



An
Bord
Pleanála

Inspector's Report

ABP-320148-24

Development	Installation of a 15m dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services
Location	Donnybrook Hill Road, Castletreasure, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	T23006
Applicant(s)	Emerald Tower Limited.
Type of Application	Section 254 Telestructure Licence.
Planning Authority Decision	Grant Licence subject to Conditions.
Type of Appeal	First Party vs Conditions
Appellant(s)	Emerald Tower Limited
Observer(s)	None
Date of Site Inspection	24 th October 2024
Inspector	Paul Kelly

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History	7
5.0 Policy Context	8
5.1. Regional Spatial & Economic Strategy – for the Southern Region (“RSES”)8	
5.2. Development Plan – Cork City Development Plan, 2022-2028.....	8
5.3. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (DoELG). (“the Guidelines”)	11
5.4. DoECLG Circular Letter PL 07/2012	12
5.5. DoHLGH Circular Letter PL 11/2020.....	13
5.6. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads (Dept. of Communications, Energy and Natural Resources, 2015) – the ‘Green Book’	13
5.7. Natural Heritage Designations	14
5.8. EIA Screening	14
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Planning Authority Response	17
6.3. Observations	17

7.0 Assessment.....	17
8.0 Other Matters.....	24
9.0 AA Screening.....	25
10.0 Recommendation	25
11.0 Reasons and Considerations.....	25
12.0 Conditions	26

Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Screening for Appropriate Assessment

1.0 Site Location and Description

- 1.1. The subject site is located in the southern Cork City residential suburb of Douglas. It consists of a small roadside site in the public grass verge on the western side of Donnybrook Hill road. To the west the site is bounded by the public footpath, a semi-mature treeline and a boundary wall, beyond which is an area of open space and the Castletreasure Grove residential development. The site is approx. 85m south and 180m south respectively, of the entrances to the Castletreasure Grove and Springbrook residential developments. To the south the site is adjoined by 2no. established roadside private dwellings, with a further private dwelling currently under construction. The residential development Bracken Court & The Fairways is located to the east and to the opposite side of Donnybrook Hill road.
- 1.2. The character of the area is a residential suburb. The existing urban infrastructure primarily consists of telegraph and electricity poles with overhead wires, streetlighting, a bus stop and traffic lights with pedestrian crossing.

2.0 Proposed Development

- 2.1. On 15th August 2023 a licence under Section 254 (1) of the Planning and Development Act, 2000 (as amended) ("**the Act**") was sought for the following:
- The installation of a 15m (galvanised and painted) dual operator pole (406mm in diameter);
 - Associated equipment including: 3no. 4.1m long alpha AW3940-E-C Antenna; and 2no. GPS beacons and 2no. Link dishes (300mm in diameter) at a height of 9.8m above ground level;
 - 1no. (1900mm high) ground-based equipment cabinet (1300mm wide); and 1no. (1900mm high) future operator outdoor cabinet (1300mm wide);
 - All associated site development works for wireless data and broadband services.

The application was accompanied by a Planning Statement prepared by Entrust Planning & Environmental including a Radio Emissions Statement and an International Commission for Non-Ionising Radiation Protection (ICNIRP) Declaration

was submitted with the licence application as evidence of compliance with emission controls.

The site is owned by Cork City Council.

3.0 Planning Authority Decision

3.1. Decision

On 5th December 2023, the Planning Authority (“**PA**”) sought the following further information:

- a) *“The applicant is requested to submit revised and accurately scaled site plans, elevations and particulars showing a significant reduction in the proposed monopole height, to a maximum height of approximately 12m, along with the internalisation of the proposed equipment currently proposed to be externally mounted on the monopole; and*
- b) *The size, location and number of accompanying cabinet services also raise significant concerns in terms of the impact on the visual amenity of the area. The applicant is requested to submit revised plans and particulars showing the relocation of the accompanying cabinet services underground, or their reduction in scale and relocation of same to a less visually prominent location; and the omission of the second cabinet and/or any associated works associated with a potential second operator on site.”*

The applicant responded on 31st January 2024. This response set out a technical justification for the proposed height of the monopole and illustrates the operational difficulties a reduction in height will cause. The report also submitted that it was not feasible to place the cabinets underground at this location due to the extent of existing services. The report submitted that the second operator cabinet is proposed to facilitate future capacity for a second operator and that this is in accordance with national guidance and statutory policy and will reduce the potential clutter associated with a proliferation of separate additional structure(s). The applicant confirmed that the second cabinet would only be installed if, and when, a second operator was secured. The PA was asked to permit the development as proposed.

On 22nd May 2024, the PA granted the Section 254 Licence for a 3-year period from the date thereof, subject to 13no. conditions, including limiting the height of the pole to 12m and permitting 1no. cabinet only. Further details on the licence conditions are set out in Section 3.2.3 of this report (below).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- A copy of any technical or other reports prepared by or for the PA was requested by the Board on 17th July, 27th August and 23rd October 2024. The PA has not furnished the planning report(s) in this case.

