



An
Bord
Pleanála

Inspector's Report

ABP-304961-19

Development	Permission to erect a 30m multi-user lattice structure carrying telecommunications and ancillary equipment together with associated exchange containers enclosed within the compound fencing with access off an existing track to be extended by 20m
Location	Ballydavid, Bansha County Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	18601280
Applicant	Signal Infrastructure Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellant	Vodafone Ireland Ltd.
Date of Site Inspection	5 th , December 2019
Inspector	Paddy Keogh

1.0 Location and Description

- 1.1.1. The site of the proposed development is located within a Coilte Forestry plantation within the foothills of the Galtee Mountains and overlooking the Glen of Aherlow to the north. The site is c. 5.5 km south of Bansha and c. 4 km south of Rosadrehid. The site is located close to the 350 m contour.
- 1.1.2. The site is accessed via Local Road L43018 which connects with the Regional Road (R663) a short to the north of the site. There is a light scattering of houses along the valley floor to the north of the site and along the local road leading to the site.

2.0 Proposed Development

- 2.1.1. The proposed development is described per the submitted public notices as an application for planning permission for a 30m multi-user lattice structure carrying telecommunications and ancillary equipment together with associated exchange containers enclosed within compound fencing with access off an existing track to be extended by 20m. The development will accommodate eir Mobile and Imagine Broadband to enable the provision of enhanced mobile and Next Generation broadband services in the area and also provide for future third party operators as required.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of a decision to grant planning permission for the proposed development subject to 4 (standard) conditions was issued by the planning authority per Order dated 24th, June 2019.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. A report from the Planning Authority Senior Executive Planner dated 12th, December 2018 states that the proposed 30m high lattice mast would not have a negative visual impact. The report notes the presence of an existing Vodafone mast at Ballydavid

(less than 20m from the application site) and expresses the opinion that the applicant should be required to further explore the potential for sharing this mast. The applicant was requested to submit 2 items of further information (as recommended by the Senior Executive Planner), as follows:

- (1) The applicant is advised that Section 4.5 of the Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures (1996) encourages sharing of masts and states that '**All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets**'.

The Applicant is further advised that the Planning Authority is not satisfied that the applicant has made efforts to share the existing mast which is within 20m of the application site. This view is supported by a third party submission on file indicating that no approach has been made to the operator of the existing mast.

The applicant is requested to submit further technical evidence that demonstrates the existing mast is not suitable or **cannot be modified** so as to render it suitable for co-location.

- (2) The applicant is requested to submit evidence demonstrating that the proposed mast will not have a negative impact on the functionality of the existing mast, in the event that co-location is not possible.

3.2.2. A further report from the planning authority Senior Executive Planner dated 20th, June 2019 (following the receipt of further information) notes that the applicant has indicated that Engineering Consultants were engaged on behalf of the applicant to present technical evidence on the structural capabilities of the adjacent mast. However, this type of assessment was not possible without a climb down of the structure and the provision of sensitive information by Vodafone. The applicant has re-iterated the letter from eir which was included with the application which points out that the Vodafone mast has limited equipment capacity to support eir upgrades in the future. The Senior Executive Planner accepts that the applicant has considered co-location on the existing Vodafone structure and the same has been deemed to be unsuitable for eir. The applicant has also submitted a report completed by 4Site which concludes that

the potential for signal interference with the existing Vodafone mast and equipment arising from the proposed development is negligible.

3.2.3. The Senior Executive Planner accepts the applicant's responses to both items of further information requested by the planning authority.

3.2.4. The recommendation of the Senior Executive Planner to grant planning permission for the proposed development is reflected in the decision of the planning authority.

Other Technical Reports

3.2.5. **District Engineer** – Report dated 27th, November 2018 indicates no objection to the proposed development.

3.3. **Third Party Observations**

3.3.1. A single submission consisting of a letter of objection to the proposed development was received by the planning authority from the appellant, Vodafone Ireland Ltd., The grounds of objection are reflected in the submitted grounds of appeal.

