excellent one which is not in a designated area or on elevated land and is successfully absorbed into the host streetscape owing to the presence of a number of mature trees which provide screening.
- 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.
- It is requested that the Board disregard the second reason for refusal.
- 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
- Co-location
- Visual Impact
- Other issues
 - *Appropriate Assessment*

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. criterion against which proposals for telecommunications antennae and support structures should be assessed. These 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.

7.2.4. It should be noted that the decision issued by the Local Authority on 8th December 2023 includes 1 no. reason for refusal only and not 2 no. reasons for refusal as referenced in the Appeal.

7.2.5. It should be further noted that the proposed development is for an 18-metre-high monopole telecommunications structure as opposed to a 15-metre-high monopole structure as referenced in part of the appeal submission.

7.3. Co-Location

7.3.1. The Applicants Site Selection Process and Discounted Options is set out in Section 5.0 of the Planning Statement. A total of 5 no. sites have been examined and discounted as potential co-location sites for varying reasons. The 5 no. sites, although all individual installations are at 2 no. general locations, i.e., St. Patricks Road (c. 568 metres to the north) and Musgrave Park (Virgin Media Park) (c. 535 metres to the south-east at its nearest point). All of the 5 no. sites are located outside of the defined search ring and the Operator is stated to already have equipment at Site no's 2 and 5. 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.

7.3.2. The furthest potential co-location site identified by the Applicant is site no. 5 at Musgrave Park, which is estimated to be c. 600 metres to the south-east of the

subject appeal site. It is noted that an existing Eir Installation at Turners Cross (Ref. Site EIR_CK_3441) c. 573 metres to the east has not been considered or indeed directly discounted as a potential alternative co-location site. This said installation is closer to the appeal site than the furthest identified potential co-location site (site no. 5) at Musgrave Park and although it is understood to be in the ownership/ control of the proposed Operator of the subject mast, it is at a considerably lower elevation to that of the subject appeal site.

7.3.3. 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 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.

7.3.4. I am satisfied that the Applicant has fully 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.

7.4. Visual Impact

7.4.1. Section 4.3 of the Telecommunications Guidelines, 1996 relates to Visual Impact and includes the following specific guidance *'Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.'*

7.4.2. Section 11.256 of the Plan provides additional guidance in relation to telecommunications structures. It is stated under point no. 3 that *'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.'*

- 7.4.3. The subject appeal site is located within c. 7 metres to the southeast of an existing Lourdes Grotto. The Grotto occupies an approximate site area of 980 sqm, is distinct and separate from the adjacent public park and comprises an access pathway, grassed area, 2 no. mature and 2 no. semi mature trees and the stone Grotto itself, positioned in the northeast corner. Although the site is not a recorded monument it is nonetheless, in my opinion, a monument which is of local cultural, spiritual and historical significance. As previously stated, the appeal site is also adjacent and to the immediate south of Tory Top Park and to the immediate north of Tory Top Public Library (including a 1916 Commemoration Monument and Flagpole to the front). In addition, the site is also close to an existing Community Centre, c. 60 metres to the east and is within c. 20 metres from the nearest residential property to the south-east. I consider the location of the subject appeal site, close to the intersection of Tory Top Road and Lower Friars Walk, to be a prominent focal point within the surrounding area.
- 7.4.4. I note the visual assessment/s presented by the Applicant. I am not satisfied that the said visual assessments have fully evaluated or addressed the specific sensitivities of the subject appeal site. Viewpoint 3 for example makes no specific reference to the adjacent Grotto and although the sensitivity of the area is determined to be high, this is stated to be based upon residential dwelling/ road users. A finding of no significant effect is presented for this viewpoint (no. 3).
- 7.4.5. In conclusion, I am therefore satisfied that the proposed development, as presented, will result in a visually discordant feature at this prominent intersection which will serve to detract from the visual amenities of the area and, in particular, that of the adjacent Lourdes Grotto, which is a monument of local, historic and cultural significance. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 7.4.6. Although, the technical difficulties encountered by the Applicant in providing a suitable site in area are noted, it is my view that such difficulties do not outweigh the overall impact of the proposed development upon the visual amenities of the area.

7.5. Other issues

- *Appropriate Assessment*

- 7.5.1. 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the proposed location of the telecommunications cabinet and street pole at a prominent intersection and focal point in the surrounding area, in very close proximity to an existing religious monument, public park, a public library and residential properties, as well as the existing telecommunications equipment already present at this location, it is considered that the proposed cabinets and pole would be seriously injurious to the visual amenities of the area in terms of a negative visual impact and 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-318900-24		
Proposed Development Summary	Telestructure		
Development Address	Tory Top Park, Ballphehane, 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:** _____