



An
Coimisiún
Pleanála

Inspector's Report

ACP-323879-25

Development	Section 254 license application for the construction of a Telecommunications Pole and associated works
Location	Kilmoney Road, Lisclearly, Carrigaline, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	S254/1/2025
Applicant	Phoenix Tower Ireland 111 Limited
Type of Application	Section 254 licence
Planning Authority Decision	Refuse licence
Type of Appeal	First Party
Appellant	Phoenix Tower Ireland 111 Limited
Observers	(1) Sinead and Martin Duggan (2) Morgan & Tara O'Sullivan and others (3) John O'Connell (4) Seamus McGrath TD & Cllr. Patrick Donovan

- (5) Cllr. Eoghan Fahy
- (6) Maria Kirby
- (7) Kathleen and Martin O'Callaghan
- (8) John and Marion Gargan
- (9) Florence Keary
- (10) Eddie Hayes
- (11) Jim Carroll
- (12) Michelle, Damien, Jerry & Barry
O'Sullivan
- (13) Jimmy and Mary Web and
family
- (14) Charlotte Claffey
- (15) John D. and Catherine
- (16) Morgan Fitzgibbon
- (17) Anita Carroll and Diarmuid
O'Mathuna
- (18) Bill and Betty Whitnell
- (19) Cllr. Jack White

Date of Site Inspection

27th of January 2026

Inspector

Siobhan Carroll

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is situated to the south-western side of the town Carrigaline, Co. Cork. It is located to the eastern side of the Kilmoney Road the R611 (Regional Road). The R611 links Carrigaline to Belgooly.
- 1.2. The site is located within a section of the grass verge. The junction of the R611 and Mountain Road (L6495) is situated immediately to the west of the site. There are streetlights and road signs within the grass verge to the north and south. There are mature deciduous trees along the grass verge.
- 1.3. The entrance to Kilmoney Heights is situated 27m to the south of the site. The closest residential properties within Kilmoney Heights are situated circa 45m to the east and 31m to the south-east.

2.0 Proposed Development

- 2.1. The proposed development is a 18m high telecommunications monopole, associated equipment together with ground based equipment cabinets and all associated site development works at a grass verge on the Kilmoney Road, Lisclearly, Carrigaline, Co. Cork.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse to licence the proposed development on the 23rd of September 2025 for the following reason:

1. Having regard to the provisions of Section 254 of the Planning and Development Act 2000 as amended, the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12) and the provisions of the Cork County Development Plan 2022-2028, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development is justified at this location from a technical perspective. Furthermore, noting the

location of the proposed development in an area that is predominantly residential in character, and based on the information submitted with the application, it is considered that the design, height and scale of the proposed development would be visually obtrusive and incongruous and seriously injure the residential and visual amenities of the area. The proposed development would be contrary to policy objective GI 14-9 of the Cork County 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

3.2.2. The report of the Planning Officer concluded that having regard to the prominent position in the landscape/streetscape the infrastructure would be incongruous and would have a negative impact on the visual and residential amenity of the area and should be refused on that basis. It was highlighted in the report that the applicant Three Ireland did not explore the option to co-locate and that the ComReg coverage map indicated that outdoor mobile coverage for Three (4G) is good and outdoor mobile coverage for Three (5G) is very good. It was concluded that satisfactory technical justification was not provided, and it was recommended that the Section 254 licence be refused.

3.2.3. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. None detailed in the report of the Planning Officer.

4.0 Planning History

- No relevant planning history on the site.

5.0 Legislative Context

5.1. Planning and Development Act, 2000

- 5.1.1. Section 254(1)(ee) of the Planning & Development Act, 2000 (as amended), states that a person shall not erect, construct, place or maintain overground electronic communications infrastructure and any associated physical infrastructure on, under, over or along a public road save in accordance with a licence under this section.
- 5.1.2. Section 254(6)(a) states that any person may appeal to the Board in relation to the granting, refusing, withdrawing, or continuing of a licence.
- 5.1.3. Section 254(5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:
- (a) The proper planning and sustainable development of the area,
 - (b) Any relevant provisions of the development plan, or a local area plan,
 - (c) The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road, and,
 - (d) The convenience and safety of road users, including pedestrians.

6.0 Policy Context

6.1. National Planning Framework

- 6.1.1. The NPF generally supports improving local connectivity in terms of broadband and enabling infrastructure that affords communities opportunities to engage with the digital economy.
- 6.1.2. NP Objective 24 – seeks to 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 work and live in rural areas.

6.2. **National Development Plan 2021-2030**

- 6.2.1. **NSO3 – Strengthening Rural Economies and Communities** – recognises the importance of rolling out the National Broadband Plan in providing consumers with access to high-speed broadband services which will promote balanced regional development. The NBP will enable citizens to benefit from advances in technology.

6.3. **Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996**

- 6.3.1. These guidelines set out current national policy regarding telecommunications structures. Guidance is given in respect of matters such as site selection, minimising adverse impact, sharing and clustering of facilities and development management issues. The guidelines are supportive of the development and maintenance of a high-quality telecommunications network and service.
- 6.3.2. Section 4.3 relates to visual impact. In locations which are sited along major roads and tourist routes it is stated that where the mast is visible but does not terminate views, the impact may not be seriously detrimental. Furthermore, where views may be intermittent and incidental, the mast may be visible or noticeable but may not intrude overly on the general view or prospect.
- 6.3.3. Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, be located in residential areas or beside schools. In such cases, sites already developed for utilities should be considered and masts should be designed and adapted for the specific location and kept to a minimum height for effective operation.

