



**PHOENIX TOWER**  
INTERNATIONAL



**entrust**  
planning & environmental

**WIRELESS BROADBAND & DATA  
COMMUNICATIONS  
SUPPORT STRUCTURE**

**INSTALLATION AT  
CARRIGNAFOY AVENUE/EAST HILL  
CARRIGNAFOY  
CO. CORK**

**FIRST PARTY  
APPEAL STATEMENT OF GROUNDS**

**Entrust Limited  
on behalf of Emerald Tower Ltd (PTI)**

**March 2023**

Entrust Limited  
Unit 1D Deerpark Business Centre  
Oranmore  
Co. Galway  
H91 X59

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin,  
D01 V902

09/03/2023

**RE: First Party Appeal against Refusal of Permission Ref. S/254/3/2022 Cork County Council**

Dear Sir/Madam,

**Name and Address of the Appellant:** Emerald Tower Limited, 1<sup>st</sup> Floor, Marketing Suite Building, Lake Drive, Citywest Business Campus, Dublin D24 YXW2.

**Subject Matter of the Appeal:** 1st Party Appeal against the Refusal to Grant a License under Section 254 of the Planning and Development Act 2000, as amended, for the installation of 18m dual operator pole, associated equipment, together with ground based equipment cabinets and all associated site development works for wireless and data broadband services.

**Address of the Proposed Development:** Carrignafoy Avenue/ East Hill, Carrignafoy, Co. Cork.

**Planning Authority Reference:** S/254/3/2022 Cork County Council

**Applicable Fee:** €220 (A18 - Appeal on a licensing decision for an appliance, apparatus, structure, cable or other matter on a public road (section 254 license)). A cheque for €220 is enclosed herewith.

I trust all is to your satisfaction, however, if you have any queries, please do not hesitate to contact me.

Yours faithfully



**KIERAN TARPEY MIPI, MRTPI**

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### Enclosures (Hard Copy)

1. Section 254 Drawings;
2. Photomontage Report;
3. Statement of Grounds (this document);
4. Refusal Decision;
5. Appeal Form;
6. Transport Consultant Opinion.

### Enclosures on USB (Soft Copy)

- I. License Application Submission
- II. Decision to Refuse Permission

# 1. Introduction

## Status of Submission

- 1.1. This submission has been prepared by Entrust Limited (hereinafter called the 'Agent'). The Statement of Grounds of Appeal relates to a *Notification of a Decision to Refuse to Grant a License under Section 254 of the Planning and Development Act 2000, as amended*, issued by Cork County Council, order dated 13<sup>th</sup> February 2023, in respect of an application for development as outlined below. Emerald Tower Limited a wholly owned subsidiary of Phoenix Tower Limited (PTI) (hereinafter called the 'Appellant') wishes to make a first party appeal against the decision by Cork County Council. For clarity purposes, the project is described below as the '*proposed development*'. A copy of the Decision and Schedule of the Reasons for Refusal is attached.
- 1.2. Emerald Tower Limited (appellant) is a wholly owned subsidiary of Phoenix Tower International (PTI), the operating company for its Irish operations. PTI is a United States headquartered company with operations in 18 countries worldwide including in Europe (Ireland, Cyprus, France, Malta, Italy and Spain). PTI owns and operates approximately 14,600 telecommunications sites across the world including the Eir Mobile portfolio of approximately 650 telecommunications sites it purchased in 2020. In Ireland, PTI works by leasing space on its portfolio of telecommunications sites to different mobile operators and other providers including wireless broadband providers, ensuring the optimum environmental solution is achieved by the co-location of different operators on PTI's sites, thus reducing the proliferation of telecommunications structures in accordance with the Development Plan and 1996 Government Guidelines pertaining to telecommunications.

## Operator

- 1.3. The Operator, namely Eircom Limited, trading as eir, is the largest communications provider in Ireland providing an essential public service throughout the country. Its three divisions include a wholesale fixed-line network through its OpenEir unit, providing copper and fibre-based access products to a wide range of Irish telecommunications companies from its telephone exchange network. The company's retail division provides services including fibre broadband and digital TV services for Irish homes and businesses. Eir also operates a national wireless data and broadband network under its own Eir brand and under the GoMo brand, which this proposal is for and which proposes to become a crucial network point in its national wireless high-speed data and broadband network.

## 2. Statement of Grounds

### Reason for Refusal

#### Traffic Hazard & Public Safety

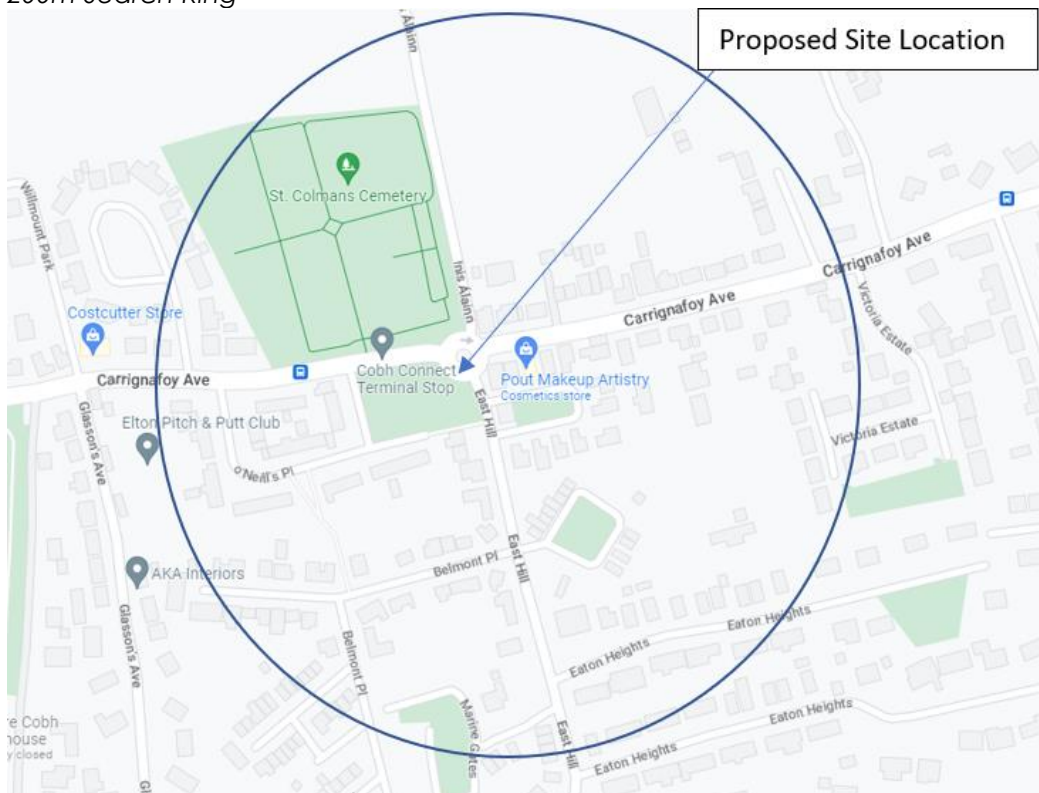
- 2.1. *'Having regard to the location of the proposed development on a grass verge adjacent a public road and the proximity to the existing roundabout and footpaths, the Planning Authority is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard. The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