3.2.2. Other Technical Reports

- None available.

3.2.3. Conditions

The conditions of the licence generally deal with standard type conditions, however there are a number of bespoke conditions which are relevant to the grounds for appeal and the terms thereof are set out as follows:

- **Condition No.2** – “*the proposed telecommunications pole shall be reduced in height so that it is no more than 12m in height and prior to the commencement of development the applicant shall submit revised plans and elevations to show this alteration for the written agreement of the Planning Authority. Reason: In the interests of the visual amenity and proper planning and sustainable development of the area.*”
- **Condition No.3** – “*no more than 1no. single cabinet structure shall be located on site and prior to the commencement of development the applicant shall submit revised plans and elevations to show this alteration for the written agreement of the Planning Authority. Reason: In the interest of the visual amenity and proper planning and sustainable development of the area.*”
- **Condition No.4** – “*this licence shall apply for a period of three years from the date of grant of this licence. The pole and all associated infrastructure shall then be removed unless, prior to the end of the period, a further licence is*

*granted in respect of the communications and associated physical infrastructure. **Reason:** To allow for an appropriate period to monitor the impact of the development, having regard to changes in technology and design during the period of three years and to the circumstances then prevailing."*

- **Condition No.6** – *"Notwithstanding the exempted development regulations in respect of telecommunications structures, no additional dishes, antennae or other equipment other than those shown on drawings received by the Planning Authority on 15/08/23 shall be attached to the telecommunications pole or otherwise erected on the site without first obtaining the prior written approval of the Planning Authority. **Reason:** In the interests of the visual amenity and proper planning and sustainable development of the area."*

3.3. **Prescribed Bodies**

None on file.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

There is no relevant planning history on the subject site. It is noted that the appellant in this case was previously refused permission for a Section 254 licence (by the PA) for an 18m high telestructure at a site approx. 60m (north) from the subject site (**T22.023** refers). The reasons for refusal concerned traffic safety and visual amenity. The subject licence application has been brought forward in response to same and further to pre-planning consultation with the PA.

5.0 Policy Context

5.1. Regional Spatial & Economic Strategy – for the Southern Region (“RSES”)

Chapter 6 of the RSES for the Southern Regional Assembly deals with ‘Connectivity’ and Section 1 thereof sets out the objectives for ‘*Digital Connectivity, Infrastructure and Smart Cities and Region*’. It is an Objective of the RSES to seek to expedite the implementation of the National Broadband Plan (RPO136) and RPO 137 states that:

“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.”

5.2. Development Plan – Cork City Development Plan, 2022-2028

5.2.1. The Cork City Development Plan, 2022-2028 (“CCDP”) was adopted on 10th June 2022 and took effect on 8th August 2022. The Plan was subject to a Variation No.1 in relation to parking standards and parking zones. The Plan was subject to a Ministerial Direction issued on 2nd December 2022 which took immediate effect (from the said date) in accordance with Section 31(17) of the Planning and Development Act, 2000 (as amended). The Direction generally required certain new residential zonings to be reversed or deleted for compact growth and sequential approach reasons; and that a mixed-use zoning revert to education for strategic planning, investment and education reasons. It did not concern directions that are germane to the consideration of this appeal.

5.2.2. The Core Strategy of the CCDP is set out in Chapter 2 and includes a land use strategy for ‘*Compact Liveable Growth*’. It is supported by a Core Strategy Map (**Fig. 2.20** of Chapter 2 refers) which spatially illustrates strategic expansion areas within the City and which identifies the ‘*Castletreasure*’ area as a ‘*City Regeneration & Expansion Area*’. Chapter 10 of the Plan then sets out the Objectives for the City Suburbs and Objective 10.84(a) ‘*Castletreasure Expansion Area*’ provides that it is an objective of the CCDP to:

“support the compact growth and development of Castletreasure Expansion Area as a Strategic City consolidation and expansion area, as identified in the Core Strategy.

All development shall be designed, planned and delivered in a co-ordinated and planned manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.”

- 5.2.3. Chapter 12 of the CCDP sets out the land use zoning objectives of the plan, which are based on the principles of compact growth, sustainable communities and neighbourhoods, placemaking and climate resilience, and the Strategic Vision for the City (set out in Chapter 1 of the Plan). The CCDP clarifies (in Chapter 12, sub-paragraph 4) that whilst the primary objective of each land use zoning is clearly stated, the various uses listed as being open for consideration are intended as a general guide and are not an exhaustive list. The appeal site is located on lands zoned as ‘ZO 1’ – ‘Sustainable Residential Neighbourhoods’ in the CCDP with the associated zoning objective to “*protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*”

Sub-paragraph ZO 1.1 confirms that the central objective of this zoning is the ‘*provision and protection of residential uses and residential amenity*’ and sub-paragraph ZO 1.2 provides that ‘*development in this zone should generally respect the character and scale of the neighbourhood in which it is situated*’ and that ‘*development that does not support the primary objective of this zone will be resisted.*’ Sub-paragraph ZO 1.3 sets out the primary uses open to consideration in this zone including: ‘*residential uses, creches, schools, home-based economic activity, open space and places of public worship*’, whilst Sub-paragraph ZO 1.4 confirms that other uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided that they do not detract from the primary objective and do not conflict with other objectives of the CCDP.