6.4. **Telecommunications Antennae and Support Structures and DOECLG Circular Letter PL07/12**

- 6.4.1. This Circular letter provided updated guidance contained in the 1996 Guidelines, which had advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply and had suggested that such locations might include lands whose high amenity value is already

recognised in a development plan, protected structures, or sites besides schools. The Circular advised that whilst these policies may be reasonable, there has been a growing trend for the insertion of development plan policies which specify minimum distances from schools and houses, such as 1km. It is stated that such distances, without allowing for flexibility on a case-by-case basis, can make the identification of sites for new infrastructure very difficult. It is therefore advised that Planning Authorities do not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

- 6.4.2. Section 2.6 of the Circular reiterates the advice contained in the 1996 guidelines in respect of Health and Safety aspects, that Planning Authorities should not include monitoring arrangements as part of planning permissions and that planning applications should not be determined on health grounds. 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 relating to telecommunications infrastructure which is regulated by other codes. Conditions should not be attached limiting the life of the installation to a set period.

6.5. **Climate Action Plan 2025**

- 6.5.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan.
- 6.5.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.
- 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.

6.6. **Harnessing Digital. The Digital Ireland Framework**

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

6.7. **Regional Spatial and Economic Strategy for the Southern Region 2040**

- 6.7.1. Regional Policy Objective (RPO) 137 - Mobile Infrastructure – It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our region and strengthen cross regional integration of digital infrastructures and sharing of networks.
- 6.7.2. Section 4.7: Guiding principles for enterprise include the availability of different types of infrastructure including telecommunications.
- 6.7.3. Section 6.2: Telecommunications infrastructure is essential to ensure digital connectivity.

6.8. **Cork County Development Plan 2022 – 2028**

- 6.8.1. Volume Four of the Development Plan refers to South Cork and Section 1.3 refers to Carrigaline.
- 6.8.2. Under the provisions of the Plan as indicated on Figure 4.1.7 Map of Carrigaline the subject site is located on lands zoned 'Existing Residential/Mixed Residential and Other Uses'.
- 6.8.3. County Development Objective ZU 18-9 refers to Existing Residential/Mixed Residential and Other Uses

- 6.8.4. It is set out under this objective that 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.
- 6.8.5. Volume One of the Development Plan refers to Main Policy Material
- 6.8.6. Chapter 13 – Energy and Telecommunications
- 6.8.7. Section 13.18 – Communications and Digital Connectivity
- 6.8.8. Access to high quality digital and mobile telecommunications infrastructure is critical to the social and economic wellbeing of communities and can support the revitalisation of towns, villages and rural areas. While the importance of telecommunications infrastructure is acknowledged, it is equally as important that the landscape, both urban and rural, are considered and protected from any significant impact caused by such infrastructure.
- 6.8.9. County Development Plan 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).
- 6.8.10. Chapter 14 refers to Green Infrastructure and Recreation
- 6.8.11. County Development Plan 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.

6.9. Natural Heritage Designations

- 6.9.1. The subject site is located over 5km from Cork Harbour SPA (Site Code 004030).

7.0 EIA Screening

- 7.1.1. 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.

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal has been submitted by Entrust Limited on behalf of the applicant Phoenix Tower Ireland 111 limited. The issues raised are as follows:

- The proposed development will provide high speed wireless data and broadband services for Three Ireland to deploy a modern and efficient communications network infrastructure with a view to enhance the lives of the community.
- There is clear and consistent strategic planning policy at both national and regional levels for the implementation of broadband.
- The National Planning Framework First Revision 2025 continues to provide strong support for the national digital programme. National Strategic Outcome (NSO) 6 “A Strong Economy Supported by Enterprise, Innovation and Skills emphasizes this commitment.”
- Section 1.3 of the NPF states that “Delivering this outcome will require the co-ordination of growth and placemaking with investment in world class infrastructure including digital connectivity.

- The Southern Regional Spatial Strategy and Economic Strategy (RSES) provides clear and consistent support for the delivery of the National Broadband Plan and the wider enhancement of digital connectivity infrastructure across the region.
- Regional Policy Objective (RPO) 135 refers to Digital Connectivity it states that the Southern Regional Assembly will “support the delivery of the National Broadband Plan and investment in enhanced digital infrastructure throughout the Region.
- It is submitted that the proposed development is consistent with and supported by a number of specific policies and objectives contained in the Cork County Development Plan 2022-2028.
- Objective ET13-28: 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).
- Objective EC 8-5: Connectivity requires the Council to Prioritise infrastructure delivery across the County to enhance connectivity (multi-modal transport and digital) with the wider southern region as supported in Chapter 12 Transport and Mobility and Chapter 13 Energy and Telecommunications.
- Chapter 13 of the Development Plan refers to Communications and Digital Connectivity it recognises that 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.
- The technical justification for the project is set out in the Technical Justification Report (Rev 2, October 2025).
- Regarding the existing coverage deficiencies, it is stated that the current coverage assessments indicate that approximately 3,236 residents in Carrigaline South experience marginal signal levels (-115dBm) or worse. The

existing sites CK0619, CK0595, CK0474 and CK0368 were analysed in relation to their capability to cover this area but as they are between 1.5km and 3.4km away from the target coverage area, the distance renders them incapable of adequately servicing the locality due to the distance attenuation and intervening topography.

