

The Secretary
An Bord Pleanála
64 Marlborough Street
DUBLIN 1
D01 V902

14/04/2025

Referral under Section 5(4) of the Planning and Development Act 2000

EIR Exchange Site, Wellington Road, Cork City, T23 E302

This referral is made under section 5(4) of the Planning and Development Act 2000 (as amended).

This referral is structured as follows:

1. Introduction
2. Background
3. Screening for Appropriate Assessment
4. Conclusion

Appendices 1 – 4

1. INTRODUCTION

1.1 Relevant Legislative Provision

All relevant legislative provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) are included as **Appendix 1** to this referral. In this referral, 'the Act' means the Planning and Development Act 2000, as amended, and 'the Regulations' means the Planning and Development Regulations 2001, as amended.

1.2 Particulars of Referral

Various particulars required under Section 127 of the Act are provided with this referral. The subject matter and grounds of the referral and the reasons, considerations and arguments on which they are based are included below in the body of this referral. Also enclosed is the fee of €110.

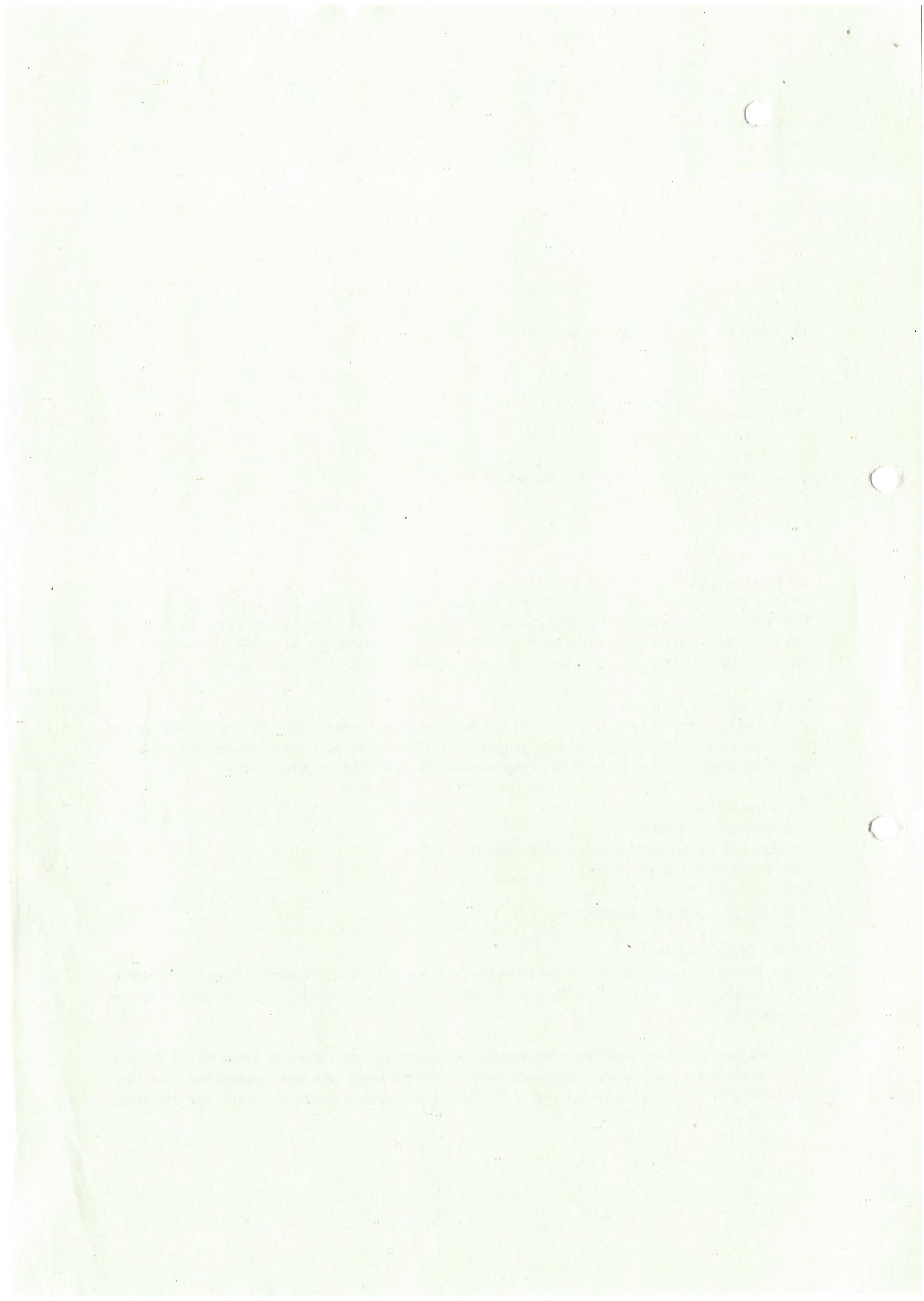
The referral is made by:

Development Management,
Planning and Integrated Development Directorate,
Cork City Council, City Hall, Cork
Telephone: 021-492-4584
Email: anthony_angelini@corkcity.ie

1.3 The Question Referred

As per the application, lodged by Peter Thomson Planning Solutions, on behalf of Eugene Glendon & Sylvia Glendon, John Hegarty and Gemma Desmond, the question referred here, as set out by the applicant, is:

Whether the erection of a replacement antenna support structure and the attachment of antennae and other telecommunications infrastructure at the EIR Exchange site, Wellington Road, Cork City, T23 E302 is or is not development and, if development, whether or not the works are exempted development



1.4 The Referral Site

The referral site is on Wellington Road, to the north of Cork city centre. It consists of a telephone exchange building, parking area and an existing telecommunications pole. Correspondence on file indicates that the site forms part of the lands in the ownership of Trinity Church.

It should be noted that, as set out in Volume 3 of the Cork City Development Plan 2022-2028 (CCDP), the site is within the Wellington Road / St. Luke's Architectural Conservation Area, with a number of Protected Structures in close proximity to the south, east and north, including Trinity Church which is also identified as a protected view.

2. BACKGROUND

2.1 General Background

The subject referral to the Board is subsequent to a request for a Planning Authority declaration on the question as set out in Section 1.3 above. The request for declaration is recorded under Cork City Council Ref: R931/25. It should be noted that the referral is a 3rd Party referral.

It should be noted that this Section 5 Application was lodged as part of legal proceedings currently before the High Court (Planning and Environment MCA.2024.0000562). The applicants for the Section 5 Determination (Eugene Glendon & Sylvia Glendon, John Hegarty, Gemma Desmond), have applied to the Court for a Section 160 injunction. Towercom Limited, who is undertaking the works, is the respondent.

The *Application Form, Planning Report and Booklet of Pleadings and Exhibits – To Accompany Section 5 Application to Cork City Council*, submitted to Cork City Council, on 19 March 2025, by Peter Thompson Planning Solutions, on behalf of Eugene Glendon & Sylvia Glendon, John Hegarty, Gemma Desmond, are attached hereto as **Appendix 2**.

Subsequent to receipt, on 19 March 2025, of the application it was noted that an *Architectural Heritage Impact Assessment*, prepared by JCA Architects, referred to in part 2 of Peter Thompson Planning Solutions' *Planning Report*, was not included in the documentation submitted. A copy was requested. It was provided, via email, on 9 April 2025. A copy is attached here as **Appendix 3**.

In response to the notification Cork City Council advised the owners (Trinity Presbyterian Church) and leaseholders (Eir) of the property of the receipt of the application. The letter provided them with an opportunity to respond to the matters raised in the Section 5 application.