Telecommunications structures are not specifically identified as a use which is either permitted in principle, open for consideration, or generally excluded within this zone.

- 5.2.4. Chapter 9 of the CCDP deals with ‘*Environmental Infrastructure*’ and acknowledges that the ‘*sustainable growth and management of the City’s development depends on the provision of good quality infrastructure.*’ Section 9.23 of this chapter of the CCDP deals specifically with ‘*Information and Communications Technology (ICT) and Telecommunications*’ and recognises that ICT and digital connectivity are key drivers of the social and economic development of the city and supports the rollout of the

National Broadband Plan. Section 9.24 of the CCDP refers to the recently published Digital Strategy for the City (*'Building a Connected City A Digital Strategy for Cork City'*) which in addition to interconnected infrastructure and international connectivity ambitions, seeks to improve the City's digital connectivity for all and acknowledges that several areas could be improved such as mobile network coverage and high-speed broadband coverage.

Section 9.26 of Chapter 9 of the CCDP specifically relates to Telecommunications and acknowledges that *"an efficient telecommunications system is important in the development of the economy."* This Section states that 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 and that the assessment of individual proposals will be governed by the guidelines and the controls set out in the Development Management Section of this plan.

5.2.5. The development management guidelines and controls of the CCDP are then set out in Chapter 11 of the Plan and Section 11.256 thereof relates to Telecommunications Structures. This section confirms that the assessment of applications for telecommunications antennae and support structures will have regard to the following :

1. *"Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996 and Circular Letter PL 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 considerations 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. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (DoELG). ("the Guidelines")

The 'Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures' (1996) set out Government policy for the assessment of proposed new telecommunications structures. Their aim is to provide relevant technical information and to offer general guidance on planning issues.

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 and that this is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures it is acknowledged that a supporting mast or tower is needed.

The Guidelines acknowledge that the siting and design of the infrastructure is dictated by radio and engineering parameters and that similarly location will be substantially influenced by radio engineering factors. Therefore, there may be limited scope for requesting changes and a balance of relevant considerations will be required.

Section 4.3 of the Guidelines refers to visual impact and state that visual impact is among the more important considerations that should be considered in assessing a particular application. In the vicinity of larger towns and in city suburbs the Guidelines state that operators should endeavour to locate in industrial estates or in industrially zoned lands and the possibilities offered by some commercial or retail areas should be explored. The Guidelines state that only as a last resort and if the alternatives suggested are either unavailable or unsuitable should free standing masts be located in a residential area or beside schools. In any event the support structure should be kept to the minimum height consistent with effective operation.

The Guidelines (Section 4.5) state that all applicants will be encouraged to share antennae support structures and will have to satisfy the planning authority that they have made a reasonable effort to share. Section 4.6 of the Guidelines specifies that applicants will have to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No.1 (Jan 1988) or the equivalent European Pre-standard 50166-2 and to furnish evidence that the proposed installation type complies with these guidelines.

5.4. DoECLG Circular Letter PL 07/2012

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the 1996 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'*. The Circular 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.

5.5. DoHLGH Circular Letter PL 11/2020

This circular relates to planning exemptions applicable to telecommunications works undertaken by statutory undertakers. The Circular provides clarification that:

- Class 31 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) sets out a range of planning exemptions that can be availed of by statutory undertakers in the provision of telecommunications services;
- Section 254 of the Planning and Development Act, 2000 (as amended) 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, then approval from a Planning Authority is required by means of obtaining a Section 254 licence;
- A Section 254 licence is required for overground electronic communications infrastructure and its associated works and that such works carried out in accordance with a licence shall be exempted development;
- The planning exemptions for telecommunications infrastructure along public roads does not apply where there is a requirement for Appropriate Assessment and/or where the proposed development would endanger public safety by reason of a traffic hazard.

5.6. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads (Dept. of Communications, Energy and Natural Resources, 2015) – the ‘Green Book’.

The Green Book provides advice to telecommunications operators as to how telecommunications infrastructure could be accommodated along all road types. Table A of Section 5.4 sets out consideration of the opportunities to facilitate telecommunications infrastructure on the roads network. On Urban roads the guidance provides that standalone poles are the preferred option and that opportunities are generally limited to locations where a wide verge or footpath allows the accommodation of small cabinets/antennae and/or the erection of stand-alone poles.