- It is submitted that the proposed development addresses critical limitations including physical obstructions, distance attenuation and increasing data usage demand. The proposed infrastructure will enhance both indoor and outdoor signal quality and deliver consistent high speed 4G and 5G connectivity in the area.
- Following the deployment of this proposed infrastructure the population receiving 'Good' to 'Excellent' signal levels will increase from 3,097 to 5,019 which represents an almost 50% improvement.
- It is submitted that there is a strong technical and operational need for the proposed site and that the site is the optimal location to provide Three's coverage obligations.
- In relation to the matter of health, the compliance with emission limits is regulated by ComReg. A license to provide services is subject to compliance with strict emission controls.
- The Planning Authority refused permission for the following reason.

Having regard to the provisions of Section 254 of the Planning and Development Act 2000 as amended, the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12) and the provisions of the Cork County Development Plan 2022-2028, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development is justified at this location from a technical perspective. Furthermore, noting the location of the proposed development in an area that is predominantly residential in character, and based on the information submitted with the application, it is considered that the design, height and scale of the proposed development would be visually obtrusive and incongruous and seriously injure

the residential and visual amenities of the area. The proposed development would be contrary to policy objectives GI 14-9 of the Cork County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

- In relation to the matter of the visual impact it is noted that the refusal reason refers to Objective GI 14-9 in general terms and does not specifically reference one or more of the five sub-clauses (a) to (e) of the Objective. However, it is assumed that only sub-clauses (a) to (c) are relevant in this case as (d) refers to 'skylines and ridgelines' and (d) refers to the removal of extensive amounts of trees. Sub-clause (a) seeks to 'Protect the visual and scenic amenities of County Cork's built and natural environment. The area of the site is a residential suburb typical in character and appearance to numerous such areas of the country. It is highlighted that the area is not protected by any visual or scenic amenity designations in the Development Plan.
- Paragraph 13.18.3 of the Development Plan states, "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 infrastructure.
- It is respectfully submitted that the proposed development shall not have a significant impact on this area.
- In relation to sub-clause (b) it is stated that it is generally similar to sub-clause (a) apart from the reference at the end to development being in line with the principle of sustainability.
- It is submitted that national, regional and county level policy supports for development of the nature proposed would indicate that the development will not compromise the principles of sustainable development subject to local considerations.
- It is reiterated that the proposed development must be considered in the context of the range of objectives and policies providing strong support for

telecommunications. It is submitted that the proposed development is entirely consistent with pro-growth connectivity focused policies.

- The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996, address the issue of the visual impact of telecommunications structures in the country. The guidelines clearly direct that telecommunications masts are not precluded in residential areas and may be acceptable depending on the extent of visual impact.
- The proposed telecommunications mast within this residential area is being advanced only after the applicant has fully explored all reasonable alternatives in accordance with the telecommunications guidelines.
- The guidelines clearly state that the erection of free standing masts in residential areas or beside schools should be avoided where possible. However, it is acknowledged in the guidelines that there may be circumstances where siting within or adjacent to a residential area is unavailable due to technical, topographical or network requirements.
- In this instance the technical justification confirms that there are no existing masts, tall buildings or other structures within the required coverage area capable of supporting the necessary equipment and that alternative sites outside the residential area would result in unacceptable signal deficiencies contrary to the national objective of maintaining high quality telecommunications networks.
- The design of the mast has been specifically chosen to minimise visual impact, as emphasised in Section 4.3 of the Guidelines. It comprises a slimline monopole structure of the minimum height necessary to achieve coverage. The mast will be finished in a colour that harmonises with the local skyline and surrounding vegetation, reducing its visual prominence complying with the Guidelines advice that visual intrusion should be mitigated through appropriate design, colour and planting.
- The site is located within a busy urban strategic Regional Road corridor the R611 linking Carrigaline with Kinsale. It is also close to two important urban junctions on the R611, the junctions with the L6495 and the L6501 and

adjacent to extensive traffic calming measures on its northern side. It is considered these factors further erode any visual or scenic amenity ambience in the area.

- It is submitted that the siting of the mast represents the least visually intrusive and most technically necessary available option.
- With reference to the submitted photomontages, it can be seen that there are existing vertical infrastructure in the area and also trees thereby making this area where the proposed mast can be assimilated into without any significant residential or visual amenity issues arising.
- The established backdrop of development and street lighting would help to absorb the proposed development from the various viewpoints where the proposed development would be visible.
- The potential visual impact was assessed using a methodology of matrix tables. The assessment recognises that the proposal is in a residential area, but that the magnitude of change will be medium at the most and negligible at the least. It is concluded that the level of effect will therefore be non-significant.
- It is submitted that the proposed development will neither hinder or disrupt the residential amenities in the area and as far as possible it has been designed and located to minimise visual impacts and therefore the development does not contravene Objective GI 14-9.
- The matter of case law is raised. The High Court in the case of *Mobile Communications Ltd v. Cork County Council (2001)*, a case concerning a mast refusal in Co. Cork quashed the Council's decision. The Court held that the authority had failed to have adequate regard to uncontested technical evidence of a coverage gap and had not properly balanced the public interest in having a mobile service against the visual impact.
- In the Section 254 licence for a telecommunication structure at St. Assam's Park and St. Assam's Avenue, Raheny, Dublin 5, which was appealed, ABP 314105-22 the Board accepted the technical necessity for improved network performance in the locality by the provision of a 15m pole located along the

street in which visual impact was deemed acceptable due to the roadside siting and slender design similar to that proposed in the current case.

- In the Section 254 licence for a telecommunication structure at Castlepark Road, Ballybane, Galway, which was appealed, ABP 306440-20, the Inspector referenced the proposed mast as having a 'nondescript character and design that is not dissimilar to a lamp standard or traffic light pole'
- In conclusion, it is respectfully requested that An Coimisiún Pleanála overturn the decision of Cork County Council and grant the Section 254 licence.

