



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306691-20

<b>Development</b>	Erection of a 18m monopole to support telecommunications antennae for use by eir and other operators that will provide 2G, 3G and 4G communication
<b>Location</b>	MacDonagh Park , St Conlons Road , Nenagh North
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	19600909
<b>Applicant(s)</b>	Shared Access Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Shared Access Ltd
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13 <sup>th</sup> of July 2020.
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The site is located in Nenagh town, Tipperary, to the north west of the town centre in a substantially residential area. The actual site a small area located within a large GAA complex known as MacDonagh Park, home of the Eire Og club. The grounds consists of two GAA pitches, a club house, a spectator stand, tired seating, toilet facilities all within enclosed grounds, and surface carparking off St. Conlon's Road.
- 1.2. MacDonagh Park is surrounded by residential properties. There are no schools immediately adjoining the site. There are houses backing onto the southern boundary of MacDonagh Park within 25metres of the subject site at *Coille Bheithe*.
- 1.3. The site is located alongside a 3metre blocked wall at the southern end of the grounds adjacent to the large stand and a toilet block.
- 1.4. The site already includes existing antennae features positioned on the spectator stand roof, and these are visible from the subject site.

## 2.0 Proposed Development

- 2.1. The proposed development consists of an 18metre free standing monopole to support 6No. antenna, 2No. dishes for up to 2No. operators. The site will be enclosed by a 2metre mesh fence.
- 2.2. Eir and other users are interested in using the structure to improve their coverage in the general area.

## 3.0 Planning Authority Decision

### 3.1. Decision

Tipperary County Council refused the proposed development for one reason:

*Having regard to the siting and design of the proposed development in isolation from existing sites already developed for utilities, the planning authority considers that the proposed telecommunications structure and security fencing would not be in line with Policy TI:14 of the Nenagh Town and Environs Development Plan 2013 as varied.*

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

The Three Ireland Hutchinson mast is 24m in height and positioned 500metres from the subject site. It is available for sharing with other operators. No coverage map of alternatives (buildings or structures) and no details of increasing height of mast have been included. The applicant has failed to demonstrate that no other clustering of existing telecommunications structures is available.

### 3.3. **Prescribed Bodies**

None

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

Three Ireland (Hutchinson) Ltd has stated co-location is available on its mast permitted in the locality in 2018, and within 500metres of the subject site.

## 4.0 **Planning History**

There is no relevant planning history relating to MacDonagh Park. The existing telecommunications equipment on top of the spectator stand may have been installed at 'exempted development'.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### **North Tipperary County development Plan 2010**

##### ***Policy T114: Telecommunications***

*It is the policy of the Council to facilitate proposals for masts, antennae and ancillary equipment in accordance with Telecommunications Antennae and Support Structure: 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 setting of national monuments or protected structures.*

**Nenagh Town and Environs Development Plan 2013-2019** includes the subject site within an Amenity Zone, which is to preserve, enhance open space and amenity areas.

### **5.10 Telecommunications**

The Department of the Communications, Marine and Natural Resources announced details of National Broadband Scheme in 2009.

The Councils' will work with relevant partners to maximize the availability of broadband to ensure increase the attractiveness and competitiveness of the Town within the Region.

#### ***Policy ECON10: Telecommunications Apparatus***

*It is the policy of the Councils' to achieve a balance between facilitating the provision of telecommunication services and sustaining residential amenities and environmental quality.*

*In consideration of telecommunications masts, antennae and ancillary equipment, the Councils' will have regard to the following:*

- a) the visual impact of the proposed equipment on the natural or built environment;*
- b) the potential for co-location of equipment on existing masts*
- c) the proximity of ICT equipment and schools, hospitals and residential areas.*

### **9.13 Telecommunications Infrastructure**

The Councils' consider that the availability of various telecommunications services is an essential and beneficial element in the life of the local community and economy.

The Councils' will assess proposals

for telecommunications masts and associated infrastructure in accordance with the DoEHLG's publication 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities', 1996 or any future guidelines. Proposals shall also ensure that:

Telecommunications cables and wire connections shall be located underground. Particular constraint will be exercised in areas of archaeological importance, recorded monuments, areas of ecological importance, areas of amenity value and other environmentally sensitive designated areas.

Masts should be designed and located so as to cause minimum impact on their setting

Operators should seek to co-locate their services by sharing a single mast. Evidence to this effect will be required.

Planning permission shall normally be for a temporary period of not more than 5 years.

## **5.2 National Planning Guidance**

### ***Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996***

The aim of the "Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996" is to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service. Key issues are as follows:

- ✦ **Design & Siting** – The design of the antennae support structures and to a great extent of the antennae and other "dishes" will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design.
  
- ✦ **Visual Impact** – 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.

✦ **Sharing Facilities & Clustering** – 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.

**Circular Letter PL07/12 Telecommunications Antenna & Support Structures Guidelines** – Issued in 2012 updating certain sections of the foregoing 1996 Guidelines. Key issues clarified and updated include:

- ✦ Planning Authorities should not attach conditions limiting any permissions to a temporary period
- ✦ Use of bonds or cash deposits in order to control the removal of installations should cease and should be controlled by way of condition; and
- ✦ Planning Authorities should primarily be concerned with the appropriate location and design and do not have competence for health matters which are subject to other legislation.