5.7. Natural Heritage Designations

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- Proposed Natural Heritage Area (pNHA) Douglas River Estuary (Site Code: 001046) approx. 2km north of the site;
- Special Protection Area (SPA) Cork Harbour (Site Code: 004030) approx. 2km north of the site; and
- Proposed Natural Heritage Area (pNHA) Cork Lough (Site Code: 001081) approx. 4.4km northeast of the site.

5.8. 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.

Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was received from Entrust Planning & Environmental on behalf of Emerald Tower Limited. The appeal seeks to remove two conditions, Condition No.2 and No.3, which it is submitted would entirely undermine the purpose and viability of the proposed dual operator telecoms structure as proposed.

The appeal clarifies that the appellant Emerald Tower Limited is a wholly owned subsidiary of Phoenix Tower International (“PTI”) and that PTI owns and operates the Eir Mobile portfolio in Ireland and that this proposal is for its national wireless high-speed data and broadband network.

The grounds of appeal can be summarised as follows:

Technical Justification

- As part of Eir Ltd licensing requirements and the roll out of their 3G, 4G and 5G networks, Eir require a site at this location and within a confined search area. Current sites in the area for Eir do not provide adequate service for good indoor high speed mobile broadband. Three images are submitted – search ring CK_2949, existing indoor coverage without CK_2949, and predicated new indoor coverage with CK_2949.

Site Selection

- First choice for Eir is always co-location.
- There are no suitable existing structures in the search area to co-locate Eir's equipment. The location has been selected on the basis that it is the optimum location in the search area and it is a last resort having followed the sequential approach set out in the 1996 Guidelines. The height is the lowest possible to 'see' over surrounding high trees and built form in the area and for two operators to share the same pole.
- A new telecommunications installation is required at this location as all mobile operators (Eir, Three and Vodafone) have an obligation to provide 100% coverage throughout the Country and the nearest existing sites are too far away to facilitate newer technologies, 4G and 5G in particular, which only work effectively over a range of several hundred metres (as opposed to earlier 2G technology which had a range of up to 10km).

Site Location & Design

- The proposed development is located on the grass verge between existing street lights which will help absorb the vertical structure on the street. Residential and visual amenities are protected by distance and screening from mature vegetation at this location.
- The design is slimline with the antennae encased inside the top of the pole, with capacity for a second operator to co-locate. The pole will be a galvanised grey colour to assimilate with the typical sky conditions and has a reduced 15m height as opposed to the standard 18m to maintain the lowest possible operational height.

Planning History & Precedence

- The reference by the appellant to previous decisions made by the PA and other local authorities in respect of telecommunication structures is noted, but not considered relevant to the consideration of this case, which can be determined on its own merits.
- The appellant submits that the decision of the PA in this instance is contrary to its ambitions in the CCDP for Castletreasure as a City regeneration and expansion area.

Visual Assessment

- A visual assessment of the proposed development was prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition) 2013. This included a range of viewpoints and typical receptors including: residential and road users (pedestrians, cyclists, motorists etc) with medium to high sensitivity. The viewpoints are medium to short range and were selected (4no.) to show the proposal in its fullest form or 'worst case'. The level of effect from the development was determined to be low-moderate with no significant effects and it is submitted therefore that the requirement for a reduction in the height of the pole from 15m to 12m is baseless.

Heritage

- There no built or natural heritage sensitivities.

Additional Planning Matters

- It is submitted that the proposal supports: two of the ten goals of the National Planning Framework regarding digital connectivity; Section 6.2 (Digital Connectivity) of the Regional Spatial & Economic Strategy for the Southern Region; Section 6.2.3 of the National Broadband Plan and Section 9.2.6. (Telecommunications) of the Cork City Development Plan, 2022-2028.
- It is submitted that the proposed development accords with the DoEHLG 1996 Guidelines regarding sharing and co-location and the sequential approach to site location and selection.
- It is submitted that: the site and proposed infrastructure is the optimum solution in terms of providing the optimum technology coverage and minimising adverse impacts on the host environment; the proposed height of

15m will allow for two operators to be co-located and will obviate the need for two separate structures in the near future to support planned population growth; broadband is now an essential public service and the public benefits of the proposal must be considered.

- The Board is requested to grant a licence at the proposed height of 15m and for the second future operator cabinet to facilitate future co-location and sharing of the site.

6.2. Planning Authority Response

- No response.

6.3. Observations

- None.

7.0 Assessment

7.1. The appeal relates to an application for a Section 254 'licence' which does not come within the scope of a 'permission' as defined in Section 2 of the Planning and Development Act, 2000 (as amended). Therefore it is not considered that the provisions of Section 139 of the Act apply in this case and accordingly the Board is not required to exercise its discretion in this regard. Rather, in accordance with Section 254(6)(b) of the Act, the Board is required to give such directions with respect to the withdrawing, granting or altering of a licence under this section as may be appropriate, and a planning authority shall comply therewith. I have therefore proceeded to assess the case on a de-novo basis. The Board may wish to consider this position further.