8.2. Planning Authority Response

- None received

8.3. Observations

The Commission has received observations from the following persons in relation to the Section 54 Licence Application; (1) Sinead and Martin Duggan (2) Morgan & Tara O'Sullivan & Others (3) John O'Connell (4) Seamus McGrath TD & Cllr. Patrick Donovan (5) Cllr. Eoghan Fahy (6) Maria Kirby (7) Florence Keary (8) Kathleen and Martin O'Callaghan (9) John and Marion Gargan (10) Eddie Hayes (11) Jim Carroll (12) Michelle, Damien, Jerry & Barry O'Sullivan (13) Jimmy and Mary Web and family (14) Charlotte Claffey (15) John and Catherine Lambkin (16) Morgan Fitzgibbon (17) Anita Carroll and Diarmuid O'Mathuna (18) Bill and Betty Whitnell and (19) Cllr. Jack White.

(1) Sinead and Martin Duggan

- The proposed mast would be located close to residential properties, and it would be a dominant and intrusive industrial structure.
- The location of the proposed mast is an informal community green which children use for play. The installation of the proposed mast would alter the character of the area.

- Policy objective GI 14-9 of the Cork County Development Plan 2022-2028 seeks to protect existing amenities and ensure that new infrastructure does not detract from the character of residential areas.
- The proposal fails to respect the established residential character of Kilmoney Heights and represents poor planning practice.
- There is a lack of technical justification of the proposal. The applicant states that the mast is required to address the coverage deficiencies. The coverage maps from ComReg show that at this location 4G outdoor coverage is good and 5G outdoor coverage is very good.
- The applicant has not demonstrated that all reasonable alternatives were fully explored before selecting the site.
- The proposed mast would be located immediately adjacent to a busy road used by HGV's, agricultural vehicles and increasing commuter traffic. The installation of the proposed mast in such close proximity to the road would create an unnecessary and avoidable safety risk including the potential for vehicular collisions.
- The observers request that the Commission uphold the decision of Cork County Council and refuse the appeal.

(2) Morgan & Tara O'Sullivan & Others

- The observers are residents of Kilmoney Heights.
- The proposed mast would be located close to the observers' homes.
- It is proposed to site the mast on a narrow strip of land which runs along the edge of the green at Kilmoney Heights adjacent to the road. The green area is used as a play area.
- It is considered that the proposed mast would be visually dominant and would negatively impact upon the residential amenities of the area.
- Objective GI 14-9 of the Cork County Development Plan 2022-2028 requires the protection of existing residential amenities and states that infrastructure must not detract from the character of residential areas. This proposal is contrary to this objective.

- Concern is expressed in relation to the proximity of the proposed mast to the R611 and potential risk of collisions by vehicles.
- Adequate technical justification has not been provided.
- The observers request that the Commission refuse the appeal.

(3) John O'Connell

- The observer is a local resident of Kilmoney.
- Concern is expressed in relation to residential and visual amenity impacts. The assessment of the Planning Authority states that the mast would be incongruous and would have a negative impact on the visual and residential amenity of the area.
- It is considered that the mast would appear visually dominant within a residential area. The report of the Planning Authority refers to the photomontages and stated that the viewpoints used were mostly distance from the site except for viewpoint no. 1 and that they did not accurately demonstrate the mast's dominating effect on neighbouring houses.
- The installation of the proposed mast would be contrary to policy objective GI 14-9 of the Cork County Development Plan 2022-2028. This policy emphasises the protection of existing amenities and ensuring that infrastructure does not detract from the character of residential area.
- A central finding in the assessment of the Planning Authority was that adequate technical justification had not been demonstrated.
- The technical submission from the applicant stated that there are coverage blackspots. The matter was assessed in the report of the Planning Officer and it was stated that the ComReg coverage map illustrated that 4G outdoor coverage is good and 5G outdoor coverage is very good at this exact location.
- The applicant states that co-location was explored but failed to present a meaningful assessment of alternative sites particular of non-residential zones, industrial lands or existing taller structures.

- To permit large infrastructure within residential estates would set a highly undesirable precedent for Carrigaline and similar communities.
- The observers request that the Commission refuse the appeal.

(4) Seamus McGrath TD and Cllr. Patrick Donovan

- They wish to object to the proposed installation of the telecommunications mast on the Kilomeny Road, Carrigaline, Co. Cork.
- It is highlighted that the proposal was refused by the Planning Authority.
- It was noted in the report of the Planning Authority that there were no issues in relation to phone coverage in this part of Carrigaline and that the installation of the mast would be unnecessary.
- Concern is raised in relation potential for devaluation of residential properties in proximity to the proposal.
- The visual impact is highlighted and potential health concerns of residents.

(5) Cllr. Eoghan Fahy

- They do not consider that the location is suitable for the proposed mast having regard to the proximity to residential properties at Kilmoney Heights.
- It is highlighted that Cork County Council refused permission for the proposed mast. The report of the Planning Authority stated that the phone signal in the area was good and that they were not satisfied that adequate technical justification had been provided.
- If the proposal is granted it would negatively impact upon the residential amenities of the area and would set an undesirable precedent.
- The proposal would be contrary to Objective GI 14-9 of the Cork County Development Plan 2022-2028.
- It is stated that the decision of the Commission should respect the provisions of the Development Plan and take the assessment of the planning officer into consideration.

- As detailed on the ComReg Outdoor Mobile Coverage Map the outdoor mobile for Three (4G) is good and the outdoor mobile coverage for Three (5) very good. Therefore, this shows that there is no requirement for the licence to be permitted.

