



An
Bord
Pleanála

Inspector's Report ABP 307990-20

Development	Telecommunications support structure and associated infrastructure
Location	Eircom Exchange, Cappagh, Cappawhite, Co Tipperary.
Planning Authority	Tipperary Co. Council.
Planning Authority Reg. Ref.	20/584.
Applicant(s)	Eircom Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Decision
Appellant(s)	(1) Alice Flynn (2) Danial Fitzgibbon (3) Dr. Pilib Duinn & Catherine Dunne
Observer(s)	None.
Date of Site Inspection	23rd October 2020
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the development boundary of the settlement of Cappawhite Co. Tipperary. It occupies the site of an Eircom exchange, north of the village centre. To the east of the appeal site is the local county road, the L-5108-1 (Church Street). To the west and north are agricultural lands in pasture. To the south is an access road to a commercial bakery premises, located south-west of the appeal site. Further south, there is a row of single-storey houses that front directly onto Church Street. The local National School is located approximately sixty metres south-east of the proposed structure.
- 1.2 The site is accessed from the adjoining roadway by a pedestrian gate, inside of which is a concrete pathway leading to the exchange building. The eastern (roadside) boundary is formed by a low wall, the northern and western boundaries are enclosed by a post and wire fence. A hedgerow provides screening along the southern site boundary.

2.0 Proposed Development

- 2.1 The development proposals would comprise:

The erection of a fifteen-metre high free-standing telecommunications structure, total height 15.1 metres with antennae, associated antennae, communications dishes, ground equipment and all associated site development works. The development will form part of the Eircom Ltd. telecommunications and broadband network.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted planning permission for the development subject to five conditions. The relevant conditions are synthesised as follows:

Condition number 2 (a): In the event of cessation of operations the telecommunications support structure, associated equipment shelters, and fencing shall be removed, and the site restored to its original condition

Condition number 2 (b): The Planning Authority shall be informed of the date of the cessation of operations on site.

Condition number 3: The developer/owner shall make available on reasonable terms, the antennae support structure for the attachment of additional antennae by a statutory undertaker, to provide a telecommunications service.

Condition number 5: That demolition/construction works are carried out in a manner such that noise and dust emissions do not result in significant interference with amenities, or the local environment, and that no material is deposited on the public road, and that construction/demolition activities would not give rise to noise audible from the nearest habitable dwelling, and be conducted within standard specified construction hours.

3.2 Planning Authority Reports

3.2.1 Planning Report

The Planner's report dated July 2020, sets out the following:

- The site is located within the development boundary of Cappawhite is zoned for social and public utilities and within a secondary amenity area.
- The principle of the development was considered acceptable, given the existence of the Eircom exchange on site, and that no other suitable sites were available within a two kilometre radius of the site, that could accommodate the coverage needs for mobile telephony and broadband services.

3.2.2 Internal Referrals

No internal referrals.

3.3 Prescribed Bodies

No external referrals.

3.4 Third Party Submissions

Seven third party submissions were received. The issues raised within the submissions are similar to those raised within the appeal submissions.

4.0 Planning History

I am not aware of any planning history pertaining to the appeal site.

5.0 Policy Context

5.1 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.2 Circular Letter: PL07/12

The Circular Letter updated and revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances,
- avoid inclusion in development plans of minimum separation distances between masts and schools and houses,
- omit conditions on planning permission requiring security in the form of a bond/cash deposit,
- reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds,
- future development contribution schemes to include waivers for broadband infrastructure provision.

5.3 Development Plan

5.3.1 South Tipperary County Development Plan 2009-2015 (as varied).

Within Section 2 of the Development Plan, the settlement of Cappawhite is identified as a service centre. The appeal site is zoned as Social and Public where the objective is: To provide and improve social and public facilities. Within the land use zoning matrix, there is no specific provision for telecommunication/public service uses, therefore the proposals would have to be considered on their individual merits.

Section 9.9.2 of the Plan pertains to: Telecommunications Infrastructure, where the following is set out:

The Council recognises that there is a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. When considering proposals for telecommunications infrastructure, the Council will have regard to Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, DEHLG, 1996.