4.0 **Planning History**

4.1.1. There is no record of recent planning permission on the appeal site. However, the following planning history refers to an immediately adjacent site at Ballydavid to the appeal site.

Reg. Ref. 15/600603 – Planning permission granted by the planning authority per Order dated 10th, September 2015 to Vodafone Ireland Ltd. for RETENTION (for an indefinite period) of a 24m high telecommunications structure (with headframe giving overall height of 26.3m) carrying associated antennae and link dishes, equipment cabin, security fence and access track etc. subject to 4 no. conditions.

Condition No. 3 stated:

The antennae support structure shall be used to facilitate the co-location and erection of suitable antennae facilities for other statutory undertakers authorised to provide a telecommunications service in so far as provided for under Class 31 of the Planning and Development Regulations 2001, as amended.

Reason: *In order to avoid proliferation of telecommunications structures in the interest of visual amenity.*

Reg. Ref. 08/1403 & Reg. Ref. 05/634 refer to previous grants of planning permission for the above-mentioned mast and for its retention for temporary periods.

5.0 Policy Context

6.0 National Policy

Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, 1996 (issued by the Dept. of Environment, Housing & Local Government) ('the Guidelines')

6.1.1. 'Section 1.3 of these Guidelines states:

'The aim of these Guidelines is to provide relevant technical information in relation to these installations and to offer general guidance on planning issues so that the environmental impact is minimised'.

6.1.2. Section 4.3 states:

'The visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc.'

and

'In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion'.

6.1.3. Section 4.5 (Sharing & Clustering) states:

'Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share'.

and

'Where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered'.

Circular Letter PL07/12

- 6.1.4. This Circular Letter updates the guidance document. Planning authorities are advised that from the date of this letter attaching a condition to a grant of planning permission for telecommunications masts and antennae which limit their life to a set period should cease. Only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue limiting their life.
- 6.1.5. This Circular Letter also states that having reviewed experience since 1996 and the limited number of sites that have become obsolete during that period, it is considered that the attachment of a condition to a grant of planning permission requiring the lodgement of a bond or cash deposit is no longer appropriate. It is therefore advised that, in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated.

6.2. South Tipperary County Development Plan 2009 (the 'Development Plan')

- 6.2.1. Tipperary Co. Council was established on 1st, June 2014 (amalgamation of North and South Tipperary). Following the establishment of Tipperary Co. Council the Development Plans for both North Tipperary and South Tipperary had their lifetimes extended and will remain in effect until a new Regional Spatial and Economic Strategy is made after which a new Tipperary County Development Plan will be prepared.
- 6.2.2. The South Tipperary County Development Plan 2009 currently remains in force.
- 6.2.3. Policy TI 14 : Telecommunications states:

It is the policy of the Council to facilitate proposals for masts, antennae and ancillary equipment in accordance with Communications Antennae and Support Structures : Guidelines for Planning Authorities, DEHLG, 1996. Development proposals will be facilitated, where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment, particularly in the following locations:

(i) Primary and Secondary amenity areas or locations that would be detrimental to designated listed views.

(ii) Within significant views or settings of national monuments or protected structures.

6.2.4. The site of the proposed development is located within an area designated as an area of Primary Amenity per Figure 7.1 : Primary and Secondary Amenity Areas.

6.2.5. Views from the Bansha to Lisvarrinane Road (R 663) including views in the direction of the appeal site are included as 'Listed Views' in the Development Plan (Appendix 4, Item VO 18 refers).