(6) Maria Kirby

- Concern is raised in relation to the mast's proximity to the observer's home at Wheatfields, Carrigaline.
- The assessment of the Planning Authority states that the mast would be incongruous and would have a negative impact on the visual and residential amenity of the area.
- In relation to the submitted photomontage the Council's planner stated in their report that the viewpoints were mostly distant from the site and that apart from viewpoint 1 and that it does not accurately demonstrate the mast's dominating effect over the houses located only a few metres away.
- The refusal reason issued by the Planning Authority states that the proposal would be contrary to objective GI 14-9 of the Cork County Development Plan 2022-2028. This policy objective emphasises the protection of existing amenities and ensuring that infrastructure does not detract from the character of residential areas.
- Proper technical justification has not been provided.
- The existing coverage is already good to very good. The 4G outdoor coverage is good. The 5G outdoor coverage is very good at this location.
- The applicant states that co-location was explored but failed to present a meaningful assessment of alternative sites particularly in non-residential zones, industrial lands or taller existing structures.
- The Planning Authority in their assessment concluded that the development is not justified technically, is visually obtrusive and would seriously injure residential amenity, thus failing key criteria for a licence.
- To permit large infrastructure within residential estates would set a highly undesirable precedent for Carrigaline and similar communities.

- The observers request that the Commission refuse the appeal.

(7) Florence Keary

- The observer is a resident of Wheatfields, Carrigaline. Concern is raised in relation to the mast's proximity to the observer's home
- The assessment of the Planning Authority states that the mast would be incongruous and would have a negative impact on the visual and residential amenity of the area.
- In relation to the submitted photomontage the Council's planner stated in their report that the viewpoints were mostly distant from the site and that apart from viewpoint 1 and that it does not accurately demonstrate the mast's dominating effect over the houses located only a few metres away.
- The refusal reason issued by the Planning Authority states that the proposal would be contrary to objective GI 14-9 of the Cork County Development Plan 2022-2028. This policy objective emphasises the protection of existing amenities and ensuring that infrastructure does not detract from the character of residential areas.
- Proper technical justification has not been provided.
- The existing coverage is already good to very good. The 4G outdoor coverage is good. The 5G outdoor coverage is very good at this location.
- The applicant states that co-location was explored but failed to present a meaningful assessment of alternative sites particularly in non-residential zones, industrial lands or taller existing structures.
- The Planning Authority in their assessment concluded that the development is not justified technically, is visually obtrusive and would seriously injure residential amenity, thus failing key criteria for a licence.
- To permit large infrastructure within residential estates would set a highly undesirable precedent for Carrigaline and similar communities.
- The observers request that the Commission refuse the appeal.

(8) Kathleen and Martin O'Callaghan

- It is submitted that the proposed mast would be visually dominant and that it would have a negative impact on the residential area.
- Concern is expressed in relation to potential devaluation of their property.
- The proposed mast would be sited on a green space which is used by children to play on. It is highlighted that the existing residential zoning objective in the Cork County Development Plan 2022-2028 seeks to protect existing amenities.
- The siting of the proposed 18m high mast in close proximity to the R611 which carries a high volume of traffic would constitute a risk to health and safety of residents in the event of a vehicular collision with the mast.
- Contrary to the suggestion in the licence application that telecommunications coverage is not adequate in the area the observers state their experience would be the opposite. This is also supported by ComRegs national coverage mapping.
- The observers request that the Commission uphold the decision of Cork County Council to refuse the section 254 licence.

(9) John and Marion Gargan

- The observers are residents of Kilmoney Heights.
- Concern is raised in relation to the proximity of the proposed mast to the observers' property and to the main Carrigaline/Kinsale Road the R611.
- The proposed 18m high mast would appear visually dominant.
- Concern is expressed in relation to potential devaluation of property.
- The location of the proposed mast in a residentially zoned area would be contrary to the provisions of the Cork County Development Plan 2022-2028 which states that this type of infrastructure should not be seen to impact negatively and detract from the character of residential areas.
- The applicant stated in their application that coverage was poor in this area. This is not the case as residents do not experience poor coverage and the ComReg coverage map does not indicate that there is poor coverage in the area.

- The observers request that the Commission uphold the decision of Cork County Council and refuse the licence application.

(10) Eddie Hayes

- The observer is a resident of Kilmoney Heights.
- The proposal would have an adverse impact on their residential amenities.
- The assessment in the report of the Planning Authority states that the proposed mast would be incongruous and would have a negative impact on the visual and residential amenity of the area.
- The submitted photomontages illustrate that the proposed development would appear overbearing and that it would negatively impact upon the visual amenity of the area.
- The assessment in the report of the Planning Authority states that the photomontages submitted by the applicant were from more distant viewpoints apart from viewpoint no. 1 and that they do not accurately demonstrate the mast's dominating effect over houses located in close proximity.
- Adequate technical justification has not been provided by the applicant.
- The technical submission from the applicant states that there are coverage blackspots. The report of the Planning Authority examined the matter of existing coverage and noted that the ComReg coverage map indicated that Three's 4G outdoor coverage is good and the 5G outdoor coverage is very good at this location.
- The observer requests that the Commission refuse the Section 254 licence.

(11) Jim Carroll

- The observer is a resident of the Kilmoney area.
- The proposed mast would be located in close proximity to houses. It would have a negative impact on the residential and visual amenity of the area.