### Response to Reason for Refusal

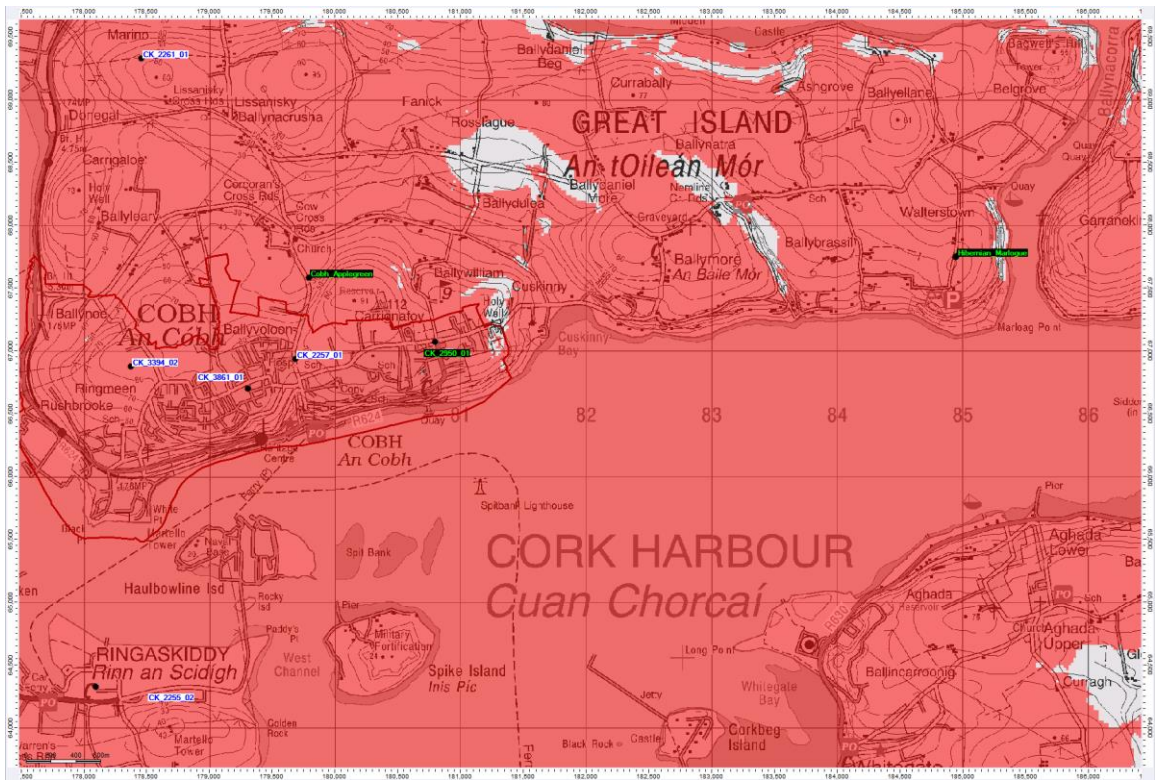
- 2.2. To address this single refusal point, the Appellant will first outline the technical need for the site, the site selection process, the chosen site location, its proposed design, environmental considerations, policy considerations. It will then address the single reason for refusal regarding traffic safety

### Technical Justification

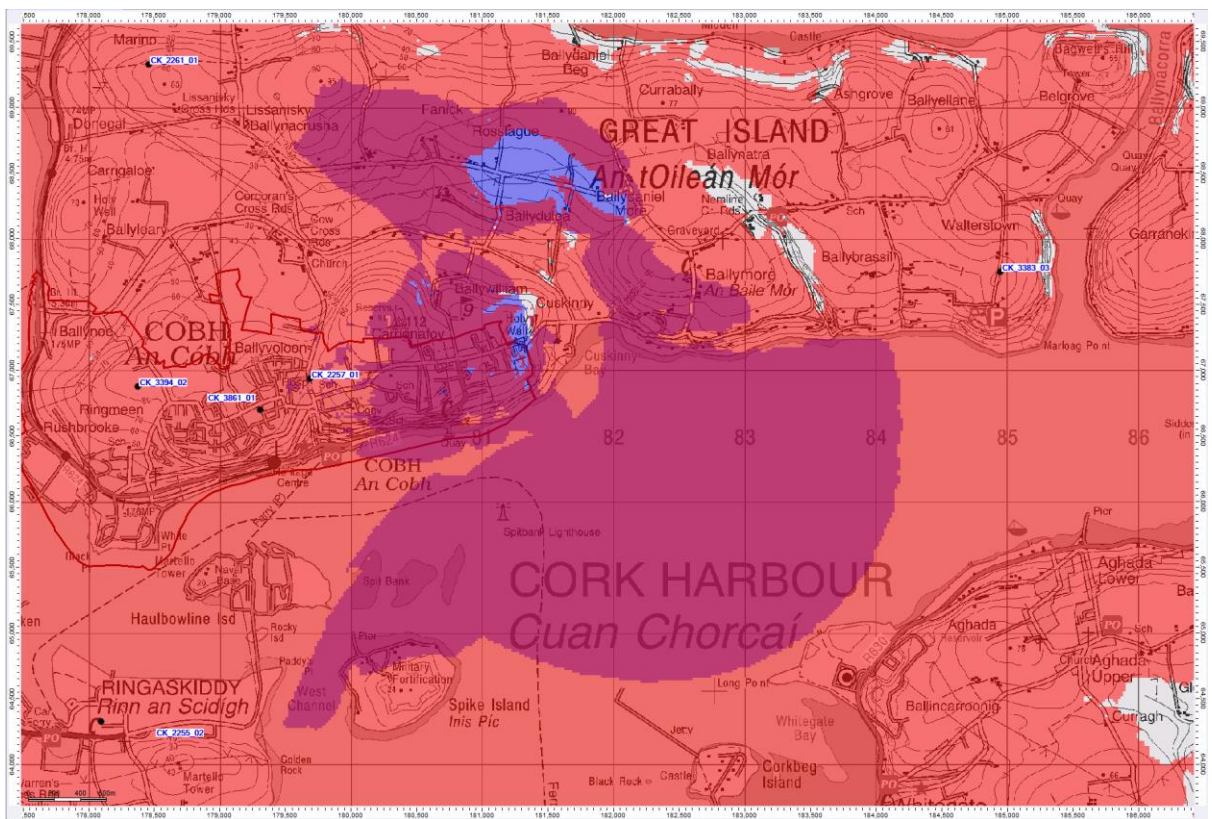
- 2.3. Eir has stated that "As part of Eir Ltd licensing requirements and the continuing rollout of their 3G, 4G and 5G networks, Eir require a site indicated by the circle in the map in 2.4 below (around label CK\_2950\_01 on below map) which is a very confined search ring. The current sites in the area for Eir do not provide adequate service for good indoor highspeed mobile broadband or Voice. Eir's current indoor coverage in this area is patchy and users experience may miss calls or feel a poor quality of service when indoors. A mobile base station deployment at the proposed location would greatly support Eir customers, and in the area".
- 2.4. 200m Search Ring



