



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323806-25

<b>Development</b>	Section 254 Licence Application for a street works telecommunications infrastructure on the public footpath area.
<b>Location</b>	at the corner of Uam Var Avenue & Curraheen Road, Bishopstown, Cork City, Co. Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	T24.012
<b>Applicant(s)</b>	Shared Access Limited.
<b>Type of Application</b>	Section 254 Licence
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Shared Access Limited.
<b>Observer(s)</b>	Tom Carter.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> December 2025.

**Inspector**

Carol Smyth

## **1.0 Site Location and Description**

- 1.1. The subject site is located within the administrative boundary of Cork City Council. The appeal site forms part of the public footpath on the northern side of the junction with Curraheen Road and Uam Var Drive in Bishopstown. The Curraheen Road is a main route connecting the southwest of the city to the city centre.
- 1.2. The site is located on the crest of a hill in an established residential area. The area is generally characterised by detached bungalows, with two storey commercial units located approximately 100 metres to the northwest of the site on Uam Var Drive. A creche is located approximately 50 metres to the northwest of the site.
- 1.3. The boundary wall to the private open space of a detached single storey dwelling bounds the site to the north, northeast and northwest. The appeal site is situated approximately 22 metres from the side elevation of the said dwelling. There are existing utility poles, lighting standards, road signage and bollards on the public footpath in the vicinity of the site.
- 1.4. There is also an existing monopole approximately 295 metres to the west of the site adjacent to an area of public open space on the Curraheen Road, downhill from the proposed site.

## **2.0 Proposed Development**

- 2.1. The applicant, Shared Access Ltd, seeks a Section 254 Licence for a structure to provide telecommunications installation to improve network coverage in the area for Three Ireland Ltd.
- 2.2. The proposed development includes a 15 metre high monopole with integrated antenna, a 300mm transmission dish, GPS transmitter and a cabinet containing all ground equipment on concrete plinth adjacent to the monopole.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a decision to refuse the Section 254 Licence on the 10<sup>th</sup> September 2025. The reason for refusal is as follows:

1. *Having regard to the proposed location of the telecommunications monopole and cabinet at a prominent location in the surrounding area, beside a road junction, in very close proximity residential properties, as well as the existing telecommunications equipment already present near to this location, it is considered that the proposed telecommunications monopole and cabinet would be seriously injurious to the visual amenities of the area in terms of a negative visual impact and seriously injurious to the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the Guidelines on Telecommunications Antennae and Support Structures, issued by the Department of the Environment and Local Government in July 1996 (as revised by Circular PL07/12) which state that in city suburbs only as a last resort should free-standing masts be located in a residential area, and to Section 11.253 of the Cork City Development Plan 2022-2028, it is considered that the applicant has not submitted adequate justification for the proposed site, having particular regard to the absence of full details of investigations of alternative sites and a robust assessment of the feasibility of same. The proposed development would therefore be contrary to the Guidelines relating to Telecommunications Antennae and Support Structures issued to planning authorities under Section 28 of the Planning and Development Act, 2000 (as amended) and to Section 11.253 of the Cork City Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planners report is consistent with the decision order issued.

Further information was requested by the Planning Authority on the 4<sup>th</sup> April 2025. Issues raised included visual impact of the proposed development situated on a prominent corner at the top of a hill and the submitted technical justification report in terms of alternative locations considered. The Planning Authority requested that the existing monopole to the west of the site, the commercial properties to the northwest of the site and the area of public open space approximately 110 metres to the northeast of the site, be considered as alternative locations.

Following the assessment of the response to the further information request, the Planning Authority considered that the applicant had failed justified the site or demonstrated that alternative locations had been adequately assessed. The Planning Authority considered that the proposal would have a negative impact on residential amenity and would have a negative visual impact.

### 3.2.2. Other Technical Reports

Roads Operations Division: No objection subject to conditions

### 3.3. **Prescribed Bodies**

None on file.

