



An
Coimisiún
Pleanála

Inspector's Report ABP-322259-25

Development	Erection of mounted support pole, antenna, dish, beacon and associated site works
Location	Eir Exchange, Town Lots, Market Street, Bantry, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	25/19
Applicant(s)	Eircom Limited (t/a eir)
Type of Application	Retention
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Brendan & Catherine O'Sullivan
Observer(s)	Towercom
Date of Site Inspection	12 th June 2025
Inspector	Aisling Mac Namara

1.0 Site Location and Description

- 1.1. The site is the existing Eir telephone exchange building at Town Lots, Market Street in Bantry, Co. Cork. The site has an area of 0.0001ha, is located close to the town centre and c15m from the junction of Church Road and Market Street. The Eircom exchange site contains a large two storey industrial type brick building directly flanking the street with yard and outbuilding. The site is accessed via two vehicular access points to Market Street either side of the building and the street boundary is marked by a high brick wall. The northwestern boundary abuts the ground floor rear elevation of a two storey commercial building that addresses Church Road. The northeastern boundary is to residential properties and grounds. The southeastern boundary is to a row of residential properties on Market Street. Ground levels rise from Church Road uphill to Market Street. There are existing antennae attached to the northwestern gable and southeastern gable of the building.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of a mounted support pole including an antenna, dish and beacon extending 3m above the exchange roof apex and associated structures and cables, on the southern gable end of the exchange building.

3.0 Planning Authority Decision

3.1. Decision

By order dated 14/03/2025, the planning authority granted permission for the proposed development subject to 7 conditions.

- Condition 2 required all structure(s) to be removed 3 years after the grant of permission and the site shall be reinstated, in order to assess the proposal and consider alternative locations.
- Condition 3 relates to the management, disposal and storage of end of life metal equipment waste, for the protection of environment.

- Condition 4 states that transmitter power output and mounting configuration shall be in accordance with the permission and shall not be altered without a prior grant of permission, notwithstanding the provision of the Planning and Development Regulations 2001.
- Condition 5 relates to advertisement structures on the site.
- Condition 6 relates to the management and disposal of solid waste arising on the site.
- Condition 7 relates to surface water.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Executive Planner (12/03/2025) sets out a recommendation to grant permission.
- Senior Executive Planner (12/03/2025) recommends grant permission.

3.2.2. Other Technical Reports

- Area Engineer (19/02/2025) – recommends permission subject to condition relating to surface water.
- Conservation Officer (07/03/2025) – no objection, site is within ACA, comments that the building is ‘of its time’ that may be of more architectural value in time, dominates the surrounds, does not contribute to character of ACA, on balance the proposed (retention) fittings could be absorbed into the urban fabric of this specific site although may not be normally allowed in ACA.
- Environmental Officer (19/02/2025) – recommends permission subject to conditions in relation to management and disposal of waste.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A total of six third party observations were received.

Five third party observations were from residents on Church Road, Market Street and Kealinine in Bantry. The issues raised relate to planning history of the site, unauthorised development on the site, negative impact on residential amenity, negative impact on character of the area and character of ACA, impacts on health, planning policy, site selection and lack of alternative site analysis, technical matters and lack of public consultation.

One third party observation was from Towercom Ltd. The observation was in support of the proposal on the basis that providers can mast share pending the final decision.

4.0 Planning History

The relevant planning history of the site is as follows:

- **PA24/604** – Eircom Ltd (t/a eir) – refused – extension of duration of 23/148 (ABP317282-23) – does not comply with the requirements of section 42(1) – the works are completed
- **PA23/148, ABP317283-23** – Eircom Ltd (t/a eir) - grant 10th June 2024 – retention for erection of a mounted support pole including an antenna, dish and beacon extending 3 metres above the exchange roof apex, with associated structures and cables on the gable end of the Eir telephone exchange

Condition 2 states that permission is granted for six months and thereafter the structure is decommissioned and the developer shall remove the mast, antenna and ancillary structures and equipment.