2.5. Existing Indoor Coverage without CK\_2950



2.6. Predicted New Indoor Coverage with CK\_2950



## Site Selection Process and Discounted Options

- 2.7. Eir will always co-locate on an existing telecommunications structure as a first choice if a suitable existing structure exists, as it has done on many hundreds of its sites in its radio network to date and which it has already done here at the nearest existing two telecommunications structures as shown below in table 1.
- 2.8. There are no suitable existing structures in this search area to locate Eir's equipment and the local community in this densely populated mainly residential area currently suffer from a severe lack of high-speed wireless broadband and data services. Eir would not be looking to provide the much-needed coverage here if it could do so by its existing two structures. Due to the sheer amount of intervening vegetation and built form as well as the increasing capacity issues on its network as a result of increasing demand here in this densely populated area for data services, means Eir cannot meet its wireless broadband and data objectives here without having a new structure which is proposed as a last resort in accordance with the sequencing approach to finding a site in accordance with the 1996 Government Guidelines. The location has been selected on the basis that it is the optimum location in this search area and the only option which is a last resort. The height is the lowest height possible to 'see' over surrounding high trees and built form in the area for two operators to share the same pole.
- 2.9. To avoid any confusion as to why a new telecommunications installation is required here which is a central point in this application, all the mobile operators namely Three, Eir and Vodafone have an obligation to provide 100% coverage throughout the country, including at this location. The nearest existing sites are too far away for the newer technologies to work including 4G and 5G technologies and to a large extent 3G, due to the required data speeds for applications like social media, internet browsing and downloading, the technology range which depends on the number of users at any one time can be only several hundred metres. What is required is a balance between planning requirements and people's entitlements to modern communications facilities which affects their quality of life, which is classed by the government as an essential public service like water and electricity so these services are required in all areas. Unlike the earlier 2G technology in the late 1990's which had a range of up to 10KM and not several hundred metres for 4G and 5G technologies, so back then masts could be located miles away from their coverage target area, but that is not the case nowadays, so it is respectfully requested that the Board show's flexibility for the newer technologies with regards to siting, whilst protecting amenity, which is what the appellant considers it has done very successfully here as there are no resulting significant environmental impacts resulting from the proposed development as is demonstrated in this planning statement.
- 2.10. The siting of the Proposed Development was decided upon after firstly analysing the requirements to provide new and improved broadband coverage here as explained above. Then a sequential approach was taken to choosing the site in accordance with the City & County Development Plan and 1996 Government Guidelines. From this a number of existing telecommunications sites (table1) were investigated. To ensure the efficient operation of a radio network, alternative sites must be within the cell search area, which is shown in section 2.4 this document. These sites must be at relatively high points to ensure the antennas can transmit and receive over the proposed cell area. Sites also must have the following characteristics, they must be environmentally suitable i.e. where any inevitable and associated impacts are within acceptable parameters;
- Within search ring to meet wireless broadband coverage objectives;
  - Protect residential amenity as much as possible;
  - Be capable of being developed; sufficient space for pole and cabinets, avoiding

- underground utilities and free of overhead obstructions like cables;
- Sufficient pavement space for wheelchair access and buggys/prams;
- Available power and fibre connections nearby.

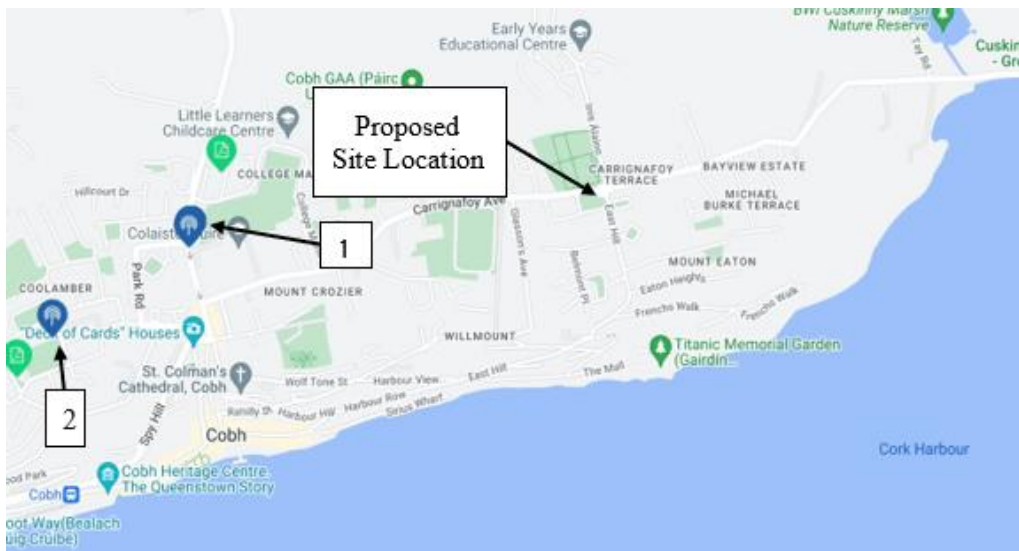
2.11. In compliance with each operator’s license, all attempts to utilise any existing telecommunications structures where they represent the optimum environmental solution have been employed. The ComReg site Finder mast register was used to search for existing sites in the area which is the most up to date source of information and is shown in the table 1 below.

No.	Site Location	Location	Reason
1	Orilia Terrace, Kilgarvan, Cobh, Co. Cork	E: 179680 N: 66935	This site is significantly outside the search ring. Eir is already co-located on this site with Three Ireland, Vodafone, and Imagine Communications Ireland Ltd so it would not meet Eir’s coverage objective here.
2	Ballyvoloon, Cobh, Co. Cork	E: 179304 N: 66691	This site is significantly outside the search ring. Eir is already located on this site, so it would not meet Eir’s coverage objective here.

Table: 1

2.12. During the alternative sites assessment, there were no suitable existing telecommunications sites identified which would be capable of providing the coverage required in this instance. As you can clearly see in the Comreg map below there is a total absence of existing telecommunications sites in this area along Plassey Park Road, hence why Eir requires a site here.

Figure 1: ComReg Site Finder depicting existing telecommunications sites in the area.