6.2.6. Policy LH2 : Protection of Visual Amenity and Character of Primary and Secondary Amenity Areas states:

It is the policy of the Council to ensure the protection of the visual amenity, landscape quality and character of designated Primary and Secondary Amenity Areas. Developments which would have an adverse material impact on the visual amenities of the area will not be permitted. New development shall have regard to the following:

- (a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the character of primary and secondary amenity areas.*
- (b) Buildings and structures shall ensure that the development integrates with the landscape through careful use of scale, form, finishes and colour.*
- (c) Existing landscape features including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposal.*
- (d) Developments shall comply with the development standards set out in Chapter 10 and, as appropriate, the Rural Housing Design Guidelines contained in Appendix 5.*

6.3. Natural Heritage Designations

- The Moanmour Mountain Special Area of Conservation (SAC) (Site Code 002257) is c. 14 km north-east of the appeal site located c. 14 km
- The Galtee Mountain SAC (Site Code 000646) is located c. 1.2 km west of the appeal site.
- The Lower River Suir SAC (Site Code 002137) is located c. 2 km north of the appeal site

6.4. EIA

6.4.1. The proposed lattice structure is not a class of development included under Schedule 5 of the *Planning and Development Regulations 2001*, as amended.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The submitted grounds of appeal include:

- The proposed mast is unnecessary.
- Condition No. 3 attached to the grant of planning permission for the Vodafone mast on the adjacent site (granted per Reg. Ref. 15/600603) requires that the permitted mast be made available for sharing.
- A structural analysis report of the Vodafone nearby existing structure dated 17th, July 2019 confirms that *'Following proposed minimal enhancements, the structure can accommodate further operators. The existing 24m high tower at TY002 Ballydavid under the proposed Vodafone and other operator's configuration is considered to be within capacity and can accommodate the loading'*.
- Vodafone confirms its offer to make latter referenced infrastructure available to eir and Imagine subject to agreed reasonable commercial terms.
- Vodafone currently shares the use of its mast infrastructure with all operators and is committed to doing so in the future.
- Vodafone's existing mast is of the correct height, is at the correct location, has the space to accommodate the additional operators on its large headframe and will, without prejudice and subject to agreement, facilitate both operators named in the subject application in providing generalised coverage to the target area.
- The proposed application for a second mast runs contrary to Section 4.3 and 4.5 of the Guidelines.

7.2. Applicant Response

7.2.1. I submission on behalf of the applicant dated 13th, August 2019, in response to the submitted grounds of appeal, includes:

- The appeal has been lodged by a competitor in the market for the supply of telecommunication infrastructure. There is nothing in the appeal document that was not previously investigated by the planning authority before it issued a notification of decision to grant planning permission for the proposed development. No new evidence has been presented to prolong the planning process. The appeal runs contrary to the spirit of the appeals process and has been made for the purposes of stonewalling the appeals process.
- When Signal attempted to commission a structural assessment of the existing Vodafone mast it found that Engineering Consultants were incapable of providing a structural assessment due to the unavailability of source material from Vodafone. Vodafone in their appeal state that (subject to strengthening) their mast at Ballydavid is capable of accommodation both eir and Imagine equipment – notwithstanding the fact that Vodafone do not have knowledge of eir and Imagines requirements in terms of equipment to be located on a mast.
- Logically eir and/or Imagine would have located on the existing Vodafone structure at some stage over the last 23 years had the Vodafone mast been suitable to accommodate their requirements.
- Clustering of telecommunications infrastructure has been permitted by local authorities throughout the country and by An Bord Pleanála. The notion that a single structure can provide for the technical requirements of all operators has been disproven on numerous occasions in the past.
- The proposed development is not contrary to the provisions of the Guidelines or the Development Plan (which include policies in support of the Guidelines and the prevention of injury to the visual amenities of the area). The planning authority Area Planner has reported that there is no adverse visual impact arising from the proposed development and the proposed development complies with Development Plan policies and Objectives.

- Section 4.5 of the Guidelines acknowledge that ‘*The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included in the design stage*’. In this regard, Section 4.5 acknowledges the benefit to the operator of a new bespoke structure in realising its future requirements, in order to sustain the delivery of new technologies. The Guidelines also state that new telecommunication structures are permissible in clustered proximity to existing infrastructure which has been ruled out for co-location.
- Vodafone’s interpretation of Condition No. 3 attached to Reg. Ref. 15/600603 is flawed. The condition requires that Vodafone maintain the permitted structure to ensure that it can facilitate the sharing of the mast it does not impose an obligation on third party operators to locate on the Vodafone mast if it is considered to be unsuitable to meet the needs of the third party operator.