- It is considered that the applicant's photomontages fail to reflect the real visual impact for the closest residents.
- Policy Objective GI 14-9 of the Cork County Development Plan 2022-2028 requires the protection of existing amenities and that infrastructure must not detract from the character of residential areas. The installation of the proposed mast on the neighbourhood green space would be contrary to this objective.
- There is a lack of technical justification for the proposed mast. The existing coverage in the area is good or very good. ComReg's national mapping confirms that 4G outdoor coverage is good and that 5G outdoor coverage is very good at the exact location of the proposed mast. The observer states that they don't experience significant issues with existing coverage.
- The applicant has not demonstrated that non-residential sites, industrial areas or existing tall structures were fully considered. National guidelines require mast sharing and avoidance of unnecessary proliferation of mast. It is stated that this requirement has not been met.
- The proposed mast would be located adjacent to a busy road the proximity would give rise to the potential for vehicular collisions.
- The proposal would set an undesirable precedent for other similar development.
- The observer requests that the Commission uphold the Council's refusal of this Section 254 licence.

(12) Michelle, Damien, Jerry & Barry O'Sullivan

- The observers are residents of Kilmoney Heights. They state that they strongly object to the proposal.
- The proposed mast would be located 20m from neighbouring houses in Kilmoney Heights. It would form a visually intrusive feature in the area.
- The submitted photomontages fail to reflect the real impact for the closest residents.

- The proposed development would be contrary to Policy Objective GI 14-9 which requires the protection of existing amenities and that infrastructure must not detract from the character of residential areas.
- There is a lack of technical justification for the proposal. The ComReg mapping of coverage confirms that 4G outdoor coverage is good and 5G outdoor coverage is very good.
- The applicant has not demonstrated that non-residential sites, industrial areas or existing tall structures were fully considered. National guidelines require mast sharing and avoidance of unnecessary proliferation of masts. This requirement has not been met.
- The mast would be located directly behind a busy road carrying HGV's, agricultural machinery and an increasing volume of commuter traffic. The proximity of the proposed mast to the road would pose an unnecessary and avoidable risk of collision raising legitimate safety concerns.
- The proposal would set an undesirable precedent for other similar development.
- The observers request that the Commission refuse the Section 254 licence.

(13) Jimmy and Mary Web and family

- The observers are residents of Kilmoney Heights. They state that they strongly object to the proposal.
- The proposed mast with a height of 18m would be highly visible and out of scale with the surrounding homes. It would adversely impact the residential character of the area.
- There is an existing telecommunication mast recently installed 500m from Kilmoney Heights. The proximity of this mast raises the question of the necessity of the proposed mast.
- There are other more suitable locations available for consideration such as commercial and industrial areas, existing utility corridors and open non-residential areas.

- The observers request that the Commission uphold the decision of Cork County Council to refuse the Section 254 licence.

(14) Charlotte Claffey

- The observer is a resident of Upper Kilmoney.
- They express concern at the proximity of the proposed mast to existing residential properties.
- It is stated that there is a lack of technical justification for the proposed mast because the network coverage in the area is already adequate.
- The proposed mast would have a negative visual impact on the area.
- There are other more suitable locations available in the area which are not in close proximity to residential properties.
- The proposal would set an undesirable precedent for other similar development.
- The observer requests that the Commission uphold the decision of Cork County Council to refuse the appeal.

(15) John and Catherine Lambkin

- The observers are residents of Kilmoney Heights.
- The observation highlighted the report of the report of the Planning Officer which stated that the viewpoints used in the photomontages were quite far from the proposed site.
- It is stated that photomontage no. 2 at the junction of Mountain Road and Kilmoney Road shows that it would appear visually incongruous.
- It is proposed to locate the mast adjacent to a line of trees which were communally planted by the residents of Kilmoney Heights.
- The antennae shown on the mast on the photomontages is minimal and it could be more expansive if the mast were to support multiple operators. The photomontages did not include cabinet and additional works.

- Concern is raised in relation to the proposal being a safety hazard. The proposed mast would be a location where children could be drawn to playing at and being close to the road would present a risk of accidents.
- The observers refer to a similar appeal in relation to a Section 254 licence application at Carrignafof Avenue/Ease Hill, Carrignafof, Co. Cork – Planning Register Reference Number: 3/254/3/2022 – ABP 316057-23. The Board upheld the decision of Cork County Council to refuse the licence application for the following reason.

“Having regard to the location of the proposed development on a grass verge adjacent to a public road and the proximity to the existing roundabout and footpaths, the Planning Authority is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- It is considered that the current proposal is similar to that which was refused at Carrignafof because the mast would be located in the grass verge adjacent to the public road and due to the close proximity to the junction of Kilmoney Road it would constitute a serious traffic hazard.
- The observers highlighted that the report of the Planning Officer stated that they were not satisfied that there is a technical justification for the proposed development at this location given the outdoor coverage is good or very good.
- The proximity of a similar mast at Droim an Óir which is circa 502m from the site at Kilmoney Road is highlighted.
- The observers request that the Commission uphold the decision of Cork County Council and reject the appeal.

(16) Morgan Fitzgibbon

- The observer is a resident of Wheatfields, Kilmoney.
- The assessment of the Planning Authority states that the mast would be incongruous and that it would have a negative impact on the visual and residential amenity of the area.

- Concern is expressed in relation to potential devaluation of property.
- The report of the Planning Officer observed that the photomontages submitted with the application used viewpoints which were mostly distance from the site apart from viewpoint no.1. It was stated in the report that the views do not accurately demonstrate the mast's dominating effect on the houses located a few metres away. This supports the opinion of the residents that the true impact has been understated.
- The refusal issued by the Planning Authority states that the proposal is contrary to Objective GI 14-9 of the Cork County Development Plan 2022-2028. This policy emphasises protecting existing amenities and ensuring that infrastructure does not detract from the character of residential areas.
- There is a lack of technical justification for the proposed mast.
- The existing coverage is already good to very good.
- The applicant states that co-location was explored but failed to present a meaningful assessment of alternative sites particular of non-residential zones, industrial lands or existing taller structures.
- The proposal would set an undesirable precedent for other similar development.
- The observer requests that the Commission refuse the appeal.