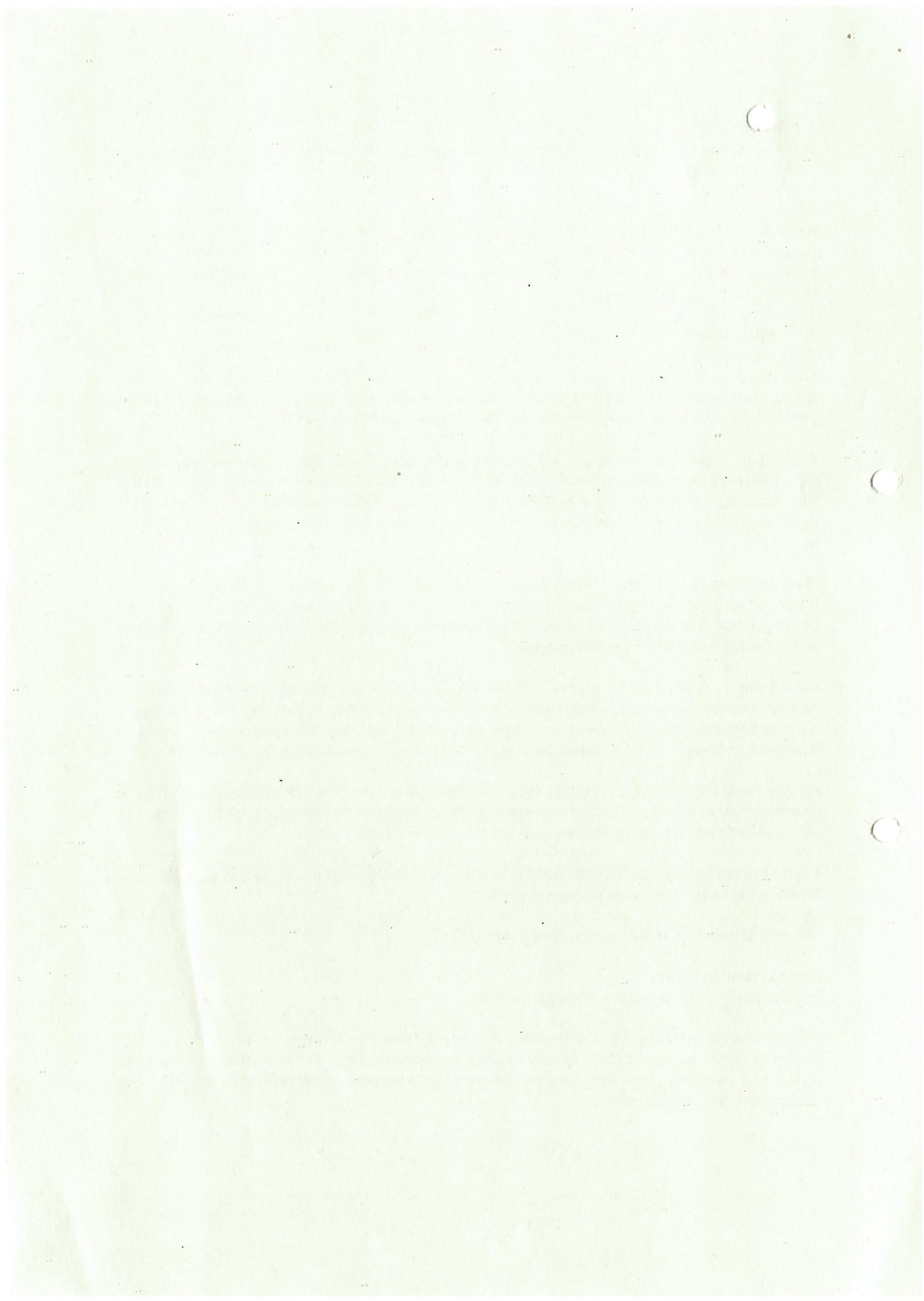
A submission was received from the owners of the site. At the time of preparing this submission no response has been received from the leaseholders.

Copies of this correspondence are set out in **Appendix 4**.

2.2 Site Planning History

There is no planning application history at the site.

Enforcement File – Ref. E8779 – Construction of a second telecommunication mast
A Warning Letter was issued on 4th December 2024. In response, dated 6th March 2025, the company undertaking the works, Towercom Limited, indicated that a Section 5 application is to be made. The enforcement file remains open.



2.3 Relevant Development Plan Objectives

Cork City Development Plan 2022-2028

The Cork City Development Plan 2022-2028 (CCDP) was made by the elected members of Cork City Council on 10 June 2022 and came into effect on 8 August 2022.

Zoning Objective ZO 01 – Sustainable Residential Neighbourhoods: *To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*

ZO 1.1 The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

ZO 1.2 Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.

ZO 1.3 Primary uses in this zone include residential uses, creches, schools, home-based economic activity, open space and places of public worship.