7.2. The proposed development is brought forward under Section 254(1) of the Planning and Development Act, 2000 (as amended). In their consideration of the application for a licence 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 provision 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.

7.3. I have examined the file and the planning history, considered national, regional and local policies and guidance, the submission of the appellant and inspected the site. I have assessed the proposed development and I consider that the main issues in this appeal are as follows:

- Principle of development
- Visual Impact and Condition No.2
- Co-location and Condition No.3
- Other issues (Condition No.4 (limit on duration of licence) and Condition No.6 (limit on exempted development))

7.4. Principle of development

The subject site is located on lands zoned as ‘ZO 1 – Sustainable Residential Neighbourhoods’ in the CCDP with the associated zoning objective to “*protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*” The CCDP confirms that the central objective of this zoning is the ‘*protection of residential uses and residential amenity*’ and that development in this zone ‘*should generally respect the character and scale of the neighbourhood in which it is situated*’ and that development which does not support the primary objective will be resisted. Telecoms structures are not specifically listed as a primary use that is acceptable on ZO 1 lands however the CCDP confirms (sub-paragraph ZO 1.4) that other uses that contribute to sustainable residential neighbourhoods are acceptable in principle. Therefore in terms of the principle of development the applicable test is whether or not the proposed development is consistent with the zoning and its central objective. In this regard I note that the Core Strategy of the CCDP includes a land use strategy for ‘*Compact Liveable Growth*’ and that the subject site is within the ‘*Castletreasure Expansion Area*’ of this strategy with the objective (10.84(a)) to, inter alia: “*support the compact growth and development of Castletreasure Expansion Area as a Strategic Consolidation and expansion areas*” and that “*all development shall be*

designed, planned and delivered in a co-ordinated planned manner.....". It is considered that the provision of high speed wireless data and broadband network is crucial public infrastructure necessary to support the co-ordinated and planned development of suburban consolidation and expansion areas and that it is infrastructure which contributes to sustainable residential neighbourhoods and provides for residential uses and amenities. This is recognised in Chapter 9 of the CCDP which acknowledges that '*sustainable growth and management of the City's development depends on the provision of good quality infrastructure*' and in the Digital Strategy for Cork City 'Building a Connected City' which seeks to improve the City's digital connectivity for all and acknowledges that several areas could be improved such as mobile and high-speed broadband coverage. Accordingly, I am satisfied that the proposed development is consistent with the Core Strategy of the CCDP and the '*Compact Liveable Growth*' land-use strategy and is therefore acceptable in principle, subject to detailed consideration of its compatibility with the character and scale of the neighbourhood in which it is situated.

In this regard Section 9.26 of Chapter 9 of the CCDP specifically relates to 'Telecommunications' and provides that the assessment of telecommunications proposals will have regard to the 1996 Guidelines, associated Circular Letters and the guidelines and controls set out in Section 11.256 of the CCDP. This section sets out 4no. assessment criteria which relate to:

- national policy guidance;
- co-location;
- visual impact; and
- justifications where the land concerned is visually sensitive elevated lands.

The subject site is not identified as a visually sensitive location and therefore as the principle of development has been accepted, the only relevant assessment criteria are visual impact and co-location. These matters are assessed in further detail below in Sections 7.4 and 7.5 respectively.

7.5. Visual Impact and Condition No.2

- 7.5.1. Condition No.2 as imposed by the PA requires that the telecommunications pole be reduced in height so that it is no more than 12m. The reason given was in the

interests of visual amenity and the proper planning and sustainable development of the area. The subject site is not located within a visually sensitive area and is not within a high value landscape. The appellant has submitted a technical justification for the proposed overall height of the structure at 15metres (which is a reduction in the height from a previous proposal at 18m) and submits that this is the minimum height consistent with operational objectives and for dual operator capacity.

- 7.5.2. I have visited the appeal site and acknowledge that the proposed telecommunications development may result in some limited potential visual impact being incurred on the local environment. This is largely due to the height of the monopole, which is 15m. Section 4.3 of the 1996 Guidelines states that sites close to existing residential areas are particularly sensitive from a visual and residential amenity perspective and I note the residential development and properties in the vicinity of the site.
- 7.5.3. The Appellant has submitted a Visual Impact Assessment to aid in the visual assessment of the development proposal. The assessment comprises 4no. viewpoints in total which are taken from various nearby locations mainly along Donnybrook Hill road. There is a viewpoint on approach to the site from the north (VP1), on approach from the south (VP4) and from within Castletreasure Grove (VP2) and Bracken Court (VP3). Whilst I acknowledge that the proposed monopole would be more visible than some of the existing structures in the area, including overhead powerlines, lamp standards, road signage and traffic lights etc, I do not consider that it would be so visually impactful as to injure the visual and residential amenities of the receiving environment. This is evident from viewing the VIA and during my physical inspection of the site.