### 3.4. **Third Party Observations**

None on file.

## 4.0 **Planning History**

4.1.1. There is no relevant planning history on the subject site.

### 4.1.2. Other applications to note:

T20.002 – Section 254 licence granted (by the PA) for a monopole telecommunications structure at a site approx. 295 metres to the west of the subject site.

## 5.0 **Policy Context**

### 5.1. **National Policy**

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

- The '*Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures*' (1996) set out Government policy for the assessment of proposed new telecommunications structures.
- The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.
- 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.
- Section 4.5 of the Guidelines states 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.
- The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular

application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

- The Guidelines state that the approach will vary depending on whether a proposed development is in:
  - a rural/agricultural area
  - an upland/hilly, mountainous area
  - a smaller settlement/village
  - an industrial area/industrially zoned land
  - a suburban area of a larger town or city
- The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors to be considered in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

#### 5.1.2. DoECLG Circular Letter PL 07/12

- 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.

#### 5.1.3. DoHLGH Circular Letter PL 11/2020

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



- Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:
  - the proper planning and sustainable development of the area
  - any relevant provisions of the development plan, or a local area plan
  - the number and location of existing appliances, apparatuses or structures on under, over or along the public road, and
  - the convenience and safety of road users including pedestrians

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

- This report provides advice to telecommunications operators as to how telecommunications infrastructure could be accommodated along all road types. 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.

5.1.5. 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 Board to make all decisions in a manner that is consistent with the current CAP.

5.1.6. 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.

5.1.7. 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.

5.1.8. National Development Plan 2021-2030

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

5.1.9. 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

5.2. **Regional Policy**

5.2.1. 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.*"

### 5.3. Development Plan - Cork City Development Plan 2022-2028

- 5.3.1. Chapter 12 of the Cork City Development Plan 2022-2028, referred to hereafter as the Development Plan, 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 Development Plan states that while 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 ZO 1' – 'Sustainable Residential Neighbourhoods with the zoning objective to 'protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.' The central objective of this zoning is the *'provision and protection of residential uses and residential amenity'*. The Development Plan sets out 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. Telecommunications structures are not specifically identified as a use which is either permitted in principle, open for consideration, or generally excluded within this zone.
- 5.3.2. Chapter 9 - Environmental Infrastructure, of the Development Plan 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 relates specifically to 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 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 broad band coverage.

- Section 9.26 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.

5.3.3. Objective 9.16 – Digital Strategy:

*To support the implementation of the Digital Strategy for the City and work with the Southern Regional Assembly and other stakeholders to seek investment in the delivery of accessible and improved high speed, high capacity digital infrastructure and rollout of the National Broadband Plan.*

5.3.4. The development management guidelines and controls of the Development Plan are then set out in Chapter 11 and Section 11.256 thereof relates to Telecommunications Structures. This section states 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.

#### 5.3.5. Digital Strategy: Building a Connected City A Digital Strategy for Cork City

- Strategic vision is to make Cork the Connected City – Innovative, Inclusive, and Inspiring. It recognises that Cork is well positioned to be a leader in the growth of Ireland’s digital economy.
- The growth of cloud computing, data analytics and other data intensive services means that tier one telecommunications connectivity is a key infrastructural requirement for Cork City. Cork has high-capacity digital connectivity with the EU and USA via a tier one fibre network.
- Notes that several areas could be improved such as mobile network coverage and high-speed broadband coverage.

#### 5.4. **Natural Heritage Designations**

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

- Proposed Natural Heritage Area (pNHA) Douglas River Estuary (Site Code: 001046) approximately 6.7 km east of the site.
- Special Protection Area (SPA) Cork Harbour (Site Code: 004030) approximately 6.7 km east of the site.
- Proposed Natural Heritage Area (pNHA) Ballincollig Cave (Site Code: 001249) approximately 4.4km west of the site.