**Site Location**

2.13. The site is located on a grass verge adjacent to the roundabout at the junction of Carrignafoy Ave and East Hill Road. The site is located adjacent to a park with a number of semi-mature and mature trees. There are also a lot of urban vertical infrastructure items in the area, such as road signs, signage, streetlights, and electricity/telegraph poles with overhead cables. The site is located approx. 24m south of St. Colmans Cemetery. Cobh GAA Club and Carrignafoy Community Centre are approx. 300m west of the site. The Cobh Fort is approx. 480m south of the site. There is tree screening immediately surrounding the site location from all directions making



it the optimum location in the provided search ring provided by Eir Mobile within section 2.4 of this report in terms of protecting residential amenity and minimising visual impact locally. The location is also considered to be an acceptable distance from any dwellings in order to protect residential amenity locally.



Figure 2: Site Location.



Figure 3: Aerial Photograph of the site

## Design

- 2.14. The proposal is to install a new 'Streetworks Pole' with Eir's antennas to be encased inside the top of the pole, with space for a second operator's antennas below the eir antennas,

a cabinet for Eir Mobile and provision for a second cabinet for a subsequent operator to be co-located onto this installation in future. The existing streetlight pole may be removed or not and the light relocated onto the proposed structure. The equipment dimensions are as follows:

<b>Streetworks Pole</b>		<b>Cabinets (1 &amp; 2)</b>	
Height	18m	Height	1) 1.65m, 2) 1.65m
Diameter or Width	406mm (Diameter)	Length	1) 1.3m, 2) 1.9m
		Depth	1) 0.8m, 2) 0.8m
Area	0.13m <sup>2</sup>	Area	1) 1.04m <sup>2</sup> , 2) 1.52m <sup>2</sup>
Volume	2.33m <sup>3</sup>	Volume	1) 1.768m <sup>3</sup> , 2) 2.584m <sup>3</sup>
Colour	Grey	Colour	Dark Fir Green

<b>Total Streetworks Pole &amp; Cabinets</b>			
Area	2.69m <sup>2</sup>	Volume	6.682m <sup>3</sup>
Footpath Width 2.5m, Cabinet Doors Open 2.5m, Cabinet Doors Closed 2.5m			

<b>Dishes</b>	none	<b>Antennas</b> (encased inside pole)	4m H x 406mm (Diameter)
Colour	n/a	Colour	Grey

2.15. Great care and attention have been given to the design of the Proposed Development.

- It is proposed that the structure will be coloured in a grey finish and will assimilate with the typical sky colour in Ireland and surrounding street infrastructure, however, it is possible for the proposed development to be painted in any colour including a dark fir green or black finish which could be requested by way of a conditional License.
- Slimline, slender and un-fussy design to minimise any negative visual impacts;
- Pole design to blend in with existing street infrastructure such as street lighting, road signs poles and traffic lights poles.
- Sited in relatively close proximity to existing vertical street infrastructure along Carrignafoy Avenue for easily assimilation into the streetscene.

2.16. As part of eir Mobile's continued network improvement programme, there is now an urgent requirement in this area to provide new and improved high speed data and broadband services, for the operator to improve overall network coverage. The site following the proposed installation will be capable of accommodating new, more advanced technologies for two separate operators within the surrounding area. The proposed pole, at an overall height of 18m is the absolute minimum available to support two operators equipment that will allow all these criteria to be met and to achieve antenna 'line of sight' above the surrounding landscape topography, built form and vegetation.

2.17. Consideration has been given to technical, engineering, environmental, health and safety and land use planning viability in the siting and design of the proposed telecommunication's installation. The height of the structure has been driven by the requirement to achieve the desired level of coverage to the wider area. The proposed location, in our view, would provide the optimum location to site this equipment achieving the desired area and level of coverage, whilst minimising the number of telecommunications installations and minimising visual impact.

2.18. In light of the appellant's efforts to design the best solution for this particular site so as to minimise the impact of the development on the environment, it is considered that the appearance of the proposed structure would not seriously impact upon the visual or

residential amenity of the area, nor would it form an obtrusive feature within the surrounding area. The proposal strikes a good balance between environmental impact and operational considerations. The proposed height, colour and design represent the best compromise between the visual impact of the proposal on the surrounding area and meeting the technical requirements for the Site. Taking all matters into account, it is considered that this proposal which is to provide new and improved high speed broadband and data services, initially for eir Mobile and a second operator on a single structure as opposed to having eventually two separate structures in this area, would not be discordant within the local environment.

### Environmental Considerations including Visual Assessment



Figure 4: Environmental Designations Map

### Heritage, Ecology and Landscape

- 2.19. As can be seen in the Environmental Designations Map above in Figure 4, the proposal is suitably distanced away from any heritage, landscape and ecological sensitive designated areas that will not be impacted by the proposal.

### Health

- 2.20. Compliance with emission limits is regulated by ComReg. A license to provide services is subject to compliance with strict emission controls. The limits are specified by the International Commission for Non-Ionising Radiation Protection (ICNIRP), including for this site since it was first built. We attach an ICNIRP Declaration as evidence of this compliance.

### Socio-Economic and Environmental Benefits

- 2.20. This proposal as defined by the government, is to provide an essential public service along with water and electricity. High speed broadband and data communications services will be provided to residents of this part of Limerick which are increasingly utilising data for streaming videos and photos back home along with current and emerging businesses.

### Visual Assessment

- 2.26 The contents of this section which have been extracted from the original planning application statement and were prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> Edition) 2013. This section of the report should be read in conjunction with the attached photomontage and wireframe report contained in this appeal submission.

Table 2: Visual Sensitivity

Sensitivity	Typical descriptors
<b>High</b>	Receptors with proprietary interest in the view such as residential properties, and receptors undertaking recreating where the view is a key reason for the activity, e.g., user of public footpaths and bridleways and open access land.
<b>Medium</b>	Receptors with moderate interest in their environment, e.g., workers, pedestrian cyclists and other non-motorised users of major movement corridors and people taking part in outdoor sports
<b>Low</b>	Receptors with passing of momentary interest in their environment, e.g., motorists.

- 2.27 The sensitivity of a visual receptor is determined by a combination of the value of the view and the susceptibility of the visual receptors to the change that the Proposed Development will have on the view. Visual receptors are the people who will be experiencing the views.
- 2.28 Magnitude of Change is an expression of the extent of the effect on the visual receptors that will result from the introduction of the Proposed Development. The magnitude of change is assessed in terms of the size and scale of the effect and the geographical extent of the area influenced.
- 2.29 Levels of magnitude of change – high, medium to high, medium, medium to low and low – are applied in order that the judgement used in the process of appraisal is made clear. The criteria used to determine magnitude of change differ for the effects on landscape receptors and visual receptors, as well as the cumulative effects on both.

