



An
Bord
Pleanála

Inspector's Report

ABP-306724-20

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| Development | Construction of a 20m high telecommunications support structure |
| Location | Clonmel Commercials GAA Club , Western Road , Clonmel |
| Planning Authority | Tipperary County Council |
| Planning Authority Reg. Ref. | 19601311 |
| Applicant(s) | Three Ireland (Hutchinson) Ltd |
| Type of Application | Permission |
| Planning Authority Decision | |
| Type of Appeal | First Party |
| Appellant(s) | Three Ireland (Hutchinson) Ltd. |
| Observer(s) | Billy Shoer, Sean O Ciardha |
| Date of Site Inspection | 22 nd of June 2020 |
| Inspector | Caryn Coogan |

1.0 Site Location and Description

- 1.1. The subject site for the telecommunications mast is in a built up part of Clonmel town. It is on the northern side of the river and west of the town centre. The site is located in a part of the town where there are mixed uses, services and facilities.
- 1.2. The actual location for the mast is within a local GAA grounds, *St. Marys GAA Club*. The grounds include one large playing field, a training ground, a ball alley, a clubhouse and stand, goal posts, netting and floodlighting. Access to the site is off Western Road.
- 1.3. The proposed location for the structure and compound is alongside the clubhouse which is located in the north-eastern extremity of the grounds.
- 1.4. To the east of the site is a commercial neighbourhood centre, to the north is Clonmel Hospital, and further west along Western Road is a school adjoining the clinic. The school and the hospital grounds are located on higher ground than the GAA grounds and overlook the subject site.
- 1.5. The western site boundary is Cantwell Street. The southern site boundary is Albert Street. There are schools located opposite the GAA grounds along Albert Street.

2.0 Proposed Development

- 2.1. The construction of a 20metre high telecommunications support structure carrying antennas and transmission dishes with associated ground-level equipment units and security fencing.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused the proposed development because it considered the site is located in close proximity to a number of schools, Clonmel hospital and private residential properties. The proposal will impact on views of St. Patricks Hospital (a protected structure and the Commeragh Mountains).

The proposal would contravene Policy NP11 (telecommunications) of the Clonmel and Environs Development Plan 2013, as varied, and the Guidelines for Planning Authorities On Telecommunications Antenna and Support Structures (DoELG) 1996 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report dated 23/01/2020 outlines the proposal is to replace decommissioned telecommunications at Abbey Road, Clonmel. There are no available sites to co-locate. The PA were aware that under planning reference 19600785 permission was granted for a replacement telecommunications structure on elevated grounds 450metres from the subject site to replace the coverage of the decommissioned mast at the Clonmel Chilling site.

The structure is 20metres high, and it will be visible from the hospital and views towards the Commeragh Mountains. In terms of Policy INF 11 of the Clonmel and Environs Development Plan, the installation is within 250metres of St. Josephs Hospital, the Model School and Gaelscoil (Protected Structure).

The installation will be located on amenity lands that are enveloped by a mix of residential, education, institutional and commercial uses. The PA were not satisfied the development meets the requirements of Policy INF 11 and it was not satisfied alternative sites do not exist.

The Guidelines of 1996 recommend that new installations serving town should be in a residential area or near schools only as a last resort.

3.2.2. Other Technical Reports

No objections to the proposed from other departments within the planning authority.

Clonmel Borough Engineer: No objection

3.3. Prescribed Bodies

IAA

No observations.

3.4. Third Party Observations

There was a large number of third party objections to the proposed development citing the following concerns:

- Proximity to residential areas, educational uses, medical services, business, health and wellbeing concerns.
- Townscape and on Anne Street would be visually obtrusive
- Contravenes INF 11 of Clonmel and Environs Development Plan 2013, as varied
- No public consultation
- Existing telecommunications installations at Poppyfields and Heywood Road to cover the location
- Impact on property values
- Impact on views of Commeragh Mountains.

4.0 Planning History

The planning histories on the subject site relate to the development of the GAA club facilities on site and are not considered relevant to the current appeal.

5.0 Policy Context

5.1. Local Development Plan

Clonmel and Environs Development Plan 2013

5.8 Telecommunications

The Council recognises the importance of a high quality telecommunications service for the economic and social development of Clonmel and the Council will seek to achieve a balance between facilitating the provision of mobile telecommunications services in the interests of social and economic progress and sustaining residential amenities and environmental quality.