7.3. Further Responses

7.3.1. A further response on behalf of the appellant dated 11th, September 2019, includes:

- Claims made by the applicant that the appeal has been made with the sole intention of prolonging the planning process and consequently delaying the roll-out of additional service providers etc. are inaccurate, sweeping and partisan. These comments convey a sense of entitlement to planning permission and that the applicant holds a form of moral high ground in the matter.
- The applicant presents the misleading view that its infrastructure is the sole solution for coverage and next generation services in this area and it takes offence when Vodafone presents the simple fact that a new 30m tower at this location is unnecessary.
- The existing Vodafone tower at Ballydavid is entirely suitable for sharing with other operators. Vodafone’s tall and robust mast is built to carry extensive volumes of equipment and stands ready to accommodate any equipment that is proposed to be carried on Signals proposed mast.
- The proposed mast will be located only metres from the existing Vodafone mast. Therefore, the locational merits of both masts are effectively identical.

- The Vodafone mast incorporates a large triangular headframe situated on top of a 24m high lattice structure. This triangular structure was specifically designed to carry large numbers of dishes and antennae. Vodafone can offer third party operators at an overall height of 25.5 m (24m mast plus 1.5 m high headframe fitting). The proposed mast can offer operators opportunities to attach equipment at 27m to 30 m (Operator No. 1), 24m to 27 m (Operator No. 2) and 21m to 24m (*potential* Operator No. 3). The height available on the Vodafone mast is equal to the median height available for operators utilizing the proposed mast (and higher than the height available for *potential* Operator No. 3). The net height difference between the existing Vodafone structure and the application structure is negligible in terms of site coverage output.
- Vodafone's existing structure is robust in design. It enjoys a wide base and wide headframe. Delmec Engineering who are specialists in tower design and structural analysis, have confirmed (following an assessment of the existing Vodafone tower) that *'Following proposed minimal enhancements, the structure can accommodate further operators. The existing 24m tower at TY002 Ballydavid under the proposed Vodafone and other operator's configuration is within capacity and can accommodate the loading'*.
- The applicant's assertion that eir and Imagine have not sought to share the Vodafone mast at Ballydavid over the past 23 years is evidence that the mast does not meet the requirements of these operators is simplistic. Operators roll-out plans are dependent on finance and prioritisation. Neither eir nor Imagine have until now prioritised co-location in this area. Imagine commenced a market expansion in recent years only following significant business investment. eir commenced a market expansion of services within the past 24 months following a successful business takeover. The reason for other operators not having used the Vodafone mast until this point has nothing to do with structure suitability – it has everything to do with finance availability and business strategy.

8.0 Assessment

8.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- (1) Visual Amenity
- (2) Sharing/Co-location & Clustering
- (3) Appropriate Assessment

(1) Visual Amenity

8.1.2. The appeal site is located within an attractive scenic area in the foothills of the Galtee Mountains. Views along the R633 which runs to the north of this are designated as 'Listed Views' in the Development Plan. Nonetheless, the site is located within a Coilte forestry and is well setback from houses and from the local and regional road network serving the area. The site is immediately adjacent to an existing 24 m high lattice mast owned and operated by Vodafone. The latter mast is not clearly visible from public roads or vantage points in the general and wider vicinity of the site. In this context I consider that, (except from close vantage points) the proposed mast will not be unduly prominent in the landscape (see Photomontages submitted on behalf of the applicant).

8.1.3. Section 4.3 of the Guidelines (as referenced in Section 6 above) recognise that 'the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application'. The Guidelines also state that 'in rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions'. In this regard, the proposed development is consistent with the approach advocated in the Guidelines.

8.1.4. Notwithstanding the fact that the mast will be visible when viewed from close by vantage points (e.g. by hill walkers and other recreational users walking near the proposed mast) I consider that the proposed mast on its own (which will be set within trees that continue to mature and are not scheduled for felling for a number of years) could be satisfactorily visually assimilated into the landscape and receiving environment.