#### 5.5. **EIA Screening**

- 5.5.1. See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

## 6.0 The Appeal

### 6.1. First Party Grounds of Appeal

- Sets out the importance of the site within Cork city to maintain and improve the existing network coverage.
- Sets out that the provision of digital communications as a public utility provided in the public interest is widely recognised in both national and local planning policy.
- Considers that the proposed development is in accordance with the provision of the Cork City Development Plan 2022-2028.
- Notes that the Curraheen Road is a major arterial route into Cork City Centre from the west of the city with various bus routes operating along the road.
- States that the site is not located in an Architectural Conservation Area and there are no Protected Structures in the vicinity, and that there are no schools or hospitals within 200 metres of the appeal site.
- States that there are no proposals contained within the Development Plan to upgrade the existing road network or to widen or narrow the footpath or introduce cycle paths in the vicinity of the appeal site.
- Outlines that the proposed development will provide coverage for Three Ireland Ltd. only and is not a structure that can be shared by other mobile operators due to the slimline design solution. These structures have a limited structural loading capacity which means that they are unable to accommodate multiple number of antennas operated by different mobile operators as this would introduce additional weight loading to the structure which would render it unsafe.
- Sets out that the demand for digital connectivity effects many hundreds of people within a catchment area that has a historic gap in coverage within the Three Ireland Ltd. network.
- Sets out the economic, social and environmental benefits of digital connectivity along with national and local benefits which will improve the sustainability of the area.

#### Visual Impact

- Considers that the visual impact of the development is acceptable.

- Acknowledges that the proposed development would be visible on the street scene which does not mean it should be considered unacceptable.
- The appellant has taken steps to reduce the overall visual impact of the proposal.
- The proposal has been modestly designed and is a typical sight in most urban and semi-urban environments and should be viewed as an item of street furniture.
- The mast has been designed to resemble existing utilities infrastructure and match as far as possible existing streetlights and telegraph poles and is only marginally wider than existing lighting standards and matches the width of the steel stanchions supporting traffic lights found elsewhere along Curraheen Road.
- The antennas are contained within a glass reinforced plastic shroud at the very top of the mast and is the same width as the mast to strike a balance between visual impacts and operator requirements.
- There are numerous items of existing street furniture in the immediate vicinity of the site which will assist the mast in blending in with medium and long-distance views, photomontages included.

#### Impacts on Residential Amenity

- The mast is situated at least 20 metres from the facades of the nearest dwelling and is separated from the dwelling by the 1.8 metre high boundary wall of the property.
- All houses in the surrounding area are single storey, therefore there are no houses with elevated views of the development.
- The mast does not emit any noise and noise omission from the cabinet is low and would not be audible within a couple of metres from the cabinet.
- Sets out that the proposed development will not prejudice pedestrian movement on the public footpath.
- The development will not cause a traffic hazard in terms of road visibility.

#### Site Assessment

- The Appellant has provided justification for the area of Cork assessed based on the 'cell search area', a specific geographical area where the mobile operator is seeking to provide coverage.
- The Section 254 licence application as submitted to the Planning Authority included a Radio Frequency Technical Justification report. The appeal site is situated within the centre of a 1 km cell search area.
- Radio coverage plots (submitted) indicate that the area within 1 km radius of the mast is deficient of coverage for the Three Ireland network in the cell search area.
- The proposed development will provide new 3G, 4G and 5G coverage to a residential area that has historically suffered from poor levels of coverage, and this significant benefit should weigh in favour of a grant of permission.
- The siting of the mast has been proposed following a detailed site finding and alternative site assessment which shows that there are no existing buildings or structures that are suitable, viable or available to host the equipment.
- The sequential assessment of alternative options and sites examines alternatives as follows:
  - upgrading existing Three Ireland installations
  - Using existing telecommunications structures identified within the search area
  - Installation on existing tall building or structure
  - Using small scale equipment
  - The erection of a new ground-based mast

It concludes that there are no other suitable site available and the proposed site is the most preferable option.