Condition 3 states the power output, antenna type and mounting configuration shall not be altered without prior grant of permission, notwithstanding the 2001 Regulations.

- **PA22/43, ABP315300-22 (subject of a current judicial review – proceeding is not yet finalised)** – Eircom Ltd (t/a eir) – grant 10th June 2024 – permission for erection of an 18 metre high monopole telecommunications

support structure with antennas, dishes and associated telecommunications equipment and ground cabinets partially enclosed by security fencing.

Condition 2 states that in the event of the structure becoming obsolete, the mast and antenna and ancillary structures and equipment shall be removed and the site reinstated.

Condition 3 states that power output, antenna type and mounting configuration shall not be altered without prior grant of permission, notwithstanding the 2001 Regulations.

5.0 Policy context

5.1. National and Regional Guidance

Climate Action Plan (CAP) 2025

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Commission to make all decisions in a manner that is consistent with the current CAP.

Harnessing Digital. The Digital Ireland Framework.

- Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

National Planning Framework 'Project Ireland 2040'

- First Revision (April 2025)

- National Policy Objective 31: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.
- National Policy Objective 62: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

National Development Plan 2021-2030

- The government recognises that access to quality high speed broadband is essential for today's economy and society.

National Broadband Plan 2020

- The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

Regional Spatial & Economic Strategy for the Southern Region 2040

- Section 4.7: Guiding principles for enterprise include the availability of different types of infrastructure including telecommunications.
- Section 6.2: Telecommunications infrastructure is essential to ensure digital connectivity.

5.2. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

- 5.2.1. These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

5.3. Circular Letter PL 03/2018

- 5.3.1. This circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver

provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

5.4. **Circular Letter PL07/12**

5.4.1. Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Broadly these are:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Register or database of approved structures;
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds; and
- The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

5.5. **The Development Plan**

5.5.1. The **Cork County Development Plan 2022-2028 (CDP)** is in place.

In the County core strategy, Bantry is designated a self sustaining small town (Main / County Town), with population targeted to increase from 2,722 in 2016 to 3,622 by 2028. The town is a service centre for West Cork supporting a substantial rural hinterland. The strategic aim for this settlement is as follows: *“To provide a better balance of development between each town and its rural hinterland and fulfil their role as economic and employment centres providing for the needs of their extensive rural hinterlands, so that they can become the location of choice for most people especially those with an urban employment focus.”*

5.5.2. Volume 5 West Cork of the CDP includes the settlement plan for Bantry. The site is on lands zoned 'Existing residential / Mixed residential and other uses'. Volume 1, Chapter 18 relates to zoning and land use. Section 18.3.3 states the following: *"The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location."*

5.5.3. Objective ZU18-9 Existing Residential / Mixed Residential and Other Uses state the following: *"The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area..... Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged."*

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

5.5.4. Section 18.2.3 relates to Non Conforming Uses. The following is stated: *"Throughout the County there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid planning permissions, or which are unauthorized but have exceeded the time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria."* Objective ZU 18-6 Non Conforming Uses states the following: *"Have regard to development in adjoining zones, in particular more*

environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.”

5.5.5. Lands on the western side of Market Street are zoned Town Centre. Lands to the east are designated Special Policy Area BTX01 for the redevelopment of the site for residential, community or tourism uses.

5.5.6. The site adjoins lands designated Chapel Architectural Conservation Area. The adjoining property to the north is a protected structure RPS908 Old Market House (Arch). The town of Bantry is within an area designated High Value Landscapes. Garryvurcha church and graveyard on the north side of Church Road contains national monuments.