Table 3: Magnitude of Change

Magnitude	Description of Change
<b>Large</b>	Total loss or major alteration to key landscape elements/features/characteristics such that post development the landscape character area would be fundamentally changed.
<b>Medium</b>	Partial loss or alteration to one or more key landscape elements/features/characteristics such that post development the landscape character area would be partially changed
<b>Low</b>	Minor loss or alteration to one or more key landscape elements/features/characteristics such that post development the change/loss would be discernible, but the landscape character would be similar to the baseline.
<b>Negligible</b>	Very minor loss of alteration to one or more key landscape elements/features/characteristics of the baseline conditions. Change would be barely distinguishable approximating to no change.

2.30 The magnitude of change resulting from the Proposed Development on a visual receptor is made by combining the assessment of size or scale of the change in views and the geographical extent over which such changes occur. Effects on Visual Receptors – the level of the effect is determined through the combination of the sensitivity with the magnitude of change that will be brought about by the Proposed Development. The appraisal applies professional judgement and identifies the level of effect defined as being minor, moderate or major. Intermediate levels may also be applied such as minor-moderate and moderate major.

Table 4: Illustrative Matrix of Effects

Magnitude of Change Visual Sensitivity						
→ ↓	High	Medium-High	Medium	Medium-Low	Low	Negligible
High	Major	Major	Moderate /Low	Moderate/Low	Moderate /Low	Negligible
Medium-High	Major	Major-Moderate /Low	Major-Moderate /Low	Moderate/Low	Moderate /Low or Moderate -Minor	Negligible
Medium	Major-Moderate /Low	Major-Moderate /Low	Moderate /Low	Moderate/Low or Moderate-Minor	Moderate /Low - Minor	Negligible
Medium-Low	Major-Moderate /Low	Moderate /Low	Moderate /Low or Moderate -Minor	Moderate/Low -Minor	Moderate /Low or Moderate -Minor	Negligible
Low	Moderate /Low	Moderate /Low or Moderate -Minor	Moderate /Low - Minor	Moderate /Low or Moderate-Minor	Minor	Negligible

2.30 Where the visual effect has been classified as Major or Major/Moderate, significant effects may occur. Effects identified as moderate or less are not considered to be significant. As with many aspects of visual assessment, significance of effect also needs to be quantified with respect to the scale over which it is felt. An effect may be locally significant, or significant with respect to a small number of receptors, but not significant when judged in a wider context. Any effect may be described as temporary or permanent, direct or indirect, positive or negative and cumulative and these various types of effect described below have a bearing on the acceptability or otherwise of any impact. Visual effects can be described as temporary or permanent and reversible or irreversible. Due to the long-term nature of telecommunications structures planning permissions, they are generally regarded as a long-term reversible addition to the landscape preserving the choice for future generations whether or not to retain what might be regarded as the landscape fabric of today.

2.31 It is possible to identify a number of sensitive receptors within the study area, which should then be further investigated through field visits and the production of photomontages and wirelines. The most important viewpoints (VPs) are identified as being points whereby the Proposed Development is likely to show the greatest amount of visibility or impact on the largest number of users and as such these warranted further investigation.

2.32 These viewpoints VP's are:

VP1 – Plassey Park Road southwest of the site

VP2 – College Court Drive north of the site  
 VP3 – Plassey Park Road east of the site  
 VP4 – Castletroy Park Retail Park southeast of the site

- 2.33 The photomontages attached will illustrate the views from locations where the proposed communications mast would be theoretically visible. This in turn has informed the locations of the final viewpoints. The viewpoints were selected where theoretical points of visibility intersected public roads, residential areas, cultural heritage assets (Protected Structures) and public rights of way (PROWs).
- 2.34 Visual impact assessment in relation to the Proposed Development. It is ascertained, however, that the considered viewpoints are locations which are publicly accessible and expose the development in its fullest form in order to assess the highest possible impact of the proposal. The remainder of this section now considers each of these viewpoints in turn and discusses the potential impact of the Proposed Development and comments on its potential significance.

Table 5: Viewpoints Analysis

Viewpoint 1	VP1 – Carrignafoy Avenue west of the site E: 580612 N: 567131 Distance to Proposal: 143.3m
<b>Existing Character</b>	This viewpoint (VP) is taken along Carrignafoy Avenue, approx. 143.3m south of the site. In the foreground are residential dwellings and in the background are multiple mature and semi-mature trees, landscaping, and infrastructure items such as street lighting and cabinets.
<b>Receptor Type and Sensitivity</b>	The typical receptor at this location would be residential dwellings, along with road users such as pedestrians, motorists, and cyclists. The sensitivity is therefore high.
<b>Nature of Change</b>	From this viewpoint, the proposal is partially visible, as it appears to be mainly screened by existing trees in the background of the photograph. The proposal does not come remotely close to dominating the view as the trees provide much screening and the existing streetlights and other utility poles along Carrignafoy Avenue allow the proposal to be absorbed into the environment, meaning that the proposal will not cause a significant negative impact upon the streetscape.
<b>Magnitude of Change</b>	Minor loss or alteration to one or more key landscape elements/features/characteristics such that post development the change/loss would be discernible, but the landscape character would be similar to the baseline.
<b>Summary of Visual Assessment</b>	Sensitivity: High (Residential Dwelling, Road users) Magnitude: Low Level of effect: Moderate-Low
<b>Significant effect?</b>	<b>No</b>

Viewpoint 2	VP2 – Inis Alainn north of the site E: 580760 N: 567179 Distance to Proposal: 53.2m
<b>Existing Character</b>	This viewpoint (VP) is taken along Inis Alainn approx. 53.2m north of the site. The area is dominated by housing, vegetation, signage, electricity poles with overhead cables and streetlights.
<b>Receptor Type and Sensitivity</b>	The typical receptor at this location would be residential dwellings, along with road users such as pedestrians, motorists, and cyclists. The sensitivity is therefore high.
<b>Nature of Change</b>	The proposed development will be visible from the perspective of this viewpoint given the very close proximity of the viewpoint to the site. While the entire structure is visible, and as it is shown in its fullest

	form and worst case, it does not significantly impact upon the streetscape as the proposed development will be able to assimilate into its location by the presence of existing streetlights and electricity poles which are of similar height to the proposal, and have the effect of absorbing it to a good degree so that it does not appear as a dominating or isolated structure. It is important to note that the search ring for this proposal is confined to a very small geographical area as shown in section 4.2, and it is considered that the optimum location has been chosen to protect residential amenity so that it is not in direct view of any dwelling locally and has the benefit of a roundabout on one side (NE) and a large green space adjacent to it (SW).
<b>Magnitude of Change</b>	In relation to the view at this exact VP, the magnitude of change is considered to be medium as the proposal results in a partial loss or alteration to one or more key landscape elements/features/characteristics such that post development the landscape character area would be partially changed.
<b>Summary of Visual Assessment</b>	Sensitivity: High (Residential Dwelling, Road users)
	Magnitude: Medium
	Level of effect: Moderate / Low
<b>Significant effect?</b>	<b>No</b>