Policy **INF11 (Telecommunications)** states

The Council will facilitate proposals for telecommunications masts, antennae and ancillary equipment where it can be established that the maximum telecommunications coverage is achieved with the minimal impact on the surrounding area save in the following locations;

- i. At locations detrimental to views, prospects or vistas
- ii. Within significant views of National Monuments or Protected Structures
- iii. In close proximity to schools, churches, creches, community buildings, other public and amenity/ conservation areas and residential areas.

5.9 Access to Broadband

The Council recognises the importance of advanced communications as a key component for the economic development of Clonmel. There is a Metropolitan Area Network (MAN) available throughout the town. The Implementation of the National Broadband Plan for Ireland is welcomed and supported by this Plan and the development and provision of Broadband services benefiting Clonmel and its hinterland will be encouraged. The Council will also seek to address any obstacles in accessing broadband facilities by domestic and commercial properties.

Policy INF 12: Broadband

The Council will proactively work with key stakeholders to enhance broadband coverage and will facilitate the continued development of broadband infrastructure in the town in line with national and regional policies.

9.29 Telecommunications

In the consideration of proposals for telecommunications masts, antennae and ancillary equipment the Council will have regard to the following:

- The visual impact of the proposed equipment on the natural or built environment, particularly in areas of sensitive landscape or historic importance;
- The potential for co-location of equipment on existing masts;
- The road networks traversing the plan area and plans for the development of these networks, including any future by-passes, and
- Department of the Environment and Local Government “Telecommunications Antennae and Support Structures Guidelines for Planning Authorities” (July 1996), or any amendments thereto.

Proposals for new telecommunications infrastructure must demonstrate that they have considered alternative sites, impact on public health and the long-term plans of the developer in the County and wider area and the plans of other promoters.

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.

Section 4.3 of the Guidelines states with respect to Visual Impact:

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental*
- *Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect*

- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

5.2. **Natural Heritage Designations**

The Lower River Suir SAC Site Code (002137) is within 1km south of the subject site. Commeragh Mountains SAC Code (001952) is 12km south of the site and Clonmel town.

5.3. **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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal submission from Three Ireland is repetitive and I will summarise the main points raised in it's appeal submission without rehashing

6.1.1 **Visual Impact**

The reason for refusal refers to St. Patrick's hospital. The appellant is assuming this is an error and the PA are referring to RPS reference 286, St. Patrick's Road Clonmel, Silversprings House, former Charter School.

The subject site currently accommodates tall structures, floodlights, goal posts, and practice nets. The visual impact will be localised within the sports grounds. The structure will not impact on the setting of the protected structure to the north of the

site due to the distance between the two locations and the fact they appear in different contexts.

The visual impact of the Commeragh Mountains will be negligible. Due to the town centre location, and there are masts on the mountain.

6.1.2 ***Proximity to schools, Clonmel hospital and private residential properties***

It is residential and transient (along the roads) populations that drives the need for services, coverage and new telecommunication sites in urban areas and along roads. In urban area, telecommunications infrastructure are found in direct proximity to residential development eg. Garda masts, on floodlight structures in GAA and sports grounds. The distance between antenna support structures and residential developments does not alone determine visual impact. The context of the site must be considered.

The subject site is not considered to be a sensitive one in terms of the county development plan. The structure when viewed from the wider urban area will not create a visual impact.

The proposed development is of strategic importance and is compliant with the national strategy regarding the provision of mobile communications services . It is in accordance with the Ministerial Guidelines of 1996, Circular Letter PL/07/12 issued by the DOE in 2012. The proposal is in line with the National Planning framework which seeks to have telecommunications growth in line with compact urban growth and to strengthen rural economies.

6.1.3 ***Technical Justification***

A site was sought which would strike a balance between providing the required coverage and protecting visual and residential amenity. The proposed height is in accordance with technical requirements. Reducing the height of the structure will restrict the potential for co-location of third parties and future upgrades of technologies. Furthermore, a reduction in height would have little effect on reducing overall visual impact, but a significant impact on the potential use of the structure by multiple users and future technologies.

The subject site is in the right location to provide coverage to the target due to its clear views of surrounding area.