5.5.7. Chapter 13 Energy Telecommunications of the CDP includes the following:

- *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. Developments in digital, information and communications technology continue to fundamentally change how our society and economy functions. The relational proximity of all locations will improve with advances in technology. To optimise the opportunities from smart technology, access to high-speed, high capacity digital and communications infrastructure needs to improve across the County.*
 - *The Council recognises the provision of a modern, efficient communications system and digital connectivity is essential for the economic development of the region and supports the development of the new Smart Region and Smart Technology initiatives that are coming on stream in urban and rural areas. Enhanced digital connectivity and the roll out of smart technologies can improve quality of life by offering new choices in services, education, employment, entertainment, communications, mobility etc.*
 - *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. Visual impact should be minimal in the landscape and therefore, telecommunications infrastructure will be subject to a Visual Impact Assessment. Environmental, heritage and ecological impacts of any such infrastructure will also be assessed in accordance with standard Council policies and procedures.

- *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).

b) Support the roll out of the National Broadband Plan throughout the County in conjunction with relevant statutory agencies and in accordance with the above Guidance document.

c) Support the role of Smart City / Smart Region initiatives and the role of smart technologies to urban and rural areas.

5.5.8. Chapter 16 Built and Cultural Heritage includes the following objectives:

- *Objective HE16-18 Architectural Conservation Areas*

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

(a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non sympathetic alterations.

(c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

(i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered

strategic management of all signage, lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.

- *Objective HE16-14 Record of Protected Structures*

a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.

d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.

g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.

- *Objectives HE 16-2: Protection of Archaeological Sites and Monuments*

Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally. In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

5.5.9. Chapter 14 Green Infrastructure and Recreation includes the following objectives:

- *Objective GI 14-9: Landscape*

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.

c) Ensure that new development meets high standards of siting and design.

d) Protect skylines and ridgelines from development.

e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

- *GI 14-10: Draft Landscape Strategy*

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

5.6. Natural Heritage Designations

There are no natural heritage designations located within or in proximity to the site.

5.7. 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 report.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal is submitted. The key issues raised in the grounds of appeal are summarised as follows:

- Objects to the development proposal.
- Background to the application is provided including summary of planning application and decision history and enforcement matters.
- Inaccurate information on planning application form – the site is the subject of a current appeal to ABP in respect of a similar development – appeal must be determined or withdrawn before similar application can be made.
- Questions the approach taken by Eir to seek retention permission due to misunderstanding of exempted development provisions.
- Questions the reliability of the applicant - notes that applicant provided false information under 23/148 stating the proposal was in consultation with An Garda Síochána (applicant subsequently submitted a letter clarifying that An Garda Síochána were not involved in the application).
- The proposed development does not reflect the existing development on the site - claims antenna is 2m above roof apex rather than 3m as in drawings and antenna is larger than in drawings.

- Conflicting information in the drawings regarding the height of the apex of building – shown as 13m in current application, 15m in previous application.
- Eir did not carry out comprehensive assessment of alternative sites as required by the planning guidelines – there are superior sites available, note proximity to conservation and residential areas, site chosen for financial savings, protected structures in vicinity, planning authority's previous refusal of permission under 23/148 referenced.
- Disagree that this is optimal site based on topography, surrounding hills would provide better coverage, removed from residents and protected structures.
- Disagree that this is only technically suitable location, fibreoptic cable makes it technically possible to locate antennae anywhere, Comreg maps state Bantry has 'very good coverage', alternative sites e.g. at Garda station would be more suitable.
- Raises concerns over exposure to EHF and health impacts, the appellants property is on higher ground in proximity to the antenna.
- The development will depreciate the value of their property.
- Concern that will result in expansion and raising of the antenna in the future.
- Request that proposal is refused.

6.2. Applicant Response

The applicant has responded to the grounds of appeal. The key issues are summarised as follows:

- This application is as a result of a judicial review in respect of the application for the monopole ABP315300-23. This resulted in it not being possible to comply with the temporary period condition. This application is effectively an extension of time in order that the judicial review can be resolved.
- ABP317283-23 and ABP315300-23 are related and the intention was for the Eircom rooftop installation to be transferred to the monopole.
- Any errors in the planning process are genuine mistakes.

