



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319909-24

<b>Type of Application</b>	Section 254 Licence
<b>Development</b>	Overhead electronic communications infrastructure and associated physical infrastructure
<b>Location</b>	Duntaheen, Fermoy West, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	S25422024
<b>Applicant(s)</b>	Emerald Tower Limited
<b>Planning Authority Decision</b>	Refusal of Licence
<b>Type of Appeal</b>	First Party; Section 254(6)(a)
<b>Appellant(s)</b>	Emerald Tower Limited
<b>Date of Site Inspection</b>	5 <sup>th</sup> February 2025
<b>Inspector</b>	Gary Farrelly

## 1.0 Introduction

This is a First-Party appeal under Section 254(6)(a) of the Planning and Development Act 2000, as amended, with respect to Cork County Council's refusal of a licence for overground electronic communications infrastructure and associated physical infrastructure.

## 2.0 Legislative Context

### **Planning and Development Act 2000, as amended**

#### **Section 2(1)**

"public road" has the same meaning as in the Roads Act, 1993;

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate,

#### **Section 254**

(1) Subject to subsection (2), a person shall not erect, construct, place or maintain—

(ee) overground electronic communications infrastructure and any associated physical infrastructure,

on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

(5) In considering an application for a licence under this section a planning authority, or the Board on appeal, shall 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.

(6) (a) Any person may, in relation to the granting, refusing, withdrawing or continuing of a licence under this section or to the conditions specified by the planning authority for such a licence, appeal to the Board.

(6) (b) Where an appeal under this section is allowed, the Board shall give such directions with respect to the withdrawing, granting or altering of a licence under this section as may be appropriate, and the planning authority shall comply therewith.

(7) Development carried out in accordance with a licence under this section shall be exempted development for the purposes of this Act.

### **Roads Act 1993, as amended**

#### **Section 2(1)**

“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority;

“road” includes—

- (a) any street, lane, footpath, square, court, alley or passage,
- (b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple and whether or not designated for a particular class of vehicle), pavement or footway,
- (c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, verge, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and
- (d) any other structure or thing forming part of the road —
  - (i) used, or the use of which is reasonably required, for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or
  - (ii) prescribed by the Minister;

"structure" has the meaning assigned to it by the Act of 2000;

### 3.0 Site Location and Description

The subject site is located adjacent to Duntaheen Road approximately 1km west of the town centre of Fermoy, County Cork. The site is characterised by an area of green space which adjoins the public footpath. This green space is associated with the entrance to the housing estate known as Cluain Ard. A number of residential properties are located on the opposite side of Duntaheen Road.

### 4.0 Proposed Development

The proposed development comprises of a 18-metre high slimline monopole (designed to a width of 0.4 metres) together with ground-based equipment cabinets. The application and appeal is accompanied by plans and elevation drawings outlining the position, design and capacity of the structure and a number of photomontages.

### 5.0 Planning Authority Decision

#### 5.1. Decision

The planning authority (PA) decided to refuse the licence on 24<sup>th</sup> April 2024 for the following reason:

- 1. The site is located within the settlement boundary of Fermoy in a prominent location at the entrance to a residential estate and adjacent to established residential properties. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) state only as a last resort and if alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area.*

*On the basis of the documents submitted, Emerald Tower Limited had not provided sufficient justification for the location of the proposed mast in a prominent location adjacent to existing residential properties. Having regard to (a) the prominent location of the site adjacent to the public road and at the entrance to a residential development; (b) the national Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996); (c) the provisions of the Cork County Development Plan 2022 and (d) the*

*height, scale and location of the proposed development, it is considered that the proposed development would be visually obtrusive, would seriously injure the visual amenities of the area and would be injurious to the residential amenity of adjoining residential properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

## **5.2. Planning Authority Reports**

### Planning Report

There is 1 no. area planner (AP) report which considered that the development would likely have a significant visual effect due to the prominent location at the entrance to Cluain Ard along the public road. It was also noted that there were no objections from the Area Engineer on traffic safety grounds. The AP recommended refusal of the licence which was endorsed by the Senior Executive Planner.

### Other Technical Reports

- Area Engineer (email dated 9/1/24) – No objections were raised subject to conditions.

## **5.3. Prescribed Bodies**

None on file

## **6.0 Relevant Planning History**

None according to file or planning register.