ZO 1.4 Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Such uses include but are not limited to: small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units; service stations (petrol filling stations); local medical services; third level education institutes; community based enterprise or social enterprises, health facilities including hospitals.

ZO 1.5 Where it can be suitable, the expansion of zoned Neighbourhood and Local Centres is open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 7 Economy and Employment.

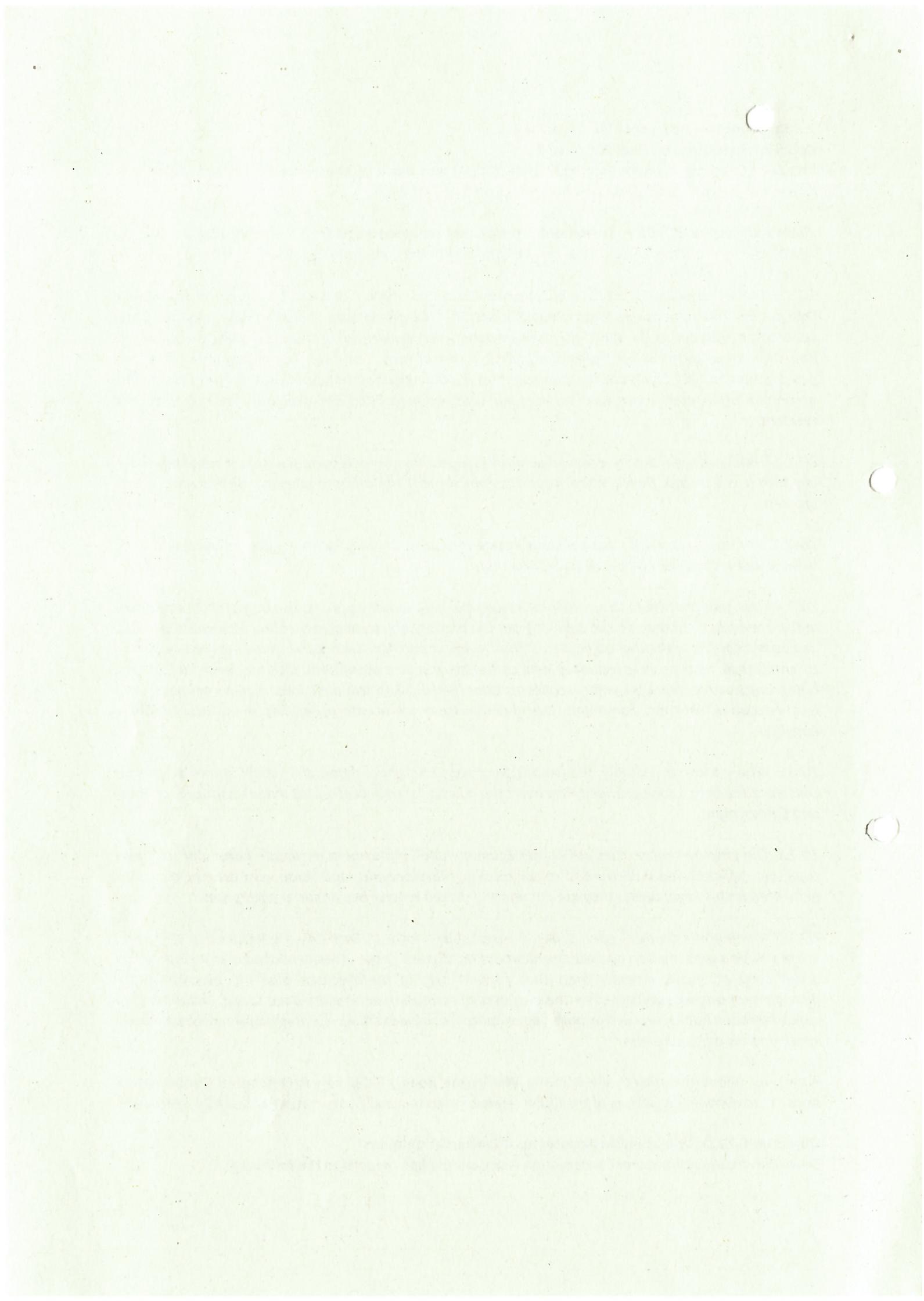
ZO 1.6 The employment policies in Chapter Economy and Employment designate particular locations or offices, office-based industry and major retailing development, and these uses are not generally permitted in this zone, unless they are community-based enterprises or social enterprises.