- Although the subject application requested a permanent retention of the installation, the intention has always been to transfer the installation to the monopole if ever built. The Council has granted for temporary period of three years in order to determine the outcome of the judicial review.
- The proposals have been assessed thoroughly by ABP and the Council.
- The application follows a section 152 warning letter. At the time of installation, it was thought that that the installation met with the exempted development rules. However the Regulations were misinterpreted.
- Technical reasoning has been addressed in 23/148. Eir's service in Bantry town prior to 2023 was provided by two sites – the ESBTower_4147 on an elevated hill 1500m outside of town and the H3G Bantry close to the town centre. The ESB site provides adequate outdoor coverage but data speeds can be poor and it is unable to provide indoor service in the town due to its distance to the centre. The H3G site was a face mounted installation on an office behind the town square in Bantry. This was a shared antenna under separate ownership, providing limited service due to shared nature and prevented eir from providing 4G indoor service. Eir was requested to vacate this antenna due to the ending of a commercial agreement. The installation on the Eircom Exchange has enabled eir to deploy four bands of 4G service allowing multiple users high speed data of up to 300Mbps along with limited 5G service and supporting legacy 2G and 3G voice capability. These technologies are a necessity in modern day communications due to the ubiquitous use of mobile data in the modern world. Figures presented showing 4G coverage before and after the exchange installation, showing the improvement in service in the town.
- Significant technological and work practice efficiencies are provided by siting the proposed infrastructure at this site, including security of service.
- ComReg maps are based on outdoor coverage levels. Indoor levels are smaller by comparison and vary with location and topography.
- The communications industry covers a wide range of services and technology and everyday use of these is growing. Modern insulation homes can reduce

the strength of mobile signals. Need for infrastructure close to source of demand for modern services including in car technology, home heating, security etc. Services required for growth in the economy.

6.3. Planning Authority Response

The Council responded to the grounds of appeal stating it had no further comments.

6.4. Observations

One observation was received from a third party Towercom. The issues raised are summarised as follows:

- In support of the proposed development.
- Telecom manage a telecommunications portfolio and facilitate the co-location of multi operator infrastructure.
- Notes that the permitted 18m monopole is the subject of judicial review. The height of the proposed freestanding monopole development compared to surroundings will enable mobile network operators to install high capacity infrastructure to allow transmission capacity from surrounding sites. This will deliver higher mobile data speeds and will provide protection from risks such as blocked connections.
- Towercom, as the developer of the freestanding infrastructure, fully support the applicant in their application to retain the rooftop installation, in its commitment to transferring its equipment to the freestanding monopole structure at the exchange site, welcome a condition attached to the retention permission requiring the transfer of existing rooftop equipment to the new 18m monopole granted at the exchange within 9 months of that structure being constructed and the decommissioning of the rooftop installation.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal and inspected the site

and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- principle of development
- justification for the infrastructure and its siting
- design and visual impacts
- health considerations
- other matters

7.2. Principle of development

7.2.1. Background

7.2.2. This is an application for the retention of a mounted support pole including antenna, dish and beacon attached to the eir exchange building on Market Street, Bantry. The site has a recent planning history which is of relevance to the current proposal. The application also follows the issuing of a section 152 warning letter from the Council.

7.2.3. Under PA22/43 ABP315300 permission was granted to Eircom Ltd, t/a eir on 10th June 2024 for a new 18m high monopole telecommunications support structure on the site of the eir exchange building, to the front of the northern gable of the building. The decision is the subject of a current judicial review which has not yet been finalised and the development has not commenced.