## **7.0 Policy Context**

### **7.1. Cork County Development Plan 2022-2028**

The subject site is located within the development boundary of Fermoy on lands zoned 'Existing Residential/Mixed Residential and Other Uses'.

It is an objective of the Council:

Objective 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.

#### Section 13.18 Communications and Digital Connectivity

Access to high quality digital and mobile telecommunications infrastructure is critical to the social and economic wellbeing of communities and can support the revitalisation of towns, villages and rural areas. While the importance of telecommunications infrastructure is acknowledged, it is equally as important that the landscape, both urban and rural, are considered and protected from any significant impact caused by such infrastructure.

#### Objective ET 13-28: Information and Communications Technology

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).

### **7.2. National Policy**

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Climate Action Plan 2024

### **7.3. Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

#### Regional Policy Objective (RPO) 137: Mobile Infrastructure

It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.

#### **7.4. National Guidance**

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), and associated Circular Letter PL07/12 (19<sup>th</sup> October 2012)

#### **7.5. Natural Heritage Designations**

The subject site is not located within any designated site. The nearest designated site is the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) which is located approximately 320 metres northwest of the subject site. This area is also designated as the Blackwater Valley (The Beech Wood) proposed Natural Heritage Area (pNHA).

#### **7.6. Environmental Impact Assessment (EIA) Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Therefore, if the Board are minded to allow the licence appeal, I consider that the development would not be de-exempted under Section 4(4) of the Planning and Development Act 2000, as amended. I refer the Board to Appendix 1 in this regard.

### **8.0 The Appeal**

#### **8.1. Grounds of Appeal**

The applicant lodged an appeal to the Board under Section 254(6)(a) of the Planning and Development Act 2000, as amended, on 6<sup>th</sup> June 2024. The grounds of appeal are summarised as follows:

- The Section 254 licence process emerged from the 2016 taskforce report of the Mobile and Broadband Taskforce and Action Plan for Rural Development to help deliver broadband more quickly and relates solely to public roads. The process requires high standards of design and adherence to the proper

planning and sustainable development of the area which this proposal fully complies with.

- The operator, namely Eircom Limited, trading as Eir is the largest communications provider in Ireland providing an essential public service throughout the country. Eir also operates a national wireless data and broadband network under its own brand and under the GoMo brand, which this proposal is for. The structure will accommodate a total of 2 no. operators.
- As part of Eir's licensing requirements and the continuing rollout of their 3G and 4G network it requires a site. The current site does not provide adequate service for good indoor high speed mobile broadband or voice services. The indoor coverage in the area is patchy and users experience miss calls or feel a poor quality of service when indoors. The proposal is to address a coverage blackspot rather than an area that is experiencing weak signal due to customer growth.
- A number of maps are provided showing existing and predicted indoor coverage.
- The structure is proposed as a last resort in accordance with the 1996 Government Guidelines and cannot be provided by existing structures due to intervening vegetation and built form as well as increasing capacity issues on its network due to increasing demand in this densely populated area. The height is the lowest possible in order to see over surrounding high trees and built form in the area and for two operators to share the same pole.
- A 3.5km search area was undertaken to analyse all existing telecoms infrastructure within the town and it was identified that there was a lack of existing structures within the western part of the town. The ComReg site finder register was used. A number of existing structures were investigated at Crixus Fitness Gym, College Road, St. Bernard Place, Beechfield Estate and at the M8 Motorway.
- In order to ensure an efficient operation of the radio network alternative sites must be within the cell search area and must be at relatively high points to ensure antennas can transmit and receive over the proposed cell area.



- The ComReg site finder illustrates a total absence of existing telecommunications sites in western Fermoy.
- Whilst it is preferable to locate this development in industrial locations, no such areas are available that would uplift coverage for the west of the town. There are no commercial or retail areas and no ESB substations in the area.
- It is proposed that the structure will be coloured in a galvanised finish, however, it is possible for it to be painted in a dark green or black finish. The appearance of the structure would not seriously impact upon the visual or residential amenity of the area nor would it form an obtrusive feature within the surrounding area.
- The population of Fermoy is project to increase and it is expected that residential zones near the site will experience residential infill development which will require supportive infrastructure such as telecoms.
- The site cannot be reasonably considered a 'high value landscape' area being that it is entirely suburban in character and recognised by the development plan as an existing built up area. Notwithstanding this, the site benefits from natural screening from mature trees which would help absorb the visual impact of the proposal.
- The nearest dwellings are set back 55m from the site location which would not undermine nor negatively impact residential amenity.
- A number of crowd sourced coverage maps from customers are also provided which are created through self-reported coverage service from customers across all networks. These illustrate a clear and recognisable shortfall and gaps in coverage to the west of the town across all three service providers.
- A total of two search points were investigated based on the identified blackspots. Search point 1 was discounted due to the footpath being too small and due to the monopole being overbearing on nearby residential dwellings. On this basis, the subject site was chosen being set along the public road, situated on greenspace and further away from residential dwellings.