The Three site can no longer meet existing and future demands of changing technologies, and a new site in town is required. The applicant takes a sequential test in terms of site selection. The existing antennae support structures in the town were too far away from the target coverage area to enable those to be considered for co-location.

A new site on the GAA grounds is required following the forced decommissioning of the applicants site at Clonmel Chilling, Abbey Street. Three Ireland had to leave the site because the warehouse was to be demolished in 2020.

6.1.4 *Network Planning and Performance*

Performance can be impacted by various issues such as technology of the devices used, the local environment signals needs to travel through, the physics behind wireless transmission. The new site at the GAA will improve the quality of service provided to the west and centre of Clonmel town, including coverage to South Tipperary General Hospital, large residential areas and local businesses.

6.1.5 *Restrictions on Locating on Existing Telecom Structures*

Three Ireland has a policy to co-locate onto existing telecommunication structures where possible that located within the target area. There are no existing base stations options identified that could be shared or upgraded to provide necessary coverage and capacity required.

Accompanying mapping illustrates optimal coverage with all other sites in the vicinity at maximum efficiency. Should one or more of the sites experience a technical fault, require maintenance or upgrading works which result in equipment power down, the adjacent sites act a back-up system to maintain a consistent level of service in the area.

Service Coverage Plot Predictions demonstrate on the mapping the proposed coverage to be provided with the mast on the GAA grounds.

6.2. Planning Authority Response

- The reference to St. Michael's Hospital in the reason for refusal is an error, and it should be St. Joseph's Hospital
- The PA request the APB consider planning permission was granted under reference 19600785 for a telecommunications installation at Clonmel Fire Station, Haywood Road on elevated ground 420metres north of the site. The justification for 19600785 was to replace coverage lost from the decommissioning of the mast at the Clonmel Chilling site. There should be co-location considered.
- The reason for refusal is reasonable.

Zoning map accompanying the submission illustrating masts existing or decommissioned in Clonmel town, in the context of the subject site.

6.3. Observations

6.3.1 *Gaelscoil Chluain Meala*

The mast is in close proximity to the Gaelscoil as only Albert Street separates the GAA grounds from the school grounds. The mast will be visible from their building, only 100metres from their view.

The development is contrary to the Tipperary County Development Plan which states the Council will adopt a presumption against the erection of antennae in proximity to residential areas, schools and community facilities, structures of historical or architectural interest and areas of nature consideration.

The school is a protected structure.

There are seven primary schools in Clonmel and this planning application proposed a 5G mast beside three of them, and the schools are only separated by a road from the GAA grounds. This is considered to be close proximity.

The GAA field is a great amenity to have beside the schools but there are concerns about the proposed mast being erected so close to the schools.

6.3.2 **Albert St. Residents Committee (Billy Shoer)**

The planning authority's decision to refuse is welcome by the committee.

Clonmel West extends from Abbey Road to Poppyfields via Cahir Road Three Ireland are presently transmitting coverage from two rooftop installations at Poppyfield Retail Park, covering the far west part of Clonmel. Three Mobile were transmitting from a mast at Clonmel Chilling site, Abbey Road (now decommissioned). Three Mobile are also transmitting from roof top installations on O Connell St. and Market St, there are many other suitable tall rooftops available to the company including a monopole installation at the dog track.

Planning permission was granted to Three Ireland under planning reference 19600816 at Poppyfields Retail Park, Clonmel for a 24metres structure.

Planning permission was granted for a shared access under reference 19600785 at Clonmel Fire Station for a 24metre monopole and telecommunications antenna with support structure for Three Ireland and other service providers.

There were no third-party submissions or observations form third parties on the two stated planning applications because they were located at a retail park and a fire station.

Three Ireland are claiming that all 3No. masts, Poppyfields, the firestation and the GAA pitch on the Western Road are required to replace the decommissioned mast at the Clonmel Chilling site. Is this credible?

The planning appeal documents show indoor and outdoor 2G coverage , yet there is no diagram showing existing 3G and 4 G indoor and outdoor coverage.

International figures show that 4G coverage range is 500metres in urban area, and 1.1KM, 3.2Km in suburban, that would indicate that none of the 3 sites would be capable of delivering coverage for the area lost from Clonmel Chilling unless they can use the suburban frequency 1.1km, 3.2km without additional installations sites in this area.

