

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

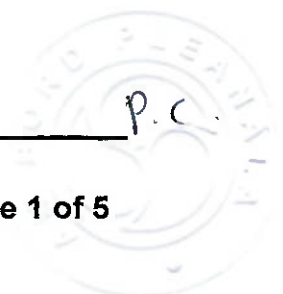
Planning Register Reference Number: 22/288

Appeal by Shared Access Limited care of Pegasus Group of First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, United Kingdom against the decision made on the 2nd day of June, 2022 by Tipperary County Council to refuse permission for the proposed development.

Proposed Development: 18 metres monopole to support telecommunications, antenna and ancillary equipment, cabinets, fencing and all associated site works for use by Three Ireland (Hutchinson) Ltd and other operators at Clonmel Town F.C, Cashel Road, Clonmel, County Tipperary.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.



Reasons and Considerations

- (a) Policy 6-6 of the Tipperary County Development Plan 2022-2028, which supports the provision of broadband/telecommunications infrastructure subject to environmental considerations,
- (b) Policy INF 11 (Telecommunications) of the Clonmel and Environs Plan 2013 (varied and extended) which states that the Council will facilitate proposals for telecommunications masts, antennae and ancillary equipment where it can be established that the maximum telecommunication coverage is achieved with the minimal impact on the surrounding area save in the following locations (save in certain locations),
- (c) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities published by the Department of the Environment and Local Government in July, 1996 (as updated by Circular Letters PL 07/2012 and PL 11/2020 respectively) which recognises that it may be necessary to locate such infrastructure in towns and villages and advises that existing utility sites should be considered along with site specific design,
- (d) the totality of the documentation provided regarding potential alternative locations, and the justification for siting,
- (e) the proposed location on the grounds of a football club,
- (f) the availability of the proposed mast for co-location in the future in accordance with National Policy, and
- (g) the proposed monopole design,

it is considered that, subject to compliance with the conditions set out below, the proposed development that seeks to improve mobile coverage in the area, would not seriously injure the visual or residential amenities of the area, would not adversely on nearby protected structures or other sensitive receptors and would be otherwise supported by planning policy including the relevant provisions of the Tipperary County Development Plan 2022-2028 and the Clonmel and Environs Plan 2013 (varied and still in force). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority.

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

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

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

4. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at its own expense, remove the mast, antenna and ancillary structures and equipment.
(b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the Inspector that the proposed development would not comply with policy and considered that sufficient technical justification had been presented by the applicant in support of the need for the proposed development. The Board was satisfied that the proposed development was supported by Policy INF 11 of the Clonmel and Environs Plan 2013 (varied and extended) and while the structure would undoubtedly be visible in the immediate area, it cannot be reasonably considered to lie within a significant view of a protected structure including the nursing home building, 150 metres to the south, or within such proximity to residential area as would warrant a refusal, having regard to the separation distances available and the planning balance required in the context of the clear need to improve the mobile coverage in the area that it would serve. The Board also took into account the design of the structure as a monopole structure, 18 metres in height which it considered to be visually acceptable.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 13 day of November 2023.