ZO 1.7 Many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

As set out above the subject site is in the **Wellington Road / St. Luke's Architectural Conservation Area**. The following objectives of the CCDP relate to Architectural Conservation Areas (ACA) generally.

Objective 8.23 Development in Architectural Conservation Areas

Development in Architectural Conservation Areas should have regard to the following:



- a. Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted;
- b. Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area;
- c. Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc;
- d. Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.

Objective 8.24 Demolition in Architectural Conservation Areas

Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

Objective 8.25 Recording of Structures in Architectural Conservation Areas

Where in exceptional circumstances a structure or a part of a structure which is considered to contribute to the special character of the area, is permitted to be demolished, it should first be recorded in drawn and photographic form prior to demolition, and where appropriate should be monitored during demolition. The building record should be lodged with the Cork City & County Archives and with the Irish Architectural Archive in addition to the requirements of planning permission conditions.

Details of the Wellington Road / St. Lukes Architectural Area, including a statement of character, are set out on Pages 119 – 121 of Volume 3 of the CCDP.

There are **Protected Structures** in proximity to the south, east and north, including Trinity Church, to the south of the site (RPS Ref. No. 425) and Connaught Place to the West (RPS Ref. No.s 454 to 457). It should be noted that the Architectural Heritage Impact Assessment, prepared by JCA Architects, identifies the subject site as been within the curtilage of Trinity Church – RPS Ref. No. 425.

The following objective of the CCDP relates to Protected Structures.

Objective 8.19 Record of Protected Structures

To maintain a Record of Protected Structures (RPS) which shall include structures or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and which it is an objective to protect.

- a. Any changes or alterations to the character of a Protected Structure which would in the opinion of Cork City Council, have a material effect on the character of the structure, will require planning permission;
- b. Cork City Council will have regard to the relevant statutory guidance issued by the central government department responsible for the built heritage, including the Architectural Heritage Protection Guidelines for Planning Authorities;
- c. Proposals for demolition of a Protected Structure shall not be permitted except in exceptional circumstances and where it can be shown that a greater public interest will be served which outweighs the loss to the architectural heritage;
- d. Any alteration or demolition of a Protected Structure shall require the preparation of a full drawn and photographic record to Best Conservation Practice;
- e. A broad range of uses will be considered for the regeneration / reuse of protected structures that are derelict / underutilised;

f. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building will be made and sent to the Cork City & County Archives and the Irish Architectural Archive for record purposes;

g. Where a planning application is being granted for development within the curtilage of a Protected Structure, the conservation of the protected structure will be prioritised as the first phase of the development to prevent endangerment, abandonment and dereliction.

Trinity Church is also identified in Volume 2 of the CCDP, in View Management Framework – Maps 02 and 03, and in Volume 3 of the CCDP, Table 3, as a **Local Landmark Building**. I note that paragraph 6.30 of the Volume 1 of the CCDP states:

Strategic and local landmark buildings have been identified so that linear views of these buildings can be protected through the management of development. Strategic landmark buildings are those that are widely appreciated due to their visual prominence and the role that they play in helping people to orientate themselves within the City. Local landmark buildings are important within the City's neighbourhoods due to their local visual prominence. While an illustrative list of local landmark buildings is provided, other local landmark buildings will emerge during the Plan period through the development management process, and where these are identified important linear views to these buildings will need to be taken into consideration.

Additionally, Objective 6.14(e) – City View Management Framework states:

Strategic and local landmark buildings will need to be considered in the scoping of views to identify the potential impacts of development proposals.

3. ENVIRONMENTAL ASSESSMENT

Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

4. CONCLUSION

The planning authority looks forward to the Board's consideration and determination of this referral.

Please do not hesitate to contact this office should any further information be required.

encl.

Appendix 1 – Legislative Provisions

Appendix 2 – Section 5 Application, cover letter and supporting documents submitted by the applicant

Appendix 3 – Architectural Heritage Impact Assessment, prepared by JCA Architects

Appendix 4 – Correspondence with Property Owner and Leaseholder

Fee – €110