The proposed development will take up a relatively small footprint and many views towards it will be blocked and/or significantly reduced by the presence of boundary walls, semi-mature trees and vegetation, distance, and/or the vertical and horizontal alignment of the public road. It is considered that views of the infrastructure will be partial only, except for limited short range views from the public road in the immediate vicinity of the site. In particular the development proposal will be viewed within the Castletreasure Grove residential development across a public open space and to the far side of a boundary wall and beyond a semi-mature tree line. The residential development within Bracken Court is predominantly rear facing or gable

end to the development site, and again views are limited by orientation and boundary treatments. It is noted that a single private residential dwelling immediately adjoins the site to the south, however despite the close proximity of the development proposal to this property, it is protected by an existing boundary wall and mature treeline and as a result will have little to no visual impact. Otherwise the Donnybrook Hill road rises and bends to the right on approach from the north, and falls and bends to the left on approach from the south, such that a sustained medium to long range view on approach from the public road network is not available.

- 7.5.4. The 1996 Guidelines state that the height of telecoms support structures, when the requirements of the backbone network are taken into account, can range from 12m to 60m, although most typically they will be between 20m and 40m. The proposed monopole adopts a slender appearance and, in my opinion, the appellant has sought to minimise its potential for visual impact by selecting a monopole of low to medium height at 15m. In my opinion the development proposal will not injure the residential and visual amenities of the area and therefore there are no material grounds on which to justify the PA's required reduction in height from 15m to 12m. I consider that such a reduction will be inconsequential to the relationship of the development proposal with the visual amenities of the host environment and will not achieve any material benefits. To the contrary a reduction from 15m to 12m will have significant operational consequences for the development proposal, particularly limiting its potential performance to address the identified coverage deficiencies at this location and its capacity to facilitate future co-location and a second operator. I consider that the reduction in height from 15m to 12m has no material basis, and I would be concerned that it would be likely to frustrate future co-location opportunities as required by national guidance resulting in unnecessary demands for further mast type structures in the vicinity.
- 7.5.5. I have no objection to the 2no. proposed cabinets, which being of a utilitarian character and ancillary to the main telestructure, present no additional visual amenity concerns at this location.
- 7.5.6. In summary, I consider that the proposed development would not present as an overly dominant, or overbearing feature, in this setting. In my opinion the telestructure will read as a normal part of the suburban environment and it will have

no significant or negative impact on the visual or residential amenities of the area. I recommend that Condition No.2 is omitted.

7.6. Co-location and Condition No.3

- 7.6.1. The Telecommunication Guidelines and Planning Circular PL07/12 encourages co-locating antennae on existing support structures. It also requires the shared use of existing structures for telecoms infrastructure where there is an excessive concentration of masts in a single area. In residential areas, the option to locate in industrial estates, on industrial zoned lands or in commercial or retail areas must be examined.
- 7.6.2. The appellant states that Eir as part of their roll out of 3G, 4G and 5G networks require a site in the area of Castletreasure to provide adequate service for good indoor highspeed mobile broadband or voice. I note that the appellant submits an 'Existing Indoor Coverage Map' (CK_2949) which depicts an indoor service coverage gap in this general area, and a 'Predicted New Indoor Coverage' map (CK_2949) which addresses this issue. I have viewed the ComReg Coverage Maps available and note that an indoor coverage map is not available for comparative assessment.
- 7.6.3. Section 2.8 -2.12 of the appellants Appeal Statement sets out the Site Selection Process and Discounted Options for the proposed development. This includes an appraisal of the 7no. nearest telecommunications structures as shown in Fig.1 thereof. Of these 7no. structures the statement concludes that all are outside or significantly outside the Operators search ring, that Eir is already located or co-located on 4no. of these sites and 2no. others are too close to existing Eir sites to meet their coverage objective. The appellant states that there are no suitable existing telecommunications sites identified which would be capable of providing the coverage required in this instance. The appellant confirms that a sequential approach to site selection was undertaken in accordance with the CCDP and 1996 Guidelines and that the proposal is a 'last resort'.

I note that there is a general absence of tall structures or buildings within the general area, which has likely limited the range of options available to the applicant from which to base the proposed infrastructure. I also note that there are no industrial estates, industrial zoned land, commercial or retail areas in the vicinity of the appeal site.