<b>Viewpoint 3</b>	<b>VP3 – Carrignafoy Avenue east of the site</b> <b>E: 580824 N: 567161</b> <b>Distance to Proposal: 77.2m</b>
<b>Existing Character</b>	This view is located at Carrignafoy Avenue, approx. 77.2m east of the site. In the foreground are the boundary walls of residential dwellings and in the background are multiple mature and semi-mature trees, landscaping, and infrastructure items such as street lighting and cabinets.
<b>Receptor Type and Sensitivity</b>	Primary receptors at this location would be residential dwellings along with road users such as motorists, pedestrians, and cyclists. The sensitivity is therefore high.
<b>Nature of Change</b>	From this VP, the proposed development will be mainly in view from this direction. It would be partially obscured by the presence of semi-mature trees, a residential boundary wall and the presence of existing street light poles and other utility poles of similar design and height which help to absorb the proposal quite successfully.
<b>Magnitude of Change</b>	Minor loss or alteration to one or more key landscape elements/features/characteristics such that post development the change/loss would be discernible, but the landscape character would be similar to the baseline.
<b>Summary of Visual Assessment</b>	Sensitivity: High (Residential Dwelling, Road users)
	Magnitude: Low-Medium
	Level of effect: Moderate-Low
<b>Significant effect?</b>	<b>No</b>

Viewpoint 4	VP4 – Mount Eaton south of the site E: 580786 N: 567058 Distance to Proposal: 74.7m
<b>Existing Character</b>	This viewpoint is located at the junction of Bracken Court/The Fairways, approximately 74.7m south of the site. There are semi-mature and mature trees present along Carrignafoy Avenue and streetlight poles are dotted along the roadside.
<b>Receptor Type and Sensitivity</b>	Primary receptors at this location would be the adjacent residential dwellings along with road users such as motorists, pedestrians, and cyclists. The sensitivity is therefore high.
<b>Nature of Change</b>	The proposed development will be partially visible by approximately its upper half, from the perspective of this viewpoint given the close proximity to the proposal. However, the proposal is considered to fit in comfortably to its host environment here as it is absorbed and assimilated into its location by the presence of existing street lighting poles together with tree screening which helps to ensure the proposal is not seen as a dominating or isolated structure and instead is viewed at the same or similar height as the existing street lighting poles in view. This viewpoint confirms that the location has the capacity to accommodate the proposal without it resulting in any significant impacts.
<b>Magnitude of Change</b>	Minor loss or alteration to one or more key landscape elements/features/characteristics such that post development the change/loss would be discernible, but the landscape character would be similar to the baseline.
<b>Summary of Visual Assessment</b>	Sensitivity: High (Residential Dwelling, Road users)
	Magnitude: Low-Medium
	Level of effect: Moderate-Low
<b>Significant effect?</b>	<b>No</b>

- 2.35 The viewpoint analysis supported by photomontage visualisations (enclosure 2) examines the visual effects that would be experienced at 4 no. short-medium range viewpoints of the Proposed Development and have been taken to show the proposal in its fullest form or 'worst case'. As the photomontages clearly demonstrate, no significant visual effects upon are predicted. All four viewpoints have a predicted 'moderate-low' visual effect which is not significant.

## Relevant Planning Policy and Guidance.

### National Planning Framework (NPF)

- 2.36 Under the NPF, one of the 10 goals or national strategic outcomes is to create a strong economy that can foster enterprise and innovation and attract talent and investment. It states that delivering this outcome will require the coordination of growth and place making with investment in world class infrastructure including digital connectivity, which this application supports. It also supports a second goal regarding international connectivity.
- 2.37 Under the NPF, in Chapter 4, regarding Urban Places, this well designed and located proposal supports Objective 4 to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.



- 2.38 Within the NPF it is emphasised how in the information age, telecommunications networks play a crucial role in enabling social and economic activity. In section 2.2, one of the NPF's strategies is to strengthen Ireland's digital connectivity by 5 measures, one of which is to improve local connectivity to principal communications (broadband) networks.
- 2.39 In section 5.1 the NPF states that a major focus will be on addressing connectivity gaps in communications infrastructure.
- 2.40 **Analysis;** this proposal supports two of the ten goals of the NPF in improving digital connectivity, including international connectivity for not only a strong local economy but also to encourage social interaction. Ever since the original 2G mobile networks were built in the late 1990's, national and local policy has changed since then from acknowledging the economic benefits of the then wireless voice communications networks to nowadays acknowledging the social benefits of modern day wireless broadband communications networks which has recently been most evident during the Covid pandemic where many people's only social interaction with family and friends was through hand held digital devices like mobile phones, tablets and laptops. There has never been a greater socio-economic appreciation or need for wireless broadband with home working / hybrid working as well as for social interaction and helping to alleviate social isolation, which this proposal strongly supports and as such will help to improve the quality of the lives of the local community here.

## **Regional Spatial and Economic Strategy (RSES) for the Southern Region of Ireland**

### **Digital Connectivity, Infrastructure and Smart Cities and Region (Section 1)**

#### **Digital Connectivity (Section 6.2)**

- 2.41. Enhanced quality and provision of digital and mobile telecommunications infrastructure is critical for the revitalisation of cities, towns, villages, and rural areas. Developments in information and communications technology (ICT) continues to fundamentally change how our society and economy functions.
- 2.42. The relational proximity of all locations will improve with advances in technology. Regions need to embrace innovative solutions in the pursuit of prosperity, environmental protection and reduce locational disadvantage. To optimise the opportunities from smart technology, access to high-speed, high capacity digital and communications infrastructure is required across the Region. This is fundamental to ensure parity for all locations in the Region.

#### **National Broadband Plan (NBP) (Section 6.2.3)**

- 2.43. The NBP is funded by the Government and part co-funded through the European Regional Development Fund under the Southern and Eastern Regional Operational Programme 2014-20 which is managed by the Southern Regional Assembly. The targets of the NBP include:
- 70Mbps - 100Mbps available to at least 50% of the population with a majority having access to 100Mbps;
  - At least 40Mbps, and in many cases much faster speeds, to at least a further 20% of the population and potentially as much as 35% around smaller towns and villages;
  - A minimum of 30Mbps available to all, no matter how rural and remote.

- 2.44. The NBP involves a combination of commercial investment by the telecommunications sector and State intervention to provide high-speed broadband to the unserved parts of the country where the market has failed due to factors such as low population density.
- 2.45. **Analysis:** The proposal ensures the continuing investment in new and improved broadband in this area for the socio-economic benefit of the local community and for the wider economic competitiveness of County Cork. Furthermore, the proposal continues to work towards the achievement of the targets set out in the National Broadband Plan.