### **5.3 Natural Heritage Designations**

The subject site is within a built-up urban area. There are no Natura 2000 within the vicinity or affected by the proposed development.

### **5.4 EIA Screening**

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6 The Appeal

### 6.3 Grounds of Appeal

The applicant replied promptly to all requests for further information and are at a loss as to why the proposed development was eventually refused. The development is fully compliant with local and national planning policy. The applicant requests the Board to consider:

- (i) Whether there is an existing mast or structure in the surrounds that is capable of been upgraded to provide required equipment.
- (ii) Whether the proposed equipment could be situated next to an existing utility installation to benefit from equipment clustering as required by the DoELG Telecommunications, and
- (iii) Whether the proposal would comply with National and Local Planning Policy relating to telecommunications development.

### 6.2 Whether there is an existing mast or structure in the surrounds that is capable of been upgraded to provide required equipment

In the locality eir's communication network is divided into numerous cells each of which provides coverage for a geographical area. The Planning Statement and the responses to the further information provide details on the general search area. The proposed scheme is intended to replace an existing installation currently propagating radio signal from MacDonagh Park. It follows logically the best place is best the existing installation to be replaced. The distance between the existing and proposed equipment is 30metres.

The nearest existing telecommunications installation is the site of the Three installation at Springfort Retail Park approximately 460metres to the south granted under planning reference 17/601242 and there are no substantially tall buildings approaching the 18metres height to provide the coverage.

The next closest mast is situated at the rear of the Garda District Headquarters, 980metre to the east of the appeal site, and was considered to be too far from the cell area and was therefore discounted.

The applicant made every effort to locate an alternative mast on existing structures.

Three Ireland submitted a third-party observation concluding it was not possible to upgrade their existing site. The principle reason they are not proposing to site share with the existing Three Mast relates to overlapping of cell coverage and the implications it has on overall network efficiency.

In conclusion, neither adding equipment to the existing Three Ireland mast or upgrading the existing Three Ireland mast could result in the required uplift in coverage, ceased considering as a viable option. This is in the context of the 1996 Telecommunications guidance paragraph 4.5

6.3 Whether the proposed equipment could be situated next to an existing installation to benefit from equipment clustering as required by the D0ELG Telecommunications Guidance.

The Nenagh Town and Environs Development Plan shows that there are no areas zoned specifically for utilities. Telecommunications are considered to be a utility that provides the community with a specific service. There are no such utilities within the subject study area apart from the telecommunications equipment installed on the existing stand. The appellant considers they have situated the equipment within a site which has been developed for utilities and the Council is incorrect to assert otherwise.

6.4 Whether the proposal would comply with National and Local Planning Policy relating to telecommunications development.

The appellant considers that North Tipperary County Development Plan T114 has been incorrectly applied by the planning authority and that Nenagh Town and Environs Development Plan Policy ECON10 and paragraph 9.13 should have been applied.

The Planning Officer's report reference T114 but does not reference Policy ECON10, and it is not clear if the correct planning policies have been applied to the decision.

ECPN10 states the Councils will work with relevant partners to maximise availability or broadband to ensure increase attractiveness and competitiveness of the town within the region. This theme is continued under paragraph 9.13

(Telecommunications Infrastructure) which states, the planning authority consider the availability of various communications services is an essential and beneficial

element of life of the community and economy. The appellant has demonstrated in the further information response dated December 2019 that the proposal will maximise the availability of the network and that developing the existing Three Ireland mast would be worse comparatively in terms of network effectiveness.

In terms of **Policy ECON10**:

- It is accepted there will be some visual change but this will be localised to MacDonagh Park itself and some partial long distance views from surrounding residential properties. The mast will assimilate within the existing club environment of goalposts and netting.
- The upgrade of existing masts is not possible
- There are no existing schools or hospitals within the vicinity of the site. Residential buildings are 50metres at their closest point.

In **Paragraph 9.13**:

- No overhead cables are proposed. The proposed elevations show dish antennas which the installation will use to communicate with the wider communications network.
- The site is not situated beside a site of archaeological importance, recorded monuments etc.
- The mast has been designed and located to cause minimum impact on its settings.

The appellant is mindful that the PA relied upon the 1996 Telecoms Guidance in refusing the proposal because it considers operators should locate in industrial estates or on industrial zoned lands. There are no new areas zoned for industrial use.

## 6.5 **Planning Authority Response**

None

## 6.6 **Observations**

None

## 7.0 Assessment

I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Impact
- Appropriate Assessment

### 7.1 Principle

Permission is sought for the erection of a 18m monopole to support telecommunications antennae for use by Eir and other operators, which together with the installation of dishes and ground bases equipment cabinets will provide 2G, 3G and 4G mobile electronic communications services from a new monopole installation at land at MacDonagh GAA Park, Nenagh.