- 7.6.4. I am satisfied that the appellant has demonstrated sufficient justification for the choice of the subject site from a technical perspective. I am further satisfied that the appellant 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 there is no potential to co-locate at another separate structure.
- 7.6.5. I note that the proposed development includes future capacity for co-location by another operator within both the 15m high monopole and the second future operator cabinet. The appellant confirms that they are happy to receive a condition that the second cabinet will not be installed until such times as a second operator is confirmed.
- 7.6.6. Condition No.3 as imposed by the PA requires that 1no. cabinet only is located on site. The reason given is in the interests of visual amenity and the proper planning and sustainable development of the area. The impact of this condition will be to remove any capacity in the proposed development for a future operator to co-locate at this site. Having regard to the visual amenity assessment conclusions in the preceding section, I consider that there are no visual amenity grounds on which to sustain this condition. Given: the limitations of existing coverage in this area and the absence of other co-location options at this location (as evidenced by the sequential approach set out by the appellant); the planned consolidation and expansion ambitions of the CCDP in this general area; and the digital connectivity ambitions of both the CCDP and the Digital Strategy for the City, I consider that the proposal, including future second operator capacity, serves the proper planning and sustainable development of the area. I am satisfied that it has been brought forward in accordance with national policy and guidance with respect to both the assessment of current options for co-location, and provision of future capacity for co-location in the development proposed, and that there are no visual amenity or other grounds to sustain the limitations imposed by Condition No.3. It is therefore recommended that Condition No.3 is omitted.

I do consider however that it is reasonable and consistent with the proper planning and sustainable development of the area, to require that the second (future operator) cabinet is not installed until a second such an operator is confirmed. It is recommended that this is dealt with by condition.

8.0 Other Matters

- 8.1.1. I note that Condition No.4 as imposed by the PA limits the licence to a period of three (3) years from the date of grant. Whilst I note the provisions of the Guidelines, as updated by Circular letter PL 12/07, recommending that the practice of limiting the duration of permission cease, I consider that is in the case of an application for permission. The subject case is a for a licence on lands owned by the LA. I therefore consider that a limit on the duration of the licence is appropriate but that this should be for a period of five (5) years in accordance with established norms. I also note the provisions of Section 254(4) of the Act which empowers the PA to withdraw the licence and require the removal of the structure at the appellants expense if the structure becomes dangerous or causes an obstruction in the circumstances set out. Accordingly, notwithstanding the recommended five (5) year duration of the licence, the PA has recourse to remedy in specified circumstances. I am otherwise satisfied that a condition requiring removal of the structure and reinstatement of the site in circumstances of obsolescence is sufficient.
- 8.1.2. I note that Condition No.6 as imposed by the PA seeks to limit the extent to which the appellant might benefit from the exempted development provisions of the Regulations in respect of telecommunications structures and associated. I do not consider that this condition or its necessity has been justified by the PA and I am not satisfied that a condition seeking to limit exempted development rights is reasonable or necessary in this case. It is therefore also recommended that this condition is omitted.
- 8.1.3. I am satisfied that Condition No.7 regarding change of ownership is not necessary, and that it is sufficient to require that details of a second operator only is confirmed to the PA as per recommended Condition No.2 below. I am satisfied that Conditions No. 5, 8, 9 and 10 are adequately dealt with by recommended conditions No.3 & 5 below. I do not consider that Conditions No. 11, 12 & 13 are necessary, concerning as they do road opening, mobile crane and road closure matters primarily dealt with under separate codes. I recommend that these conditions are omitted, however the Board may want to provide for these matters as an advisory.
- 8.1.4. I am otherwise satisfied that no considerations arise in relation to the convenience or safety of road users and that the development proposal is appropriate having regard

to the assessment criteria set out in Section 254(5) of the Act and Section 11.256 of the CCDP.

9.0 AA Screening

- 9.1. Having regard to the modest nature and scale of the development consisting of a telestructure and ancillary works in the existing grass verge of the public road, to its location within an suburbanised environment, the absence of any pathway to, or functional link between, the subject site and a European Site and to the distance from European Sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site and there is no requirement for a Stage 2 Appropriate Assessment.

Refer to Appendix 2 regarding this determination.

10.0 Recommendation

I recommend that the Board directs the planning authority to GRANT the Section 254 licence subject to altered conditions as set out below, for the following reasons and considerations:

11.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, which is a 15m high monopole telecommunications structure, associated equipment and two cabinets, the provisions of Section 254 of the Planning and Development Act, 2000 (as amended), the Cork City Development Plan, 2022-2028, and the 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL 11/2020); it is considered that the proposed development would not cause adverse impacts on the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>The second (future operator) equipment cabinet shall not be installed on site until such times as a second operator is first confirmed. The Planning Authority shall be notified in writing of the confirmation of a second operator four (4) weeks before the installation of the second equipment cabinet.</p> <p>Reason: In the interests of clarity and to cater for the proper planning and sustainable development of the area.</p>
3.a	<p>This licence shall apply for a period of five years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, a licence shall have been granted for a further period.</p>
b.	<p>The telecommunications structure and ancillary structures shall be removed from site in the event of obsolescence or in the circumstances set out in Condition No.2.a. The site shall be re-instated on removal of the telecommunications structure and ancillary structures at the applicants expense. Details relating to the removal and reinstatement, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