### **Cork County Development Plan 2022-2028 (CDP)**

#### **Connectivity (Section 8.10)**

- 2.46. The plan recognises and supports digital and transport connectivity for interaction between the County's Employment Network and the Region's Economic Drivers including Cities and Metropolitan Areas, Economic Corridors and other Key Towns and Networks, especially those with close cross boundary interactions.
- 2.47. Objective EC: 8-5 - 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

#### **Communications and Digital Connectivity (Section 13.18)**

- 2.48. Access to high quality digital and mobile telecommunications infrastructure is critical to the social and economic wellbeing of communities and can support the revitalisation of towns, villages, and rural areas. Developments in digital, information and communications technology continue to fundamentally change how our society and economy functions. The relational proximity of all locations will improve with advances in technology. To optimise the opportunities from smart technology, access to high-speed, high capacity digital and communications infrastructure needs to improve across the Count.
- 2.49. The Council recognises the provision of a modern, efficient communications system and digital connectivity is essential for the economic development of the region and supports the development of the new Smart Region and Smart Technology initiatives that are coming on stream in urban and rural areas. Enhanced digital connectivity and the roll out of smart technologies can improve quality of life by offering new choices in services, education, employment, entertainment, communications, mobility etc.
- 2.50. While the importance of telecommunications infrastructure is acknowledged, it is equally as important that the landscape, both urban and rural, are considered and protected from any significant impact caused by such infrastructure. Visual impact should be minimal in the landscape and therefore, telecommunications infrastructure will be subject to a Visual Impact Assessment. Environmental, heritage and ecological impacts of any such infrastructure will also be assessed in accordance with standard Council policies and procedures.
- 2.51. Objective ET 13 – 28: Information and Communications Technology:

- 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).
- Support the roll out of the National Broadband Plan throughout the County in conjunction with relevant statutory agencies and in accordance with the above Guidance document.
- Support the role of Smart City / Smart Region initiatives and the role of smart technologies to urban and rural areas.

2.52. The Cork Region would benefit significantly from a new telecommunications cable system connection as currently the majority of international connectivity ex Ireland is routed via Dublin leading to additional costs being incurred to access international connectivity.

### **Data Centres**

2.53. Data centres are central to the digital economy and are facilities that house computers, storage devices, telecommunication systems, cooling systems and power backups used by organisations for the storage, management, and dissemination of its data. Data centres need resilient power and fibre connectivity, and it is acknowledged that data centres may generate a significant demand for renewable energy. Therefore, they need to be located in areas where they have a safe, secure supply of energy with excellent connections to the grid. Ireland has become a leading European destination for data centres. The National Planning Framework and the Southern Regional Assembly have acknowledged the important role of data centres and support the development of these facilities in the country. They contribute to job creation and generate significant added economic benefit by providing a range of services to other firms that undertake production, research and development, marketing, sales, service, and support activities in locations with no physical/ geographic connection to the data centre.

### **Archaeology and Large-Scale Development**

2.54. The County Council requires that a proposed development whose area is half hectare or more, whose length is 1km or more, including large scale infrastructure schemes such as electricity, sewerage, telecommunications, water supply, flood relief and proposed roadwork's (both realignment and new roads) require an archaeological assessment. It is recommended that the assessment includes appropriate archaeological investigations such as licensed metal detection, geophysical survey and archaeological testing, as appropriate. It is recommended that the assessment is carried out, following pre planning consultation with the County Archaeologist, by an appropriately experienced archaeologist to guide the design and layout of the proposed scheme/development, safeguarding the archaeological heritage in line with Development Management Guidelines.

### **Utilities and Infrastructure (U)**

2.55. In this Plan lands zoned for utilities and infrastructure uses are largely for operational requirements such as drainage, sanitation, emergency services, electricity, gas, telecommunications, and traffic management and maintenance purposes. New roads, walkways and cycleways are also included on zoning maps under this heading, and it should be noted that such lines are indicative only and are subject to agreement with landowners and other considerations as appropriate.

- 2.56. Operational requirements of utilities and infrastructure operators such as drainage, sanitation, emergency services, electricity, gas, telecommunications, and traffic management. New roads, walkways and cycleways.

### **Zoning**

- 2.57. The site which forms part of the local road infrastructure is not zoned.
- 2.58. **Analysis:** The Cork County Development Plan 2022-2028 (CDP) underlines that telecommunications infrastructure is a key requirement within County Cork. The availability of services such as high-speed broadband is essential to the national economy but also to local communities in everyday life. It is considered by the applicant that this proposal fully adheres to Objective EC: 8-5 and Objective ET: 13-28, which demonstrates that Cork County Council, working with other stakeholders, will support measures to improve transport and telecommunications networks into and around Cork County and region.

### **Department of Environment Heritage and Local Government, Telecommunications, Antenna and Support Structures (Guidelines for Planning Authorities – 1996) and Circular PL07/12**

- 2.41 Department of Environment Heritage and Local Government, Telecommunications, Antenna and Support Structures (Guidelines for Planning Authorities – 1996) and Circular PL07/12.
- 2.42 Government policy for the development of telecommunications infrastructure is set out in the Department of Environment, Heritage and Local Government Telecommunications Antennae and Support Structures (1996) and Circular Letter PL07/12 which updated certain sections of the Guidelines.
- 2.43 Paragraph 1.2 states that: 'The Government's telecommunications policy aims to place Ireland in the top quartile of OECD economies as regards the availability, price and quality of telecommunications services in order to promote industrial and commercial development, to improve personal and household security and to enhance social interchange and mobility.'
- 2.44 With regards to visual impact, the Guidelines detail that: 'In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc., already referred to.'
- 2.45 The guidelines recommend a hierarchy of suitable locations for telecommunications equipment which has been followed here as part of the site selection process, and which has been demonstrated has a lack of existing telecommunications structures within this search area.
- Existing Mast to co-locate (none available see table 1 and 2, Eir is already on nearest existing structure)
  - Tall buildings or other existing structures are preferable to constructing an independent antenna support structure (none available/suitable in search ring);
  - Industrial estates/industrially zoned land (none available in search ring);
  - Commercial or retail areas (site is across Plassey Road from a commercial use in almost entirely residential area);
  - ESB substations (none available in search ring);

- *Only as a last resort, provided the above locations are unsuitable should free standing structures in a residential area or beside schools.' (Subject site is sited in a large grass verge, across the main road from a hotel at an acceptable distance away from the nearest residential properties).*

2.46 Regarding co-location and sharing, section 4.5 states that 'Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape' and 'All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share'. It is confirmed that Emerald Tower Limited actively encourages the sharing of all infrastructure in its portfolio which is the case for this proposal also.

### **Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development**

2.47 The purpose of the taskforce report (published by the Department of Communications, Climate Action and Environment) and the Action Plan for Rural Development (published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs) in 2016 is to deliver the National Broadband Plan (NBP) in the shortest time possible and to reduce Ireland's urban-rural divide.

2.48 There are 40 actions contained within the taskforce report which require the co-operation of multiple stakeholders from government departments to industry providers. The actions contained within the report serve to eliminate barriers to the timely development of communications infrastructure in advance of, and in tandem with NBP State-led intervention.