8.1.5. Nonetheless, the proposed mast in combination with the existing Vodafone mast will obviously have a more significant visual impact on the landscape than a single (shared) mast when viewed from nearby vantage points. In this regard, I consider that it cannot be concluded that the proposed mast in combination with the existing Vodafone mast would not have significant adverse impact in visual terms on the surrounding areas and the receiving environment.

(2) Sharing/Co-location & Clustering

8.1.6. The Guidelines aim to help ensure that the overall environmental impacts of telecommunications support structures and antennae are minimised. In this context the Guidelines recognise that one of the most significant impacts in relation to masts and infrastructure is the visual impact. Section 4.5 of the Guidelines make it clear that sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. Accordingly, all applicants will be encouraged to share and will have to satisfy the planning authority (and An Bord Pleanála) that they have made a reasonable effort to share. Section 4.5 also indicates that where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered'.

8.1.7. Policies contained in the Development Plan (see Section 6.2 above) support the policies contained in the Guidelines and also seek to protect the visual amenities of the county particularly with regard to areas designated as Primary and Secondary Amenity Areas.

8.1.8. In accordance with the strategy advocated in the Guidelines and with Development Plan policy, the planning authority in granting planning permission (Reg. Ref. 15/600603) to Vodafone for a mast on a site in close proximity (stated to be less than 20m from the appeal site) attached a condition (Condition No. 3) requiring that the permitted antennae and support structure shall be used to facilitate the co-location and erection of suitable antennae facilities for other statutory undertakers authorised to provide a telecommunications service.

- 8.1.9. The planning authority in their consideration of the proposed development sought further information in relation to compliance with the requirements of Section 4.5 of the Guidelines in relation to sharing/co-location or clustering of the proposed mast with the existing Vodafone mast on a nearby site. Further information submitted by the applicant states that the existing Vodafone mast has only limited capacity to support and accommodate further telecommunications infrastructure. In this regard, the applicant deems the existing mast to be unsuitable to accommodate the requirements of the applicant. The mast is intended to accommodate telecommunications equipment for both eir and Imagine in the first instance (and possibly other, as yet unspecified, operators in the future). The applicant further states that it was not possible for the applicant to gain other relevant information or inspect the Vodafone mast as some of this information is deemed to be of a sensitive nature (between competing commercial operators). The applicant's response to the planning authority request for further information was accepted by the planning authority before proceeding to grant planning permission.
- 8.1.10. The third party appellant remains resolute (in various submissions on file – including the submitted grounds of appeal) that the existing Vodafone mast (subject to minor works) is structurally sound and capable of accommodating all of the equipment that it is proposed to accommodate on the proposed SIGNAL mast. Such sharing would be in accordance with the requirements of the Guidelines and Condition No. 3 of Reg. Ref. 15/600603.
- 8.1.11. The applicant, in responding to the submitted grounds of appeal, refutes this claim stating that the third party appeal is merely motivated by the competitive interests of the appellant, the applicants were not facilitated by the appellant in their efforts to examine the structural integrity and suitability of the Vodafone mast etc. Furthermore, the applicant states that notion that a single structure can provide for the technical requirements of all operators has been disproven on numerous occasions in the past and the clustering of equipment and masts has been permitted by local authorities and An Bord Pleanála on many occasions in the past. It is also submitted that, in circumstances where the planning authority Senior Executive Planner has concluded that there will be no adverse visual impact arising from the proposed development, it would not be contrary to the provisions of the Guidelines or the Development Plan

which seek to prevent adverse impact on the visual amenities of the area. [Condition No. 3 attached to Reg. Reg. 15/600603 cannot be interpreted as imposing an obligation on other operators to use the Vodafone mast if the Vodafone mast is deemed to be unsuitable to meet the requirements of the third party operator].