7.2.4. Under PA23/148 ABP317283, permission was granted to Eircom Ltd, t/a eir on 10th June 2024 for the retention of a mounted support pole and antenna, dish and beacon extending 3m above the roof apex at the southern gable of the eir exchange building. Condition 2 restricted the permission to a period of six months after which the structure is to be decommissioned and the equipment removed. Eircom had indicated that a grant of permission for the 18m monopole would remove the need for existing rooftop installations on the building. The equipment is still in place and has not been removed as per condition 2. The current subject application relates to this same development. The applicant states that it has been unable to re-locate their equipment onto the planned 18m monopole which has not been constructed due to the judicial review.

- 7.2.5. The site also contains an existing antenna and dish extending above the roof apex of the northern gable of the building and there also is an antenna attached to steelwork on the face of the southern gable, both of which are operated by other providers.
- 7.2.6. In this subject application, the applicant is now seeking a permanent permission for the retention of the equipment. It is stated that this is to allow for all possible outcomes from the judicial review challenge. The applicant has also stated that it maintains its commitment to transferring its equipment to the 18m monopole structure if and when that structure is constructed and in position. The planning authority has granted retention permission subject to condition 2 which requires the equipment to be removed three years after the grant of permission in order to allow for the outcome of the judicial review. That decision is the subject of this current appeal by a third party who objects to the development on grounds including principle / justification, visual impacts, health and other matters.
- 7.2.7. I am mindful that this subject development is the same as that recently decided under PA23/148 ABP317283 (granted for temporary period). I also am mindful that there has been no significant change in key planning policy documents such as the Cork County Development Plan 2022 and the Telecommunication Antennae and Support Structure Guidelines for Planning Authorities 1996, which were in place at the time of the decision on ABP317283. Notwithstanding, the appeal has been submitted and I will consider the issues raised in the appeal.
- 7.2.8. In relation to the appellants observations regarding the previous planning history, each application and development proposal is considered on its merits having regard to proper planning and sustainable development.
- 7.2.9. Zoning and policy
- 7.2.10. The site is located within the built up urban area of Bantry, close to the town centre. Under the Cork County Development Plan (CDP) 2022-2025, Bantry is designated a self sustaining small county town with a strategic role as an economic and employment centre supporting a wide rural hinterland.
- 7.2.11. The site is located on lands zoned under the Bantry settlement plan for 'Existing residential / mixed residential and other uses' where the objective is to conserve and enhance the quality and character of established residential communities and protect their amenities, to consider infill developments and to strengthen community facilities

and local services subject to design, scale and use of the building or development being appropriate for its location. The plan sets out a list of appropriate uses in this zone. I consider the proposed use to be 'utilities'. This is not included in the list of appropriate uses. The site is in long established use as a telecom exchange building. Section 18.2.3 of the CDP states that reasonable intensification and improvement of premises accommodating non conforming uses will generally be permitted subject to normal planning criteria. Having regard to the long established use of the site for telecom utilities and operations, I consider that the proposed use for telecommunications infrastructure is acceptable.

7.2.12. Objective ZU18-6 states that in relation to non conforming uses that regard is to be paid to the development in adjoining zones. I note that lands on the western side of Market Street are zoned town centre. Lands to the east are designated special policy for residential, community and tourism uses. I will consider any sensitive developments in the vicinity of the site.

7.2.13. The development of telecommunications infrastructure is supported by national, regional and local guidance. The CDP includes objective ET13-28 which is an objective to facilitate the delivery of ICT infrastructure, broadband and digital broadcasting, to support the roll out of the national broadband plan and to support smart technologies. I consider that the proposed development is in accordance with objective ET13-28 to facilitate the delivery of information and communications technology.

7.3. Justification for the infrastructure and its siting

7.3.1. The applicant has provided a rationale outlining the need for the new infrastructure and rationale outlining why this site is the optimal site.