There are existing Eir telecommunications structure to the west of the site within MacDonagh Park, which, is located on top of the spectator stand, which is considered to be too low in height to serve the wider area in an efficient manner. The applicant has considered the most efficient solution to enable better coverage in the immediate area is to provide an enhanced facility at MacDonagh Park in the form of a new 18m monopole.

The Board should note Three Ireland (Hutchinson) made a third-party observation at the planning application stage, citing it had been granted planning permission for a new 30m structure within 460metre of the subject site under planning reference [17/601242](#). It was indicated in the submission the applicant had not consulted the other operator as regards co-location on the existing structure at Springfield Retail Park (please note appended slide indicating the existing structure relative to the proposed structure). The applicant was asked about the issue of the existing 30m by the planning authority in a letter of further information. The response focused on locating in industrial zoned lands and stated the subject site provided the optimum level of coverage without cell overlap. The applicant was requested again in a letter from the planning authority dated 18/11/2019 to indicate why the existing 30m mast located on commercial lands 500m from the subject site was not considered. The

applicant replied that the H3G location was explored and discounted as it would not replace current coverage from the GAA site location or provide the indoor coverage of a re-developed solution as MacDonagh Park. It is further stated the northern part of the cell would not benefit from the uplift onto an existing mast at Springfield Retail Park, to include both residential and industrial areas in the Gorlandroe Townland to the north.

In the final recommendation the planning authority were not satisfied with the applicant's response, and stated it was recommended operators locate in industrial estates or industrial zoned lands. The policy quoted in the reason for refusal is from Tipperary North County Development Plan 2010:

***Policy TI14: Telecommunications***

*It is the policy of the Council to facilitate proposals for masts, antennae and ancillary equipment in accordance with Telecommunications Antennae and Support Structure: 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 setting of national monuments or protected structures.*

In my opinion, there will be no significant adverse impacts associated with the proposed structure. There is 25m separation distance from adjoining residential properties, and these back onto MacDonagh Park, which overlook the stand and GAA poles and netting. There are no schools, hospitals or designated views in the vicinity of the site, in addition, the site is not adjacent to a protected structure or a national monument.

In my opinion, the relevant policy statements are included in Nenagh Town and Environs Development plan 2013-2019, as cited below:

***Policy ECON10: Telecommunications Apparatus***

*It is the policy of the Councils' to achieve a balance between facilitating the provision of telecommunication services and sustaining residential amenities and environmental quality. In consideration of telecommunications masts, antennae and ancillary equipment, the Councils' will have regard to the following:*

- a) the visual impact of the proposed equipment on the natural or built environment;*
- b) the potential for co-location of equipment on existing masts*
- c) the proximity of ICT equipment and schools, hospitals and residential areas.*

Overall, having examined the location of existing telecommunications structures and the coverage maps submitted with the application, it is considered that there is sufficient technical justification for the provision of a new telecommunications structure at this location to provide 2G voice, 3G and 4G data service provision, subject to the removal of the existing antennae from the spectator stand. I consider the proposed development is in accordance with Policy ECON 10 of the Nenagh Town and Environs Development Plan, and that T114 of the Tipperary North County Development Plan is not relevant policy to the current proposal. In addition, having considered Policy T114, I do not consider the proposed development to be contrary to the stated policy in the reason for refusal. Accordingly, I would consider that the principle of the proposed development is acceptable.

## **7.2 Visual Impact**

The proposal is for an 18m high monopole type structure and associated equipment. This is a typical design for this type of structure and is slender in nature with a diameter of circa 0/6m. No design issues arise.

Having regard to the information submitted it is evident that there would be some limited visual impact from the proposed structure within the immediate surrounding area. The views of the structure are likely to be intermittent due to the set back from the public road and given that there are currently a number of existing structures on the site including poles for ball nets, goal posts etc. The structure is to be placed against a boundary wall beside a toilet block, and it is not a conspicuous or obvious section of the overall GAA grounds. I am satisfied that the proposal would not have a significant, prominent or negative visual impact at this location and that the height

and slender nature of the proposed structure would ensure that there would be limited visual impact on the wider area.

### **7.3 Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## **8.0 Recommendation**

I recommend that planning authority's decision to refuse be overruled by the Board.

## **7 Reasons and Considerations**

Having regard to:

(a) the national strategy regarding the provision of mobile communications services,

(b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,

(c) the policy of the planning authority, as set out in the Nenagh Town and Environs Development Plan 2013-2019, to support the provision of telecommunications infrastructure,

(d) the nature and scale of the proposed telecommunications support structure, and

(e) the existing pattern of development in the area.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or landscape character of the area, or the residential amenities of the area and would not be contrary to the overall provisions of the current development plan for the area.. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

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

**Reason:** In the interest of clarity.

2. The proposed monopole shall be finished in a dark green or dark grey colour, and the proposed security fence and equipment cabinets shall be finished throughout in a dark green colour only.

**Reason:** In the interest of visual amenity and orderly development.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health

4. No advertising signage shall be erected on the monopole mast, equipment cabinets or security fence.

**Reason:** In the interest of visual amenity

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Caryn Coogan

Planning Inspector

17<sup>th</sup> of July 2020