- Precedent has been set by the Council in granting such licences in residential areas to address blackspots (Ref. S/254/3/2022 and S/254/3/2023). Examples from other local authorities granting these developments are also provided.
- The development is suitably distanced away from any landscape or ecological sensitive designated sites.
- An International Commission for Non-Ionising Radiation Protection (ICNIRP) declaration was attached as part of the application.
- Photomontages from 4 viewpoints have been provided which demonstrate no significant visual effects and based on the viewpoint analysis it is requested that the Board disregard the reason for refusal.
- The development is supported by the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region, the National Broadband Plan and the provisions of the Cork County Development Plan 2022-2028.

## 8.2. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

## 9.0 Assessment

9.1. Having examined the licence application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the planning authority and having inspected the site, having regard to relevant local, regional and national policies and guidance, and having regard to the provisions of Section 254(5) of the Planning and Development Act 2000, as amended, I consider that the substantive issues in this appeal to be considered are the following:

- Legislative Context
- Principal of the Development
- Justification for the Development
- Visual & Residential Amenity
- Traffic Safety
- Health and Safety

### Legislative Context

9.2. Firstly, the Board should note that licences under Section 254(1) of the Planning and Development Act 2000, as amended, relate to, inter alia, “*overhead electronic communications infrastructure and any associated physical infrastructure*” which is located “*on, under, over or along (my emphasis) a public road*”.

9.3. The subject site is located within a greenspace area associated with the Cluain Ard housing estate and next to a public footpath. I consider a public footpath to form part of the public road having regard to part (a) of the “road” definition set out under Section 2(1) of the Roads Act 1993, as amended. Therefore, I consider that the siting of the development is “along” the public road and, thus, the siting complies with the requirements of Section 254(1) of the Planning and Development Act 2000, as amended.

9.4. Secondly, the Board should note that in considering an appeal for a Section 254 licence it is required to have regard to the following four criteria in accordance with Section 254(5) of the Planning and Development Act 2000, as amended;

- The proper planning and sustainable development of the area,

- Any relevant provisions of the development plan, or local area plan,
- The number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- The convenience and safety of road users including pedestrians.

### **Principal of the Development**

- 9.5. Objective ET 13-28(a) of the Cork County Development Plan 2022-2028 (CDP) seeks to facilitate the delivery of a high-capacity ICT infrastructure and high-speed broadband network and digital broadcasting. Additionally, Regional Policy Objective 137 of the Regional Spatial and Economic Strategy for the Southern Region (RSES) seeks to facilitate and strengthen the delivery of high speed, high-capacity telecommunications infrastructure within the region.
- 9.6. The subject site is located on lands zoned 'Existing Residential/Mixed Residential and Other Uses' under the CDP where Objective ZU 18-9 seeks to protect and improve residential amenity from other uses/non-residential uses, and which will not encourage any use that threatens this.
- 9.7. Therefore, having regard to the above I consider that the proposed development is acceptable in principle, subject to my assessment below.

### **Justification for the Development**

- 9.8. I note that part of the PA's reason for refusal of the licence was that it considered that the applicant did not provide sufficient justification for the location of the mast in the area.

### **Last Resort Test**

- 9.9. Section 4.3 of the 1996 Telecommunications Guidelines for Planning Authorities states that within the vicinity of larger towns that operators should endeavour to locate such infrastructure in industrial estates or industrial zoned land as well as the exploration of rooftop locations or substations operated by the ESB. It is also stated that the use of tall buildings or other existing structures is preferable to the construction of independent structures. If these alternatives are not available or suitable, only as a last resort should such infrastructure be located in a residential area or beside schools.