- The appeal site is the best solution to meet both existing and future demands of Three Ireland Ltd. customers in the area. Failure to progress the installation in this planned location will have a negative impact on the Three Ireland Ltd. network leaving customers with reduced voice and data mobile service.

## 6.2. Planning Authority Response

None on file.



### 6.3. Observations

One observation was received in relation to the appeal from a resident in the vicinity of the site. The concerns raised have been summarised as follows:

- The site is located in a highly populated residential area, close to a creche and should be sited further away from residential property.
- Health concerns in relation to living close to masts.
- The mast is significantly higher than lamp standards and being located at the top of a hill would constitute a prominent feature.
- The proposal would be an obstacle for the future expansion of cycle lanes.

### 6.4. Further Responses

None on file.

## 7.0 Assessment

7.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the issues to be considered in the assessment are compliance with Section 254 Criteria namely:

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

The issue raised in the third-party observation in relation health matters will be addressed in the following heading of the assessment:

- Other Matters

## **7.2. The proper planning and sustainable development of the area**

- 7.2.1. The site is located along the public footpath on lands zoned ZO1 - Sustainable residential neighbourhoods in the Cork City Development Plan 2022-2028, with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. Within such zones, telecommunication structures are not listed as a primary use or uses that are acceptable in principle.
- 7.2.2. Section 12.4 – Permitted Uses of the Development Plan states while the primary objective of each land use zoning is clearly stated, the various uses listed are intended as a general guide and are not an exhaustive list. Section ZO - Sustainable Residential Neighbourhood, Section 1.2 of the Development Plan, further outlines that uses which contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan.
- 7.2.3. The Planning Authority refused permission for the s.254 licence having regard to the national guidance ‘Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities’ and Section 11.256 of the Development Plan which states that only as a last resort should free-standing masts be located in a residential areas. The Planning Authority considered that the development was in a prominent location and would negatively impact on visual and residential amenity. This is further detailed below, although the Commission will note my analysis and conclusion that that the appellant has justified the site selection, that the site is a last resort and there is no significant negative visual or residential impacts from the proposed development on the surrounding area.
- 7.2.4. Therefore, having regard to the characteristics of the proposed works, along the edge of a wide public footpath in an urban setting, I consider that the proposed development would not have a detrimental impact on the primary land use zoning objective, is consistent with the objectives and criteria set out in the Development Plan in terms of telecommunications infrastructure and would not have any significant adverse impact on visual or residential amenity and is therefore in keeping with the proper planning and sustainable development of the area.

**7.3. Any relevant provisions of the development plan, or a local area plan.**

- 7.3.1. The grounds of appeal refers to the provision of digital communications as a public utility provided in the public interest which is widely recognised in both national and local planning policy. The appellant considers that the proposed development is in accordance with the provisions of the Cork City Development Plan 2022-2028 and sets out the importance of the site within Cork city to maintain and improve the existing network coverage.
- 7.3.2. The Planning Authority considered that given the absence of full details of investigations of alternative sites and a robust assessment of the feasibility of same, adequate justification for the proposed site was not submitted and that the proposed development was contrary to the Guidelines relating to ‘Telecommunications Antennae and Support Structures’ and Section 11.256 – Telecommunications Structures of the Development Plan which states that only as a last resort should free-standing masts be located in a residential area. The Planning Authority further considered that the proposal would negatively impact on the visual and residential amenity and was therefore be contrary to the proper planning and sustainable development of the area.
- 7.3.3. Section 9.24 – Digital Strategy and Section 9.26 – Telecommunications, of the Development Plan, emphasises the importance of the digital and telecommunications strategy to support the City’s digital connectivity while recognising current shortcomings in mobile network and highspeed broadband coverage. In addition, the Development Plan highlights that efficient telecommunications are important in the development of the economy. Section 11.256 – Telecommunications Structures of the Development Plan, sets out criteria for the assessment of applications for telecommunications antennae and support structures which reference the national policy, co-location, potential visual impact and justification where the lands are visually sensitive elevated lands. I further note Objective 9.16 – Digital Strategy of the Development Plan which supports the implementation of the Digital Strategy for the City.
- 7.3.4. The appellant states that Three Ireland Ltd. as part of their roll out of 3G, 4G and 5G networks require a site in Bishopsland to provide adequate service for existing customers. I note that the Section 254 licence application as submitted to the