8.1.12. On the basis of the documentation submitted with the application and appeal, there is a clear conflict of opinion between the applicant and appellant in relation to the suitability of the existing Vodafone mast to provide a suitable alternative to the construction of a second mast at this location. The parties are clearly competing commercial operators. However, in my opinion, these competing interests cannot be the focus of attention in the determination of this appeal. The Guidelines make it clear that their aim is to ensure that the overall environmental impacts of proposed telecommunications support structures and antennae are minimised (and that visual impact will be one of the most significant impacts).

8.1.13. I have already concluded above that, having regard to the location and characteristics of the appeal site, the proposed mast on its own (including ancillary infrastructure, cabins etc.) could be satisfactorily visually assimilated into the landscape. In these circumstances, I consider that given the limited visual footprint of the proposed development on the landscape, it would be tempting to conclude that the proposed development complies with the requirements of the Guidelines which acknowledge the priority of visual impact in considering the impact of masts and telecommunications infrastructure. However, I consider that the proposed mast in combination with the existing Vodafone mast will undoubtedly have a greater visual impact than a single mast alone. Furthermore, the proposed development will involve a requirement for additional track (c. 20 m) through the forest, further excavation, more fencing etc. In my opinion, the Guidelines make it clear that the option of sharing/co-location and clustering of mast should be fully explored before planning permission can be granted for additional masts and telecommunications structures. Notwithstanding the fact that the Guidelines were published c. 24 years ago, I consider that this requirement is not unreasonable in order to protect the environment against unnecessary and unwarranted environmental impacts. No argument or evidence has been presented by any party to this appeal to suggest that the requirements of the Guidelines are unreasonable, out of date or should not be followed. In these circumstances, I

consider that the onus of demonstrating how the requirement of Section 4.5 of the Guidelines to share masts and to satisfy the planning authority that they have made a reasonable effort to share the existing infrastructure rests with the applicant. In my opinion, the applicant's response to request for further information issued by the planning authority in respect of the potential to share the existing Vodafone mast is unsatisfactory. Furthermore, I consider that the applicant has presented no compelling evidence to show that the required additional telecommunications equipment cannot be accommodated on the existing Vodafone mast. Furthermore, I consider that the requirements of the applicant in terms of providing a mast suitable to cater for notion additional equipment that may be required by an (as yet unidentified) other operator in the future cannot be used to override the provisions of the Guidelines.

8.1.14. Finally, I consider that it of relevance to the assessment of this appeal, to consider the importance of the provision of high quality telecommunications infrastructure for businesses, communities and the economy generally to operate effectively. This is acknowledged within the National Planning Framework, in which the delivery of improved connectivity and broadband is identified as a National Strategic Outcome critical to strengthen the economy and communities. However, in my opinion, in the current instance the applicant has not demonstrated that the sharing of an existing mast would conflict in any way with the achievement of this objective.

(3) Appropriate Assessment

8.1.15. The main potential impact arising from the construction of the proposed mast would arise from the disturbance of ground and mobilisation of sediment during construction. There are no surface water pathways located in close proximity to the appeal site that would connect the proposed development to any of the identified European sites within 15 km of the appeal site.

8.1.16. Having regard to the nature and scale of development proposed and to the nature of the receiving environment and location relative to the nearest designated European sites, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European site, in view of the site's

Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.’

9.0 Recommendation

9.1. I recommend that planning permission for the proposed development be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

On the basis of the documentation submitted with the current application and appeal the Board is not satisfied that the applicant has satisfactorily demonstrated that the proposed development complies with the requirements of Section 4.5 of the Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, 1996 (issued by the Dept. of Environment, Housing & Local Government) in relation to the sharing/co-location and clustering of masts in circumstances where there is an existing mast (with available capacity for sharing) located in very close proximity to the site of the proposed development. Accordingly, it is considered that the proposed development would contravene Section 4.5 of these Guidelines. Furthermore, the proposed development would contravene Policy TI 14 of the South Tipperary County Development Plan 2009 (as amended and as extended) which seeks to facilitate proposals for masts, antennae and support structures in accordance with the Guidelines and where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment particularly in Primary and Secondary Amenity Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paddy Keogh
Planning Inspector

5th, May 2019