7.3.2. The applicant 'eir' operates a fixed line network providing copper and fibre-based products and also operates a mobile network providing 2G, 3G, 4G and 5G services. The applicant states that the new infrastructure is required in order to provide improved outdoor and indoor service in the town and due to the ending of a previous commercial agreement for the use of a H3G site owned by a different operator in the town. The applicant has submitted maps showing the improvement in 4G coverage within the town since the installation of the infrastructure at the eir exchange site. I note that the ComReg service coverage maps show very good Eir service across a

large part of the town centre. I note that the applicant states that these maps are based on outdoor coverage and that indoor coverage is less and varies locally. I am satisfied that the applicant has demonstrated a need for the infrastructure to provide improved coverage in the town.

7.3.3. The applicant outlined other sites that were considered for the installation of the infrastructure. Four sites with telecommunications structures within the town were identified:

- i. To site the infrastructure in combination with the existing installation at the exchange building. For security reasons and conflicts with equipment it is not possible to combine the installations.
- ii. A roof top structure in the town centre. This is unable to ensure the utility service and security provided at the exchange site.
- iii. A roof top structure in town centre. This site is unable to ensure the utility service and security provided by the exchange site.
- iv. A Garda structure located behind the Garda premises. It is unable to provide the necessary coverage requirements for parts of Bantry that the exchange can provide.

7.3.4. I note that the Guidelines on Telecommunications Antennae and Support Structures 1996 states that location will be substantially influenced by engineering factors. The applicant notes the hilly topography of the town that can restrict signals and states that the exchange building site offers the only technically suitable location for additional communications infrastructure due to its location at the eastern area of the town, utility provision on the site and its ground height. Having regard to the above, I am satisfied that the applicant has undertaken an assessment of alternative sites and that the exchange site is the most suitable for the operator.

7.4. Design and visual impacts

7.4.1. The equipment is to be retained on top of an existing telecoms exchange building located within the built up urban area of a town and at a site in close proximity to the town centre. The Guidelines support the use of tall buildings in urban areas and the use of sites containing existing utilities. The proposed development is in accordance with this guidance.

- 7.4.2. The Guidelines state that sharing of installations will normally reduce the visual impact on the landscape and state that “(a)ll applicants will be encouraged to share” and that “(w)here it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered”. Whilst the Guidelines favour the sharing of an installation over the sharing of a site, I note that both options are supported by the Guidelines.
- 7.4.3. Whilst I note that the decisions on PA22/43 ABP315300 and PA23/148, ABP317283 would allow for the subject antenna to be relocated onto the planned 18m monopole, ABP317283 is the subject of a current judicial review, the outcome of which is uncertain. Therefore there is no certainty regarding if or when a monopole will be available in the future for sharing. As it stands, the subject antenna is attached to the building of an existing utilities building that contains other existing antennae. Therefore the proposal to retain the subject antenna on a site that is shared by other providers of telecommunications infrastructure is in accordance with the Guidelines.
- 7.4.4. The Guidelines state that care should be taken in dealing with sensitive landscapes and that proximity to listed buildings and monuments should be avoided. The site is located on lands outside of but adjoining the Chapel Architectural Conservation Area. I also note that a large area of the town centre is covered by ACAs. Protected structure RPS908 Old Market House (Arch) is located on the adjoining land to the north of the site. The appellants have also made reference to other protected structures including RPS746 St. Finbarr’s church and RPS913 the library. Garryvurcha church and graveyard on the north side of Church Road contains national monuments. The entire town is also included within lands designated a ‘high value landscape’. I note objectives set out in the CDP including HE16-18 on Architectural Conservation Areas, HE16-14 Record of Protected Structures, HE16-2 for the protection of archaeological sites, GI14-9 and GI14-10 for landscapes. I also note the report of the Council’s Conservation Officer stating that on balance the proposed development can be absorbed into the urban fabric of the site.
- 7.4.5. I have visited the site and I have considered the visual impact of the proposed development from different vantage points including at the site, from higher points on Market Street and Chapel Street and from Church Road and Bridge Street. I consider that having regard to the nature and scale of the development which is a