Planning Authority included a Technical Justification report. The Technical Justification report and the grounds of appeal outline that the appeal site is situated within the centre of a 1 km cell search area. Coverage maps submitted with the licence application to the Planning Authority indicate that the search area is deficient of coverage for the Three Ireland network. I have viewed the ComReg Coverage Maps available and note that the network coverage within the vicinity of the site ranges from very good to fair. The areas with lower coverage are positioned to the south, north and northeast of the subject site. I am satisfied that the appellant has demonstrated a need for improved coverage at the subject location and I consider that adequate technical justification showing that there are service deficiencies in the area has been provided which would be resolved by the proposed development.

7.3.5. In terms of site selection, the response to the Planning Authority's further information request and the grounds of appeal set out the site selection process and discounted options for the proposed development. This includes an appraisal of the 6 no. nearest telecommunications structures which are examined for co-location purposes. The existing monopole approximately 295 metres to the west of the appeal site has been discounted as it is only suitable for one operator. In addition, 3 no. other sites on rooftops of buildings within the search area are discounted because the rooftops do not provide the structural capacity or the required height to support the upgrade and coverage requirements. The 2 no. remaining sites are deemed too far away from the target coverage area to deliver the required upgrade. I note that Three Ireland Ltd. is already co-located on 2 no. of these sites. The appellant states that there are no suitable existing telecommunications sites identified which would be capable of providing the coverage required in this instance.

7.3.6. I further note that in their response to the Planning Authority's further information request, the appellant also discounted the 4-no. 2 storey commercial premises to the north of the site due to their hipped roof profiles and limited height of chimneys which would not accommodate the required equipment or provide the required coverage. Likewise, the area of public open space to the northeast of the appeal site on Uam Dar Drive was discounted due to the existence of new and mature trees and impacts on root systems.

7.3.7. The grounds of appeal further outlines that there are no tall buildings or structures in the surroundings which can accommodate the required height of the equipment. In

addition, the grounds of appeal sets out that the use of small-scale equipment was also explored and subsequently discounted due to the large number of equipment required to achieve the desired coverage, which was considered impractical. The appellant confirms that a sequential approach to site selection was undertaken in accordance with the Development Plan and 1996 Guidelines and that the proposal for a new mast is a 'last resort'.

- 7.3.8. Having visited the site, 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, or suitable commercial or retail areas in the vicinity of the appeal site.
- 7.3.9. 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.
- 7.3.10. Section 4.3 of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities (1996) states that only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. In this regard third party observations highlight that in addition to the unsuitability of the site in a residential area, there is an existing creche is situated approximately 50 metres to the north of the appeal site. I refer the Commission to my assessment above, where I considered the alternative sites examined, the justification as to why other locations were not appropriate and I am therefore satisfied that the subject site is a 'last resort' in accordance with the 1996 Guidelines.
- 7.3.11. Section 4.3 of the Guidelines acknowledge that if such a location should become necessary that masts and antennae should be designed and adapted for the specific location, kept to the minimum height consistent with effective operation and should be monopole rather than a latticed tripod or square structures. In terms of scale the Guidelines state that the height of telecoms support structures can range from 12

metres to 60 metres, although most typically they will be between 20 metres and 40 metres.