The following policy and specific objective are set out in relation to telecommunications proposals:

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.

Specific objective SO9-6: It is an objective of the Council to work with and support key stakeholders to secure the implementation of the National Broadband Plan and seek to ensure that fast and effective broadband facilities are available in all parts of the county.

Section 7 of the Plan pertains to Landscape, Water Quality and Heritage. The site is located within an area designated as being of secondary amenity. There are a number of specific policies pertinent to the current proposal as follows:

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

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.

Policy LH4: Public Rights of Way and Way-Marked Ways

It is the policy of the Council to preserve and protect existing public rights-of-way and waymarked ways which give access to lakeshores, mountains, riverbanks or other places of natural beauty or recreational, tourism or heritage amenity, and to create new formal public rights-of-way as appropriate.

In terms of Built Heritage, a number of policies are set out In Section 7.5 of the Plan in relation to Protected Structures and Architectural Conservation Areas including:

Policy LH13: Protected Structures,

Policy LH14: Architectural Conservation Areas.

5.4 Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of the third-party appeals may be summarised as follows:

Design, Siting and layout:

- The structure would be located on an elevated site and would dwarf all other structures in the village.

Heritage:

- The appeal site is located within a secondary amenity area as set out within the Development Plan.
- The Redhill area, north of the appeal site, boasts wonderful views of the Galtee Mountains and is popular with walkers.
- The site is in proximity to a Special Area of Conservation (Philipstown Marsh).
- Proposals may interfere with bird populations and habitats on Red Hill.

Amenity:

- The appeal site is within one hundred metres of local residences, the local national school and playschool, all within a small rural community.
- The proposals will detract visually from the scenery and vista at the entrance to the village on Church Street.
- The local tidy towns committee have carried out improvements to Church Street which was at one stage the focus of the local community.

- Proposals would result in devaluation of neighbouring residential properties.
- Potential health impacts arising from the development.

Policy:

- Proposals would unduly impact upon a neighbouring protected structure, RPS number S1119, the former church, and in proximity to the Main Street Architectural Conservation Area (ACA), and therefore would be contrary to policies LH 13 and 14 of the Development Plan.
- Proposals would be contrary to the provisions of the Telecommunications Guidelines, 1996, in terms of locating telecommunication structures within the surrounds of towns and villages and in proximity schools and residences.
- The applicants have failed to demonstrate that there would not be an adverse impact upon the surrounding area and receiving environment, and therefore, the proposals would be inconsistent with Policy T114 of the Development Plan.
- Contrary to the LH2 policy of the Development Plan regarding protection of visual amenity, avoiding visually prominent locations, and minimising adverse visual impact upon primary and secondary amenity areas.
- Contrary to the LH4 policy of the Development Plan regarding protection of public rights of way, as the adjoining public road forms part of a scenic walking/cycling/driving route.
- The proposals would be inconsistent with the land use zoning objective of the site as set out within the Development Plan.

6.2 Planning Authority Response

6.2.1 The Planning Authority made the following comments in relation to the planning appeal:

- The development was permitted in accordance with specific objective SO9-6 of the South Tipperary Development Plan 2009 (as varied), regarding ensuring the availability of fast and effective broadband facilities.
- The site is zoned: To provide and improve social and public utilities, where the development is considered acceptable in principle.
- There are no other suitable locations within a two-kilometre radius of the site, that could accommodate the coverage needs.

6.3 First party response to the third-party appeal submissions

Technical Siting considerations:

- A site is needed in order for Eircom to continue their rollout of their 2G, 3G and 4G network services.
- Without a site in Cappawhite, the area would have inadequate mobile voice and data services.
- Eircom would lose essential coverage if this telecommunications infrastructure is not developed.
- Existing Eircom coverage in Cappawhite is provided from a Vodafone tower, which is located approximately 5.16 kilometres from the appeal site. This installation is too remote from the village to provide an adequate service for high speed mobile broadband users in and around the village.
- There are no existing telecommunication structures within a radius of two kilometres of the appeal site, that could accommodate coverage needs, as per the information available on the ComREG outdoor mobile coverage mapping.
- The proposed development represents an important component of strategic telecommunications infrastructure within Tipperary and Ireland.