2.49 The Section 254 licensing process emerged from this taskforce to help deliver broadband infrastructure more quickly by removing barriers to its deployment. It differs from the Planning and Development Regulations 2001 (as amended), Schedule 2, Class 31 Telecommunications, in that Section 254 licensing relates solely to public roads and not to other property under the Regulations. Section 254 requires high standards of design and adherence to the proper planning and sustainable development of the area which this proposal full complies with as is set out within this document.

### **Part 2 of Statement of Grounds**

2.50. As stated in section 2.2 of this Statement of Grounds, having discussed the pre-consultation process, the technical need for the site, the site selection process, the chosen site location and its proposed design, the predicted visual impact and other environmental considerations and relevant policy considerations, the appellant will now address the single reason for refusal.

#### **2.51. Traffic Hazard and Public Safety**

To reiterate, the reason for refusal states that '*Having regard to the location of the proposed development on a grass verge adjacent 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*'.

- 2.52. The appellant would now like to address the reason for refusal that indicates that the proposed development will endanger public safety. The safety of road users is paramount when considering the suitability of individual sites for a street works solution. A key determinant in any decision would be to ensure that no adverse impact on road user safety would arise, no restrictions on the driver's visibility, no obstruction of footpaths or cycle-paths would be caused as a result of the proposed development. This was a primary consideration when choosing a site for this proposed development.

### **Pedestrian Safety**

- 2.53. The Design Manual for Urban Roads and Streets (DMURS) provides guidelines for an integrated approach to urban roads and streets that prioritises the safety of all road users. As illustrated in Drawing CK-2950-01-PD-02 (see enclosure 1), the proposed development is located on a grass verge and is set back from the footpath. The footpath is 1.8m wide and the proposed development does not affect this. According to the Section 4 of the DMURS 'Minimum footway widths are based on the space needed for two wheelchairs to pass each other (1.8m). Therefore, the proposal is compliant with this guideline. Furthermore, it is stated in Section 4.3.1 of the DMURS that Verges 'provide a buffer between pedestrians and the vehicle carriageway and provide space for street furniture and street trees as well as overflow space for pedestrian movement'. Therefore, there is sufficient space on the footpath to allow for pedestrian traffic to walk safely and therefore is not contrary to proper planning and sustainable development.

### **Road Users Safety**

- 2.54. The proposal is located at the 'Velvet House Crossroads' and the proposed pole is located 13.5m from the centre of the roundabout and is aligned with the existing street lights on the verge where it is proposed to be located. It is stated in Section 4 of the DMURS that Street furniture should be placed within a designated zone, such as a verge (see Section 4.3.1 Footways, Verges and Strips). The proposed development is sited on the verge and promotes visual cohesion with existing street furniture there (street lights). There is no clear indication that this proposed development will be a traffic hazard as there is no sightline issue for oncoming traffic as the traffic is flowing to the left and therefore the proposed development is not an obstacle for road users as they reach the junction they will be looking to their right for oncoming traffic. The first cabinet to the east of the pole will be built initially for Eir (confirmed occupant) and the second cabinet will only be built in future when a second operator co-locates on the same site. The two proposed cabinets are in line with the pole as may be seen on the attached drawings (see Enclosure 1).
- 2.55. Furthermore, there is no planning policy within the relevant policy documents; Cork County Development Plan 2022-2028 and Design for Urban Roads and Streets) that outlines if a street works solution, or any street furniture located on a grass verge on a roundabout is contrary to proper planning and sustainable development.

Further, the appellants agent asked a transport consultancy for an opinion namely 'Local Transport Projects' which are based in the UK and which provide traffic assessments for the agent's major infrastructure schemes across Ireland, including SID applications for electricity substations and major solar farms. The consultancy concurred with the agents opinion in the above paragraphs 2.35 to 2.37 (see Enclosure 6) and advised that 'We have reviewed the draft appeal document, and it looks to provide a good response to the planning application refusal. It is not clear what they are specifically referring to when the Planning Authority state that they are 'not satisfied that the proposed development would not endanger public safety by reason of traffic hazard', however the key elements, such as visibility at the roundabout for vehicles and the existing footway being unaffected by the proposals suggests that the proposed development would not be expected to have a significant traffic/road safety impact'.

Also, the agent submitted a Section 254 Application recently for a similar street pole and two cabinets at a roundabout at Clarehall in Dublin 13, which Dublin City Council granted permission for it (see Enclosure 7 'Decision to Grant Permission' and Enclosure 8 for its drawings. This proposal is directly relevant to the proposal which is the subject to this appeal which Dublin City Council Roads Department had no issue with and it should be noted that all Councils in the country have adopted the Design Manual for Urban Roads and Streets (DMURS), therefore it is considered that the reason for refusal is not a rational one and is not based on any policy or guidance and indeed it is contrary to the national guidance namely the Design Manual for Urban Roads and Streets (DMURS). **As such it is therefore respectfully requested that the Board disregards this reason for refusal.**

## Conclusions

- 3.0 In relation to the single reason for refusal, the appellant outlined the the technical need for the proposal, site selection process, the chosen site location, its proposed design, environmental considerations and relevant policy considerations. Given that there was one reason for refusal based solely on traffic safety, it is considered that the principle of the proposal is acceptable from a planning perspective and acceptable to Cork County Council Planning Department.
- 3.1 Regarding the reason for refusal, It is not considered by the appellant that the Local Authority had due regard to the national road guidelines regarding road safety namely the 'Design Manual for Urban Roads and Streets (DMURS)', which it has been shown in this document that the proposal is in accordance with, as the verge location is sufficient in width and there are no sightline issues, in accordance with the said guidelines. Furthermore, the appellant's agent sought advice from a transport consultancy which concurred with the agent and the consultancy stated that it was not clear in the refusal point what specifically the Council was referring to. It was also shown that for a similar proposal at Clarehall in Dublin recently, Dublin City Council had no issue with a comparable roundabout location from a road safety perspective, therefore the appellant respectfully requests that the Board disregards this ambiguous and erroneous decision and grants permission for this proposal. C
- 3.3 Broadband is now considered an essential public service like water and electricity and the appellant urges the Board to assess the planning balance carefully here in terms of the public benefits associated with the proposal as opposed to the limited dis-benefits (limited visual impact) which are considered to be far outweighed in accordance with national and local policy. In order In to ensure that people in this part of County Cork can enjoy a good quality of life with high standards of education and excellent employment prospects as advocated in the CDP, access to high quality broadband and data services which will be provided by this proposal which is a discreet pole in which two separate wireless broadband operators can utilise, thus reducing visual clutter and a proliferation of telecommunications structures which warrants planning permission. There will be no significant impacts as a result of this proposal as has been shown throughout this document.
- 3.4 In summary, it is maintained that the proposed development is in accordance with national, regional and local policy including the 'Design Manual for Urban Roads and Streets (DMURS)' and the 1996 Government Guidelines pertaining to telecommunications, and due to the reasons set out herein this document, it is respectfully requested that that the Board grants permission for the proposed development.