- 9.10. I note that the subject site does represent a residential area on the western periphery of Fermoy. The site is located at the entrance to the Cluain Ard housing estate with the nearest dwellings located approximately 25 metres to the northwest, 30 metres to the east and 50 metres to the south of the proposed structure.
- 9.11. Having reviewed the ComReg site viewer<sup>1</sup>, I note that the nearest existing telecommunications infrastructure is a roof top location at Pearse House approximately 1.5km northeast of the subject site. A further telecommunications structure is located within a compound on College Road approximately 1.8km east of the subject site. Having reviewed the applicant's technical justification for siting the development at this location, I am satisfied that the applicant has undertaken a thorough analysis of alternative locations. Furthermore, having inspected the site I noted no tall buildings, industrial lands or ESB substations within the vicinity of the site that could accommodate the proposed development whilst also ensuring it captures its catchment area. Therefore, having regard to the information submitted with the licence application and appeal, I consider that the siting of the development at this location complies with the last resort test of the 1996 Guidelines.

#### Indoor Coverage Gap Justification

- 9.12. I note that the applicant has stated that the purpose of the development is to improve indoor coverage and address a blackspot in the area. The Board should note that a number of maps have been provided by the applicant which are titled indoor coverage with and without the proposed development. However, in the absence of a map source or labelling that describes the colouring of the submitted maps, I am uncertain as to what is represented. The Board may wish to seek further information in this regard, however, having regard to my conclusion under paragraphs 9.13 to 9.15 below it may not wish to pursue this matter.

#### Outdoor Coverage Gap Justification

- 9.13. I have reviewed the ComReg Outdoor Mobile Coverage Map<sup>2</sup> which illustrates 'Very Good' 5G Eir/GoMo outdoor coverage in the area and 'Good' 4G Eir/GoMo coverage. Whilst I note that the 4G coverage in the area is not at the bottom end of the ComReg

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<sup>1</sup> <https://siteviewer.comreg.ie/#explore>

<sup>2</sup> [https://coveragemap.comreg.ie/map?location=52.1308581,-8.295747700000002&technology=4g&network=vodafone&place\\_id=ChIJu5dk2GZfQQgR5vPQHOPcn98](https://coveragemap.comreg.ie/map?location=52.1308581,-8.295747700000002&technology=4g&network=vodafone&place_id=ChIJu5dk2GZfQQgR5vPQHOPcn98)

legend scale, I note that the area does not benefit from the highest rated coverage. Furthermore, I note that the 4G coverage for Three and Vodafone in the area is only classified as 'Fair'. Therefore, I consider that there is a 4G outdoor coverage gap at this location and there is sufficient justification for the proposed development to address same.

#### Height Justification

- 9.14. Additionally, it is stated that the 18-metre height is required in order to ensure uninterrupted lines of sight over nearby obstacles and built form and to ensure multiple operators can be accommodated. The Board should note that I am satisfied with the height justification put forward by the applicant which I consider to be in accordance with Section 4.5 of the 1996 Guidelines.

#### Overall Conclusion

- 9.15. Having regard to the above, to the ComReg outdoor mobile coverage mapping and based on the technical information submitted with the licence application and appeal, the Board should note that I consider that adequate justification has been demonstrated for the proposed development at this location.

#### **Visual and Residential Amenity**

- 9.16. I note that the PA's reason for refusal of the licence was due to its prominent location adjacent to residential properties that would be visually obtrusive and would seriously injure the visual amenities of the area and residential amenity of adjoining properties.
- 9.17. Having inspected the site, I observed a well maintained green space area with mature trees providing an attractive frontage to the housing estate of Cluain Ard. I also observed that the site was prominent due to surrounding topography and direction of travel on the public road.
- 9.18. The site is located within the High Value Landscape designation within the CDP. I note that the licence application is accompanied by a visual impact assessment and photomontages from four viewpoints surrounding the site. I note that there are no scenic routes in close proximity to the site and the site is not located within an Architectural Conservation Area. There are also no protected structures in close proximity to the site.

- 9.19. Having reviewed the submitted photomontages, to the slimline design of the structure to a width of 0.4 metres, to the modest height, to the surrounding environment comprising of mature trees and to the separation distance to adjoining residential properties, I consider that the proposed development would not seriously detract from the visual or residential amenities of the area. I have also reviewed the PA's planning register and inspected the environs of the site and note that there are no existing appliances, apparatuses or structures on, under, over or along the public road in the area that would contribute to visual clutter.
- 9.20. Furthermore, the Board should note that the applicant has recommended an alternative green/black finish to the standard galvanised steel finish which I consider would further help assimilate it into the immediate environment. Therefore, if the Board are minded to grant permission I recommend that a condition is attached for such finishes to be agreed with the PA prior to commencement of development.