single pole and antenna extending 3m above the building with ancillary equipment and to the design and large scale of the existing utilities exchange building to which it is attached, to the distance to built heritage sites, to intermediate objects including buildings, structures and vegetation in the wider townscape landscape and the multiplicity of objects on the wider panorama, I consider that the proposed development is visually acceptable on this urban townscape and that it is not incongruous, 'out of place' or obtrusive and that it does not have a significant adverse impact on the visual amenities of the area or the character or setting of any built heritage. I am satisfied that the proposed development is in accordance with objectives of the CDP including HE16-18 to respect the character of ACAs, HE16-14 to protect the character and integrity of protected structures, HE16-2 for the preservation of the setting of archaeological heritage and GI14-9 to protect visual and scenic amenities. I am satisfied that the proposed development is in accordance with the visual impact advice contained in the 1996 guidelines.

7.4.6. The appellants have raised concerns regarding the impact of the infrastructure on their residential amenity, citing the proximity of their garden (stated to be within 10m of the antenna), polytunnel and house (stated to be within 130m of the antenna) to the development. I note that the appellants property is on higher ground in proximity to the building. There are also other residential properties in close proximity to the site located on Market Street and on Church Road. Having regard to the nature and scale of the development, I do not consider that the development is significantly out of keeping with the pattern and grain of this urban townscape and I do not consider that the development adversely impacts on the amenity of adjoining properties by reason of overbearing or visual intrusion.

7.4.7. Finally, I note here that the Communications and Digital Connectivity section of the CDP states that telecommunications infrastructure will be subject to a visual impact assessment. No visual impact assessment report has been submitted with this application however a visual impact assessment report for this same development was submitted with the appeal documentation under ABP317283 and I note this report. I have carried out an assessment of the visual impact of the development as set out above.

7.5. Health considerations

- 7.5.1. The appellants have raised concerns in relation to the health impacts of the development.
- 7.5.2. There is no explicit requirement in the development plan for compliance with the 1996 Guidelines and the need for a statement of compliance in relation to health and safety aspects.
- 7.5.3. Circular Letter 07/12, issued by the then DoECLG, reiterates the advice contained in the Telecommunication Guidelines, specifically that planning authorities should not determine planning applications on health grounds, 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 matters are regulated by other codes and such matters should not be additionally regulated by the planning process.

7.6. **Other matters**

7.6.1. Temporary or permanent permission

- 7.6.2. The applicant has requested that permanent permission be granted for the retention of the equipment on the building. The applicant suggested a condition requiring the transfer of the equipment to the planned 18m monopole within nine months of the structure being constructed. The planning authority have granted permission for a three year period. This would allow the operator to retain coverage and service whilst awaiting for the outcome of judicial review proceedings with respect to PA22/43 ABP315300.

- 7.6.3. Circular letter L07/12 includes advice in relation to temporary permissions and states the following:

“Planning authorities are therefore advised that from the date of this Circular Letter, attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease. Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission.

Only in exceptional circumstances where particular site or environmental conditions apply, should permission issue with conditions limiting their life.”

7.6.4. Permission has already been granted for the subject infrastructure for a temporary period. Therefore this is the second permission to be considered for either a permanent or temporary period. I consider that the judicial review of ABP315300 would be an exceptional circumstance under which a second temporary permission could be considered, to allow time for proceedings to be finalised. However, the Guidelines state that where a renewal of a previously temporary permission is being considered, the application should be considered on its merits with no time limits. I have concluded above that the proposal is acceptable in principle, is justified, is acceptable on visual grounds and would not adversely impact on residential amenity and is in accordance with the CDP and guidelines. With this in mind, I do not consider that it is necessary to attach a time limit to the permission and that it would be reasonable to grant permission on a permanent basis.