The applicant and other service providers were satisfied with the location and height of the structure permitted at the fire station to reach town centre target areas and capable of delivering telecommunications services/ coverage to south Tipperary

General Hospital, to all businesses and residential areas and the wider area, also will overlap that coverage provided presently within the town centre by up to 100metres.

Due to the stagnation in population growth in Clonmel town, it is questionable whether the demand exists for the number of structures applied for in the town centre.

7.0 Assessment

7.1 I have read the contents of the file, and had particular regard to the planning authority's reason for refusal, the grounds of appeal, and the submissions made to the Board by the planning authority. I have also had regard to the observations received and visited the site, and I consider the salient issues in the assessment of the appeal are as follows:

- Impact on Visual and Residential Amenities
- Compliance with Policy INF 11
- Consideration of Alternatives
- Compliance with National Guidelines
- Appropriate Assessment

7.2 Impact on Visual and Residential Amenities

The receiving environment is a built-up urban area of Clonmel town, on the western side of the town, north of the River Suir. The site location is within the grounds of an existing urban GAA club which is bordering residential properties, a number of schools and hospitals. There was strenuous third-party objection to the proposal at planning application stage from local residents.

The proposed structure is a 20metre lattice structure. The drawings describe it as a slimline lattice tower, it is in fact a robust structure, that includes bulky equipment at the top of the tower. It is to be positioned alongside the two storey clubhouse at the north-eastern extremity of the GAA grounds. There are floodlights in close proximity to the proposed location and these exceed 12metres in height. According to the

applicant, the 20metres height is the absolute minimum required to achieve the required coverage in this part of Clonmel town.

The GAA grounds is located at a lower level to hospital and school lands to the north. The proposed structure will be visible from the surrounding properties along the perimeter of the GAA grounds and will be highly visible from within the GAA grounds itself, as it will dominate the visual aspect upon entering the GAA grounds off Western Road, and will be highly visible from the stand, and the terraced housing along Albert Street to the south..

Notwithstanding the existing tall structures on site in terms of the flooding lighting and goal posts and netting posts, I consider the siting of the proposed structure to be indiscreet and discernible when viewed from the surrounding area and the GAA grounds. I do not accept the argument stated by the applicant that the site accommodates existing tall structures, therefore the positioning of the proposed structure alongside the clubhouse will reduce the overall visual impact in the context of the site. The existing tall structures are integral and synonymous with the amenity use of the grounds. There is nothing to assist obscuring or mitigating against the adverse visual impact of the structure particularly along Western Road and Albert Street.

The Board should note the area is an urban area with views south towards the Comeragh Mountains. It is not a sensitive urban location and there are no protected views associated with area. However, although masts have become part of the urban landscape, they are usually erected on rooftops, alongside garda stations or utility buildings, and not within urban amenity grounds unless it is parkland with trees to absorb the visual impact.

In conclusion, I do consider the proposed mast will have an adverse impact on the visual amenities of the area because of its conspicuous siting within the GAA grounds leaving it highly visible from the surroundings residential properties and schools which overlook and back on to the GAA grounds. Whilst I accept this is an urban setting with a number of existing tall structures on site, I consider the structure

will appear industrial in appearance on the amenity grounds. I consider an alternative site in the western side of Clonmel would be more appropriate.

7.3 **Compliance with Policy INF 11**

The sole reason for refusal states the proposed development contravenes Policy INF 11 (Telecommunications) of Clonmel and Environs Development Plan 2013.

Policy **INF11** (Telecommunications) states

The Council will facilitate proposals for telecommunications masts, antennae and ancillary equipment where it can be established that the maximum telecommunications coverage is achieved with the minimal impact on the surrounding area save in the following locations;

- i. At locations detrimental to views, prospects or vistas*
- ii. Within significant views of National Monuments or Protected Structures*
- iii. In close proximity to schools, churches, creches, community buildings, other public and amenity/ conservation areas and residential areas.*

The proposal is not located within any significant views, prospects or vistas, it is located within a normal urban setting. It will not impact on significant views of a National Monument or protected structure given its location within a large urban amenity area, and the separation distance from surrounding protected structures. The most notable protected structure is located on a higher ground level to the subject site at least 250metres from the proposed structure, and in my opinion, there will be no material impact of the view of the protected structure because it does not impact on any direct view of the PS from within the public domain.