- 7.3.12. 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 15 metres.
- 7.3.13. I note that the proposed development does not include future capacity for co-location by another operator within the 15 metre high mast given the slim design. The grounds of appeal outlines that the proposed design has limited structural capacity which cannot safely support multiple mobile operators without compromising the structural safety of the monopole. On balance, given the need to reduce the visual impact of the development on the area, I am satisfied in this regard.
- 7.3.14. In terms of visual impact, I highlight to the Commission that the subject site is located on the crest of a hill at the junction of Carraheen Road, an arterial route to the Cork city centre, and Uam Var Avenue a residential street. The area is not a designated High Value Landscape or a designated Scenic Route. Furthermore, I note Section 11.256 of the Development Plan which requires telecommunications structures to be located with careful consideration to visual impact and local sensitivities, with sensitive locations only to be considered where technical or coverage requirements mean the infrastructure is essential.
- 7.3.15. The location of the subject site is such that it forms part of a suburban residential area with existing utility poles, overhead power lines, streetlights and signage, bus stops and bollards in the vicinity. I acknowledge that the proposed development would be visible from the approach along the Carraheen Road and Uam Var Avenue. Given the 15 metre height proposed, the proposed structure would be expected to have greater visibility at this location than the existing utility poles and streetlighting currently on site.
- 7.3.16. In response to the Planning Authority's request for further information, before and after photomontages of the proposed development were submitted from 3 no. viewpoints to aid in the visual assessment of the development proposal. Viewpoints provided are the approach to the site from the west (Figure 1 and 2), the approach from the east (Figures 5 and 6) and from opposite the appeal site on Carraheen Road (Figures 3 and 4).

- 7.3.17. I considered that views of the monopole will be partial only, except for limited short range views from the public road in the immediate vicinity of the site. I acknowledge that the development proposal will be viewed from the residential development on the opposite side of Carraheen Road and along Uam Var Avenue, however I consider that views will be limited by orientation and boundary treatments. In my opinion, in many instances these views will be fleeting and intermittent. The Carraheen Road rises on approach from the west, such that a sustained medium to long range view on approach from the public road network is not available.
- 7.3.18. I consider that a balance needs to be achieved between protecting visual amenity and providing appropriate levels of coverage for customers in the vicinity. Having visited the site and having regard to the submitted photomontages I acknowledge that the proposed development will be visible from some vantage points in the area although these will generally be fleeting or intermittent/incidental. In this instance, I consider that the mast may not overly intrude on the general view and I am of the opinion that these impacts would not be so great as to warrant a refusal of permission on these grounds. Furthermore, I consider that the landscape has capacity to absorb a development of the nature and scale proposed, without detriment to the visual amenities of the area and therefore I consider that the proposal does not represent inappropriate development at this location.
- 7.3.19. The proposed structure and associated ground equipment cabinet are located approximately 22 metres to an existing residential dwelling situated to the north of the site. I note that the positioning of the adjoining single storey residential dwelling on site is such that their front windows are oriented towards Uam Var Avenue, away from the location of the proposed monopole and that there are no windows in their gable elevation, therefore the monopole would not be visible or appear overbearing.
- 7.3.20. There are no requirements for separation distances from residential properties or schools within the Guidelines and I highlight Section 2.3 of Circular Letter PL07/12 which prohibits planning authorities from including such separation distances. I consider that it is not uncommon for such telecommunication structures to be in proximity to residential dwellings, in particular within urban and suburban areas.
- 7.3.21. I have no information before me to believe that the proposal would lead to the depreciation of property values in the vicinity. Having regard to the above, I consider

that any impacts on the residential amenities of the area would not be so great as to warrant a refusal of permission. I am generally satisfied and consider that the proposal is consistent with the proper planning and sustainable development of the area in this regard.

7.3.22. To conclude, 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 and justified under the 'last resort' assessment, and the digital connectivity ambitions of the Development Plan and the Digital Strategy for the City, it is my opinion that the proposal would not negatively impact upon the visual or residential amenities of the area or be contrary to the national guidelines Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, and I recommend a grant of permission.