(17) Anita Carroll and Diarmuid O'Mathuna

- The observers are residents of Kilmoney Heights.
- It is stated that the proposed mast would have a direct visual impact on their property.
- The location of the proposed mast is within a green space which is an area where children play.
- The Cork County Development Plan 2022-2028 highlights the protection of existing amenities and it also highlights that infrastructure should not negatively impact on or detract from the character of residential areas.
- Adequate technical justification has not been provided for the proposal.

- Health and safety concerns are raised in relation to the proximity of the proposed mast to R611 which is a heavily trafficked road.

(18) Bill and Betty Whitnell

- The observers are residents of Kilmoney Heights.
- Concern is expressed in relation to the height of the proposed mast.
- The proximity of the houses at Kilmoney Heights to the location of the proposed mast is highlighted.
- It is submitted that the proposal would have a significant negative visual impact on the area.
- The refusal reason issued by the Planning Authority states that the proposal would be contrary to Objective GI 14-9 of the Cork County Development Plan 2022-2028. This policy emphasises the protection of existing amenities and ensuring that infrastructure does not detract from the character of residential areas.

(19) Cllr. Jack White

- Concern is expressed in relation to the proximity of the proposed mast to residential properties.
- There is inadequate technical justification for the proposed location.
- The Planning Authority states that the mast would be incongruous and have a negative impact on the visual and residential amenity of the area.
- The proposal is contrary to policy objective GI 14-9 of the Cork County Development Plan 2022-2028.
- It is stated that existing coverage is already good and very good.
- The applicant states that co-location was explored but failed to present a meaningful assessment of alternative sites, particularly in non-residential zones.
- It is submitted that the proposal is contrary to national telecommunications guidelines and that it would undermine the amenity and character of an established residential community.

9.0 Assessment

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

9.1. The proper planning and sustainable development of the area

- 9.1.1. The site is located along the edge of the R611 regional road within a section of the grass verge associated with the road and which separates the road from the estate road which serves Kilmoney Height to the east. The lands are zoned Objective ZU 18-9 Existing Residential/Mixed Residential and Other Uses under the provisions of the Cork County Development Plan 2022-2028. The Objective of this zoning seeks to protect and improve residential amenity from other uses/non-residential uses, and which will not encourage any use that threatens this. Appropriate Uses in Existing Residential/Mixed Residential and Other Uses are set out in section 18.3.9 of the Plan. Whilst the list of uses does not specifically reference telecommunications infrastructure, on the basis that non-residential uses which do not threaten this objective can be considered, I would therefore conclude that the proposal is 'open to consideration'.

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

- 9.2.1. The grounds of appeal refer 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 County Development Plan 2022-2028 and sets out the importance of the site within Carrigaline South to maintain and improve the existing network coverage.
- 9.2.2. The Planning Authority considered that adequate technical justification was not provided to justify the proposed development at this location. The reason for refusal issued by the Planning Authority refers to the provisions of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12).
- 9.2.3. In relation to relevant policies contained in the Cork County Development Plan 2022-2028, Objective ET 13-28(a) seeks to facilitate the delivery of a high-capacity ICT infrastructure and high-speed broadband network and digital broadcasting. Chapter 13 of the development plan refers to Energy and Telecommunications. Section 13.18.3 refers to communications and digital connectivity it advises that 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.
- 9.2.4. The applicant Phoenix Tower Ireland 111 Limited submit that there is a strong technical and operational need for the proposed site and that the site is the optimal location to provide Three's coverage obligations. 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 1.5km cell search area.
- 9.2.5. It is set out in the appeal that the proposed development addresses critical limitations including physical obstructions, distance attenuation and increasing data usage demand. The applicant submits that the proposed infrastructure will enhance

both indoor and outdoor signal quality and deliver consistent high speed 4G and 5G connectivity in the area.

- 9.2.6. Regarding the existing coverage deficiencies, it is stated in the appeal that the current coverage assessments indicate that approximately 3,236 residents in Carrigaline South experience marginal signal levels (-115dBm) or worse. The existing sites CK0619, CK0595, CK0474 and CK0368 were analysed in relation to their capability to cover this area but as they are between 1.5km and 3.4km away from the target coverage area, the distance renders them incapable of adequately servicing the locality due to the distance attenuation and intervening topography.
- 9.2.7. 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 good. The applicant highlighted in the appeal that the proposed infrastructure will enhance both indoor and outdoor signal quality and deliver consistent high speed 4G and 5G connectivity in the area and that following the deployment of this proposed infrastructure that the population receiving 'Good' to 'Excellent' signal levels will increase from 3,097 to 5,019 which represents an almost 50% improvement.
- 9.2.8. As indicated on the ComReg Coverage Maps available, the areas with lower coverage where it is determined that there are marginal signal levels are located to the north, south, east and west 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.
- 9.2.9. Regarding the provisions of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities (1996), Section 4.3 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. The third party observations highlighted the proximity of the site to existing residential properties to the east and south in Kilmoney Heights. I would 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.

9.2.10. 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. Having visited the site and reviewed the photomontages submitted on file, I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual assessment are representative of the extent of the visual impact upon the surrounding streetscape. I note that the subject site at Kilmoney Road, Lisclearly, Carrigaline, Co. Cork is not located within a designated visually sensitive area or within any views and prospects.