There are 3No. schools facing onto the GAA grounds, and a terrace of dwellings along Albert Street faces onto the grounds on the same line of vision as the proposed telecommunications structure. In my opinion, it is a significant visual impact from the vantage point of the dwellings along Albert Street.

Tipperary Co. Co. granted planning permission to *Shared Access Limited* for the erection of a 24metre monopole under planning registration **19600785** for use by Three and other operators , which together with the installation of dishes and ground based equipment will provide 2G, 3G and 4G at Heywood Road Clonmel. The Heywood Road site is only 450metres north-east of the subject site and is located on a higher ground level alongside Clonmel Fire Station and adjacent to South Tipperary General Hospital.

It is not clear why the applicant requires another new telecommunications structure in such close proximity to a permitted one within this catchment area of Clonmel, especially when the current proposal has not achieved minimal impact as required under Policy INF 11. On this basis, I do not consider the proposal complies with the stated development plan policy.

7.4 Consideration of Alternatives

There is no requirement under the Telecommunications Guidelines for any applicant of a telecommunications mast to investigate alternative site locations. In this instance it would constitute best practice to thoroughly evaluate existing and permitted sites in order to avoid an undue proliferation of telecommunications masts in a residential area alongside schools and hospitals. On appeal the planning authority has requested the Board to consider the planning permission granted under planning reference **19600785**, as cited above on Heywood Road, Clonmel. According to the PA, the details submitted under reference 19600785, justified the site location by stating coverage was required in the area to replace the decommissioned mast on the Clonmel Chilling site. This is the same justification as the current proposal. The applicant did not address co-locating on the newly permitted monopole on Heywood Road.

On appeal, the PA has submitted a Draft Zoning Map for Clonmel town with the permitted, existing and decommissioned telecommunications sites in the town outlined for the Board's consideration. Given the proximity of the masts to each other in particular the Poppyfields site and the fire station site on Heywood Road, I do not consider the applicant has submitted sufficient evidence to warrant granting an

additional free standing structure within a small compact area of Clonmel, just to replace one structure on the Clonmel Chilling site along Abbey Street. The applicant, Three Ireland (Hutchinson) Ltd was granted planning permission under Planning registration reference **1960816** for the construction of 24metres telecommunications support structure carrying antennae dishes at Poppyfields Retail Park in the western environs/ suburbs of Clonmel.

Upon examination of the applicant's appeal submission it is stated the applicant carried out a comprehensive search of the target area for existing base station options to replace the excellent coverage the Clonmel Chilling site provided. The GAA grounds proved to be the optimum site for 3G indoor and outdoor coverage. There was no mention of the permitted structures in the submission, which I consider to be unusual, given that Three Ireland were mentioned in both applications. Essentially to permit another new telecommunications mast in the western environs of Clonmel in addition to the 2No. recently permitted masts would lead to an undue and haphazard proliferation of such structures in the area. In addition, the area is not undergoing large scale residential or commercial development which would justify a greater demand in the immediate area for more telecommunication coverage.

7.5 **Compliance with National Guidelines**

The guidelines on ***Telecommunication Antennae and Support Structures*** from 1996 state that only as a last resort should freestanding masts be located in a residential area. I have already argued above, that the subject site, is located in a residential area close to schools and a hospital. I have argued that the subject site is located on amenity grounds and is highly visible from the surrounding properties and within the GAA grounds. Taking into consideration the lack of evidence that the applicant approached other providers for co-location or acknowledged 2No. recently permitted freestanding telecommunications structures in the general area of the site and targeted coverage area, I am not convinced the proposed development complies with national policy in this regard. The applicant has failed to present a case that this

site is the only option available to the applicant and that the proposed site is a last resort. Therefore I conclude it does not comply with the Guidelines.

7.6 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

- 8.1. I recommend that planning authority's decision to refuse planning permission for the proposed development be held by the Board.

9.0 Reasons and Considerations

Having regard to:

(a) 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,

(b) the highly visible context of the 24metres freestanding structure within amenity grounds in an urban setting and

(c) the planning histories for the existing and permitted masts in the general vicinity of the subject site,

it is considered that the proposed development would lead to a proliferation of telecommunications structures where an opportunity for co-location exists in the immediate area on permitted masts and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

25th of June 2020