**7.4. The number and location of existing appliances, apparatuses or structures on, under, over or along the public road.**

7.4.1. The proposed development has a typical suburban setting. Aside from the standard public streetlighting poles, overhead cables, bus stops, and street signage along the main roads, there is a similarly scaled monopole approximately 295 metres to the west of the site. Given the vertical alignment of the road the existing monopole is not visible from the subject site.

7.4.2. The applicant's technical justification for a new structure includes an analysis or co-location on the adjoining telecommunications infrastructure and it was concluded that this structure is at capacity. The report of the area planner, whilst noting visual impacts, did not raise concerns regarding the overconcentration of current infrastructure.

7.4.3. I do not consider there to be a proliferation of such structures in the vicinity and I accept the justification put forward in the documentation for the need for this structure at this location and why colocation is not appropriate in this instance.

**7.5. The convenience and safety of road users including pedestrians.**

7.5.1. The proposed monopole and cabinet is positioned along a wide section of the public footpath, approximately 5 metres in width at the location of the proposed development and aligns with an adjacent to a boundary wall. It is not considered the



location of the infrastructure will cause any hazard to either pedestrians or road users. I note the report from the Planning Authority's Roads Operations Division, which raised no concerns regarding the development subject to standards conditions.

- 7.5.2. The third-party observation raises concerns regarding cycling infrastructure and the potential impacts of the development on the same. I note that the Development Plan does not contain any proposals to upgrade the existing road network or introduce cycle paths in the vicinity of the appeal site. I am therefore satisfied that the proposed development would not impact on any future transportation policies or objectives in the vicinity of the site.

## **7.6. Other Matters**

- 7.6.1. The third-party observation raises concerns regarding the impact on health due to the proposed telecommunications mast.

In relation to health considerations, Circular Letter 07/12, issued by the then DoECLG, reiterates the advice contained in the Telecommunication Guidelines 1996, 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. Therefore, I do not consider that health matters are a concern for the Commission.

## **8.0 AA Screening**

- 8.1. The proposed development comprises telecommunications infrastructure on the public footpath in an established suburban area. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

- 8.3. 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. Appropriate Assessment, therefore, is not required.

## **9.0 Water Framework Directive**

- 9.1. The subject site is located in an established suburban area which adjoins the river Curragheen IE\_SW\_19C120740 and the river Glasheen IE\_SW\_19G040700. The subject site is located circa 538metres to the east of the river Curragheen and 848 metres to the northeast of the river Glasheen.
- 9.2. The proposed development comprises telecommunications infrastructure on the public footpath.
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the small scale and nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

- 10.1. I recommend that permission be granted subject to conditions.

## 11.0 Reasons and Considerations

- 11.1. Having regard to the provisions of Section 254 of the Planning and Development Act 2000, as amended, to national, regional and local policy objectives, as set out in the Cork City Development Plan 2022-2028, to support the development of a sustainable telecommunications network throughout the city, to the Department of Environment, Heritage and Local Government Section 28 Statutory Guidelines, Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities 1996, as updated by circular letter PL 07/12 in 2012, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 in accordance with the plans and particulars submitted with the planning application, as amended by the further plans and particulars received by the planning authority on the 12<sup>th</sup> of May 2025 except as may be otherwise required by 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><b>Reason:</b> To clarify the plans and particulars for which permission is granted.</p>
2.	<p>a) 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>

	<p>b) 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><b>Reason:</b> In the interest of the visual amenities of the area.</p>
3.	<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><b>Reason:</b> In the interests of public safety and residential amenity.</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><b>Reason:</b> In the interest of the visual amenities of the area.</p>
5.	<p>The proposed cabinets and pole shall be maintained regularly and shall be kept graffiti free.</p> <p><b>Reason:</b> 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.

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Carol Smyth  
Planning Inspector

15<sup>th</sup> January 2026

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323806-25
<b>Proposed Development Summary</b>	Telecommunications infrastructure on the public footpath area
<b>Development Address</b>	Corner of Uam Var Avenue & Curraheen Road, Bishopstown, Cork City, Co. Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_