9.2.11. In relation to the height and design of the subject telecommunications structure I would note that the monopole design and its height of 18m are common throughout the country for this type of infrastructure. The proposed monopole has slender appearance, and I consider that the applicant has sought to minimise its potential for visual impact by selecting a monopole of low to medium height at 18m.

9.2.12. In relation to the viewpoint no. 1 presented in the photomontages, this is from Kilmoney Heights to the east of the site, which is a close range viewpoint. The structure would be fully visible from this viewpoint however it is in the context of existing streetlights. Given the close range nature of this viewpoint I would consider that the full visibility of the subject monopole is acceptable. In relation to the viewpoint no. 2 presented in the photomontages, from Kilmoney Road Upper to the north-east of the site circa 220m away, I note that only the upper most section of the structure would be visual and that this is in the context of streetlights within the suburban streetscape.

9.2.13. In relation to viewpoint no. 3 presented in the photomontages, this is from Mountain Road (L6495) circa 160m to the west of the site. I note that the subject structure would not be directly visible within the streetscape due to the presence of existing mature trees which would screen the upper section of the structure from view.

Regarding viewpoint no. 4 presented in the photomontages, this is from a viewpoint circa 220m south of the site on the R611. I note that the upper section of the subject structure would be visible within the streetscape, having regard to the narrow nature of the monopole and the context of existing surrounding streetlights and other existing matures trees, I consider that it can be successfully integrated into the streetscape.

9.2.14. The reason for refusal refers to the proposal being contrary to policy objective GI 14-9 of the Development Plan. County Development Plan Objective GI 14-9: refers to Landscape, part (a) seeks to protect the visual and scenic amenities of County Cork's built and natural environment and part (c) seeks to ensure that new development meets high standards of siting and design. I would consider that these two parts of the objective are of most direct relevance in terms assessing the proposal. Having regard to my assessment above in respect of the potential visual impact of the proposal, I would not concur with the assessment of the Planning Authority that the proposal would be contrary to policy objective GI 14-9 of the Cork County Development Plan 2022-2028.

9.2.15. 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.

9.2.16. 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.

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

9.3.1. The proposed development has a typical suburban setting. Aside from the standard public lighting poles along either side of the road, there are no other taller structures.

The telecommunications infrastructure is proposed along the side of the road, between the existing street lighting pole. Having regard to the current layout and number of street poles, I do not consider the proposed development would lead to an excessive number of existing appliances, apparatuses, or structures on, under, over or along the public road.

- 9.3.2. There are no other similar telecommunications infrastructure within the immediate vicinity of the site. Accordingly, 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.

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

- 9.4.1. The proposed pole and associated boxed infrastructure will be set back from the public footpath by 500mm and from the edge of the public road by 2600m as detailed in the submitted Site Layout Plan Drawing No. CIG-04177-PD-02. Observations to the Section 254 licence application have raised concern that the proposed pole would represent a traffic hazard on the basis of the proximity of the proposal to the public road.
- 9.4.2. Having regard to the setback proposed from the public footpath and public road, it is not considered the location of the infrastructure will cause any hazard to either pedestrians or road users. Furthermore, I note that the report of the Planning Officer raised no objection to the proposed development in terms of traffic or pedestrian safety.

10.0 **AA Screening**

- 10.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an existing built-up area on the south-western side of Carrigaline. The proposal comprises of a telecommunications mast and associated works.
- 10.2. The subject site is located over 5km from Cork Harbour SPA (Site Code 004030).
- 10.3. There is no connection to any European (Natura 2000) sites and no pathways.

10.4. 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 appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale of the proposal; and
- The absence of connectivity to any European site.

10.5. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

11.0 **Water Framework Directive**

11.1. The subject site is located to the south-western side of the town of Carrigaline, Co. Cork. The Owenboy river (IE_SW_190O011400) is situated 427m to the north. The Kilnaglery river (IE_SW_19K620850) is situated 480m to the south. The coastal waterbody Owenboy Estuary (IE_SW_060_1200) is located 1km to the north-east. The Ballyhassig groundwaterbody (IE_SW_G_004) underlies the site.

11.2. The proposed development comprises 18m high telecommunications mono pole streetwork structure with ground cabinet at a grass verge along the R611Road.

11.3. No water deterioration concerns were raised in the appeal of the section 254 licence application.

11.4. I have assessed the section 254 licence application for the construction of a 18m high telecommunications monopole and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek 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 nature, scale 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.

11.5. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development

Conclusion

11.6. 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.

12.0 Recommendation

12.1. I recommend that permission is granted for the proposed licence in accordance with the following reasons and considerations.

13.0 Reasons and Considerations

13.1. 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 County Development Plan 2022-2028, to support the development of a sustainable telecommunications network throughout the county, 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.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 and the lands reinstated at the applicant's expense on removal of the telecommunications structure and ancillary structures, unless, prior to the end of the period, a licence shall have been granted for a further period. 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.

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

3. 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.

Reason: In the interests of public safety and residential amenity.

4. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenity of the area.

5. Details of the proposed colour scheme for the pole, antennas, equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.

6. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 3 months, the structures shall be removed, and the site shall be reinstated within 3 months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within 3 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operators expense.

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

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

Siobhan Carroll
Planning Inspector

6th of March 2026

Appendix 1 – EIA Pre-Screening – Form 1

An Bord Pleanála	ACP-323879-25		
Case Reference			
Proposed Development Summary	Section 254 licence for a telecommunications pole and associated works		
Development Address	Kilmoney Road, Lisclearly, Carrigaline , Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	X
(that is involving construction works, demolition, or interventions in the natural surroundings)		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____