#### **Traffic Safety**

- 9.21. The proposed siting of the structure is set back from the public roadway along the public footpath and thus out of the main viewpoint of motorists. It has also been set back from the entrance/exit to the Cluain Ard housing estate which ensures sightlines are not impeded. Therefore, I consider that the proposed development would not have an adverse impact on the convenience and safety of road users. It will also not interfere with or impact the convenience or safety of pedestrians. The Board should note that the Municipal District Engineer of the PA raised no objection to the application.

#### **Health and Safety**

- 9.22. The applicant submitted a radio emissions statement as part of the licence application stating that sites owned and operated by Eir are built and managed within the limits for exposure to electromagnetic fields which are based on guidance from the International Council for Non-Ionising Radiation Protection (ICNIRP).
- 9.23. Notwithstanding this, the Board should note that Circular Letter PL07/12 states that it 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.

## 10.0 Appropriate Assessment (AA) Screening

- 10.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 320 metres southeast of the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) and approximately 3km southwest of the Blackwater Callows Special Protection Area (SPA) (Site Code 004094).
- 10.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this determination is as follows:
- To the scale and nature of the proposed development.
  - To the location of the proposed development within a built-up urban area and to the built up nature of the surrounding area.
  - To the absence of any hydrological connection to any European site.
  - To the distance from the nearest European sites regarding any other potential ecological pathways and intervening lands.
  - Taking into account the screening determination by the PA.
- 10.3. I consider that the development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is, therefore, not required. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this determination.
- 10.4. Therefore, if the Board are minded to allow the licence appeal, I consider that the development would not be de-exempted on AA grounds under Section 4(4) of the Planning and Development Act 2000, as amended.

## 11.0 Recommendation

It is my recommendation to the Board that the appeal is allowed under Section 254(6)(b) of the Planning and Development Act 2000, as amended, and that directions shall be given to the planning authority to **Grant** the licence, subject to conditions, for the reasons and considerations set out below.



## 12.0 Reasons and Considerations

Having regard to the provisions of Section 254 of the Planning and Development Act 2000, as amended, and to the provisions of:

- (a) The National Planning Framework,
- (b) The Regional Spatial and Economic Strategy for the Southern Region,
- (c) The Cork County Development Plan 2022-2028, and Objective ET 13-28(a) which seeks to facilitate the delivery of high capacity ICT infrastructure and high-speed broadband network and digital broadcasting throughout the County,
- (d) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12,

together with the location and siting of the proposed development within the settlement boundary of Fermoy on lands zoned 'Existing Residential/Mixed Residential and Other Uses' under the Cork County Development Plan 2022-2028, to the slimline design, modest height and scale of the proposed development, and to the separation distance to residential properties, it is considered that the proposed development would not be seriously detrimental to the residential or visual amenities of the area and would not result in a traffic hazard. Furthermore, it is considered that, having regard to the Commission for Communications Regulation outdoor mobile coverage mapping and based on the technical information submitted with the licence application and appeal, that adequate justification has been demonstrated for the proposed structure. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority, as amended by the further plans and particulars submitted to the Board on the 6<sup>th</sup> day of June 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) This licence permission shall apply for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, permission shall have been granted for their retention for a further period.

(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 date of expiry of this permission.

**Reason:** To enable the impact of the licence to be re-assessed, having regard to changes in technology and design during the specified period.

3. Details of a colour scheme for the monopole and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the monopole and any ancillary structures upon erection.

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

4. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

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

**Reason:** In the interest of public health.

6. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

**Reason:** To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

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.

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Gary Farrelly  
Planning Inspector

18<sup>th</sup> February 2025

## Appendix 1: EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319909-24			
<b>Proposed Development Summary</b>	Section 254 licence for telecommunications monopole and supporting infrastructure			
<b>Development Address</b>	Duntaheen, Fermoy West, County Cork			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>				
<del>Yes</del>			Proceed to Q.3	
<b>No</b>	<b>X</b>		No further action required	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<del>Yes</del>				EIA Mandatory EIAR required
<del>No</del>				Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>				
<del>Yes</del>				Preliminary examination required (Form 2)
<b>4. Has Schedule 7A information been submitted?</b>				
<del>No</del>		Pre-screening determination conclusion remains as above (Q1 to Q4)		
<del>Yes</del>		Screening Determination required		