4.	<p>The telecommunications pole shall be a galvanised grey and the ancillary cabinets shall be a dark fir green unless otherwise agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including traffic and pedestrian safety measures, hours of working, noise management measures, off-site disposal of construction waste and reinstatement of the grass verge post-construction.</p> <p>Reason: In the interests of public safety and residential amenity</p>
6.	<p>The proposed cabinets and pole shall be maintained regularly and shall be kept graffiti free.</p> <p>Reason: In the interests of the visual amenities of the area.</p>

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

Paul Kelly

Senior Planning Inspector

7th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320148-24		
Proposed Development Summary	Installation of a 15m dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services.		
Development Address	Donnybrook Hill Road, Castletreasure, 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	No further action required
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)
			Conclusion
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	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____ **Date:** _____

Paul Kelly

Senior Planning Inspector

Appendix 2

SCREENING FOR APPROPRIATE ASSESSMENT

[NIS not submitted]

An Bord Pleanála Case Reference	ABP–320148-24
Proposed Development Summary	Installation of a 15m dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services.
Development Address	Donnybrook Hill Road, Castletreasure, Cork.

1. **Appropriate Assessment- Screening
Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

2. **Background on the Application**

A screening report for Appropriate Assessment was not submitted with this application/ appeal case. Therefore, this screening determination has been carried out *de-novo*.

3. **Screening for Appropriate Assessment- Test of likely significant effects**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

4. Brief description of the development

The proposed development consists of the following:

- The installation of a 15m (galvanised and painted) dual operator pole (406mm in diameter);
- Associated equipment including: 3no. 4.1m long alpha AW3940-E-C Antenna; and 2no. GPS beacons and 2no. Link dishes (300mm in diameter) at a height of 9.8m above ground level;
- 1no. (1900mm high) ground-based equipment cabinet (1300mm wide); and 1no. (1900mm high) future operator outdoor cabinet (1300mm wide);
- All associated site development works for wireless data and broadband services.

5. Submissions and Observations

None.

6. European Sites

The development site is not located in or immediately adjacent to a European site. The closest European site is Cork Harbour Special Protection Area (SPA Site Code: 004030) which is located approx. 2km north of the proposed development site.

A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, this is examined in more detail.

Table A. Summary Table of European Sites within a possible zone of influence of the proposed development:

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Cork Harbour SPA Site Code: 004030	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p>	<p>2km (N)</p>	<p>None</p> <p>The nearest watercourse to the development site is approx. 100m (up gradient) to the south. It is noted that this watercourse eventually drains to the Douglas River and the Cork Harbour SPA approx. 2km north of the development site.</p> <p>Notwithstanding, there is no hydrological connection between the development site and this watercourse or the SPA. Given the limited scale of the works proposed, the separation distance(s) and the absence of in stream works no connections are identified.</p>	<p>N</p>

	Redshank (<i>Tringa totanus</i>) [A162]			
	Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]			
	Common Gull (<i>Larus canus</i>) [A182]			
	Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]			
	Common Tern (<i>Sterna hirundo</i>) [A193]			
	Wetland and Waterbirds [A999]			

7. Identification of likely effects

- Cork Harbour Special Protection Area (SPA Site Code: 004030) is described (*in the site synopsis* (NPWS)) as a large, sheltered bay system, with several river estuaries – and including the Douglas River. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the species set out in Table A above and is an internationally important wetland site. The SPA is of major ornithological significance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.
- It is not considered that the proposed development has potential to give rise to a significant effect on this European Site. The development site is not connected hydrologically to the European Site and no in stream works are proposed. The proposed development is of a limited nature and scale and will be carried out in an established urbanised environment

at a significant remove from the designated aquatic environment. It is not considered that there is any potential for a deterioration in water quality as a result of the development and it is not considered that there will be any impact, direct or indirect, on the QI habitats or species as a result of disturbance, fragmentation, loss or other.

- The potential for in-combination impacts was considered. Given the limited nature of the development in an urbanised setting and its distance from the designated European Site, it is not considered that there is potential for a significant effect on Cork Harbour SPA as a result of in-combination effects.

8. Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

9. Screening Determination

Finding of no likely significant effect

I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). The proposed development is located approx. 2km south of the Cork Harbour Special Protection Area (SPA Site Code 004030). Having carried out Screening for Appropriate Assessment of the project, it has been concluded on the basis of objective information that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Cork Harbour Special Protection Area (SPA Site Code 004030) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The distance of the proposed development from the European Site and demonstrated lack of any pathway, functional link or ecological connections between the subject site, the features of the proposed development and the Qualifying Interests. Having visited the site and having reviewed the Environmental Protections Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and any designated site. Having considered the limited nature, scale and location of the project, particularly its location within an established urbanised environment, the absence of any in-stream works and the separation distance from the designated aquatic environment, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

Inspector: _____ **Date:** _____

Paul Kelly

Senior Planning Inspector