7.6.5. Incorrect information on drawings

7.6.6. The appellants have noted that drawings submitted under the subject application and those submitted in earlier applications conflict, namely that the height of the exchange building is shown as 13m high in the subject application and was shown as 15m high in PA22/43 ABP315300. The appellants have also questioned whether the information on the drawings match the existing development. The AGL heights shown on the submitted South East Elevation drawing correspond with the measurements by scale. The drawings in the current application match those of PA23/148, ABP317283. The drawings appear to substantially correspond to the existing development. I am satisfied that the information provided is adequate and allows for the assessment of the application.

7.6.7. Devaluation of property

7.6.8. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.6.9. Procedural matters

7.6.10. In terms of procedural irregularities, I am satisfied that validation of an application in accordance with the Planning and Development Regulation 2001 (as amended) is a matter for the planning authority.

7.6.11. The appellants have raised concerns regarding the validity of the application, noting that this application was submitted whilst there is an appeal to be determined on the same site, i.e. PA22/43, ABP315300.

7.6.12. Section 37(5)(a) of the Planning and Development Act 2000 (as amended) states the following:

“No application for permission for the same development or for development of the same description as an application for permission for development which is the subject of an appeal to the Board under this section shall be made before –

- (i) the Board has made its decision on the appeal,*
- (ii) the appeal is withdrawn, or*
- (iii) the appeal is dismissed by the Board pursuant to section 133 or 138.”*

7.6.13. I am satisfied that with respect to this subject proposed development that there is no appeal pending for the same development.

7.6.14. Development contribution

7.6.15. I note that condition 5 for a section 48 contribution was attached under ABP317283. In the documentation submitted at application stage, the applicant requested the removal of a financial contribution condition in line with Circular PL03/2018. Circular PL07/12 states that all Development Contribution Schemes must include waivers for broadband infrastructure. The planning authority have recommended grant with no condition for a section 48 contribution. The planners report states that there is no basis for contribution as the development does not require infrastructure. The Council's Area Engineer's report includes a Development Contribution table which does not indicate the application of a development contribution. Based on the decision of the Council and their application of the Council's Development Contribution Scheme, I have not attached a condition for a section 48 contribution.

8.0 AA Screening

- 8.1. I have considered the case in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. The proposed development is existing telecommunications infrastructure on the site of an existing utilities building. The closest European site, part of the Natura 2000 network, is the Glengarriff Harbour and Woodland SAC which is located c 8km from the site.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site.
- 8.4. The reason for this conclusion is as follows:
- Small scale nature of the development,
 - The location of the development at an existing developed site within the urban area,
 - The distance from the European site network and
 - The absence of pathways to any European site.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment stage 2 is not required.

9.0 Water Framework Directive

- 9.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.

9.2. Having regard to the nature and location of the development which is unconnected to a waterbody, I consider that the proposed development will not result in a risk of deterioration on any water body or jeopardise any water body in reaching WFD objectives and consequently the proposed development can be excluded from further assessment.

10.0 Recommendation

I recommend that permission be granted for the proposed development.

11.0 Reasons and Considerations

Having regard to:

- (a) The national strategy regarding the provision of mobile communications services,
- (b) The guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to planning authorities in July 1996, as updated by Circular Letter PL07/12,
- (c) The policy of the planning authority as set out in the Cork County Development Plan 2022-2028 to support the provision of telecommunications infrastructure,
- (d) The nature and scale of the telecommunications structure,

it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or be seriously injurious to 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.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise
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	<p>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 and the development shall be retained and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.</p> <p>(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month prior to the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.</p> <p>Reason: In the interest of orderly development.</p>
3.	<p>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with the planning application and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.</p>
4.	<p>No advertisement or advertisement structure shall be erected or displayed on the structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

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.

Aisling Mac Namara
Planning Inspector

15/07/2025

Form 1 - EIA Pre-Screening

Case Reference	322259
Proposed Development Summary	Erection of mounted support pole, antenna, dish, beach and associated site works
Development Address	Eir Exchange, Town Lots, Market Street, Bantry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____