- The appeal site has been used by Eircom as a communications installation for in excess of twenty years. Therefore, the proposal is consolidating an existing use on the site for the provision of utility services, thereby conforming with local and national policy.
- The fifteen-metre height was selected in order to provide adequate signal over the surrounding area, and to provide the potential to accommodate co-location with other telecommunications providers, as required by national and local policy.
- Telecommunications connectivity is now regarded as the fourth utility service, after water, electricity and gas. Strong connectivity is an important factor in attracting new business.
- Demand for such services has increased with advances in technology, users expect the availability of broadband connectivity in their vicinity.
- With more people learning and working from home since the outbreak of the covid-19 pandemic, the proposals would allow for much improved broadband provision and coverage for Cappawhite and its hinterland.
- In terms of health and safety, the health issues are not a planning concern, so long as the required documentation is provided by the applicant, in accordance with Development Plan requirements.
- A Radio Emissions Statement has been appended to their appeal submission, stating that the proposed equipment and installation, is designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- Sound pressure levels generated by the development will not exceed background levels from any dwellings in the vicinity of the site, and there will be no standby generator installed on site.
- The site would be developed in accordance with current health and safety standards.

Policy:

- It would not be possible to secure an alternative site that satisfies the requirements of the County Development Plan.

Amenity:

- A number of photomontages have been submitted illustrating the extent of visual impact the proposed development would have on the local landscape.
- The proposed structure will be visible from certain locations, these views are intermittent and would not be detrimental to the amenity of the area, a stance supported by the case planner in her planning report.
- There are ten wind turbines located approximately 1.6 kilometres north of the appeal site, on Red Hill. Each stand at one hundred and twenty-six metres in height, and these represent prominent features within the local landscape.
- The visual impact of the proposed 15 metre telecommunication structure would be significantly less than the visual impact that arises from the wind turbine structures.

7.0 Assessment

7.1 The appeals raise a number of matters which do not pertain to the proper planning and sustainable development of the area. I will address matters in relation to principle of development, site selection, impact upon the local landscape and visual impact, depreciation of property values and address a number of other issues raised within the submissions. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development.
- Site Selection.
- Landscape and Visual impact.
- Depreciation of Property Values
- Other issues.
- Appropriate Assessment.

7.2 Principle of Development

- 7.2.1 The appeal site is located within the settlement boundary of Cappawhite, as set out within the South Tipperary County Development Plan 2009-2015 (as varied). It has a Social and Public facilities zoning, I consider that the proposed fifteen metre telecommunications structure, would be acceptable in principle under this zoning, given that broadband and communications are now considered an important aspect of utility services in terms of supporting education, business and residential uses. It is also noted that the site currently comprises an Eircom exchange, supporting telecommunication services.
- 7.2.2 The Governments' aim in developing and improving telephony and broadband infrastructural services is set out in the 1996 Telecommunications Guidelines, and the revisions/updates to these Guidelines within Planning Circular PL 07/12. More recently, the National Broadband Plan (NBP), was published in 2020 and reflects the Government's ambition to ensure that the opportunities presented by this digital transformation (provided by the NBP) are available to every community in Ireland. The delivery of the NBP will play a major role in empowering rural communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the rural economy.
- 7.2.3 The Telecommunication Guidelines set out the need for the facilitation of a high-quality telecommunications service and set out the issues for consideration within planning assessments including location, access, co-location / shared facilities, design, visual impact, health and safety. The South Tipperary County Development Plan policy on telecommunications structures, is set out in Chapter 9, Transport, Water Services and Environmental Management, and is reflective of the Guidelines. Policy Objective TI14 and SO9-6 are both supportive of the facilitation and improvement of broadband services and securing the implementation of the NBP, subject to a number of caveats, including that no significant adverse impact on the surrounding area and receiving environment would arise.
- 7.2.4 I consider that the proposal to improve telecommunications and broadband services is consistent with the policies set out in the Development Plan (e.g. Policy TI14 and specific objective SO9-6), and the guidance as set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996).

7.3 Site Selection

- 7.3.1 Policy TI14 and specific objective SO9-6 of the Development Plan seek to promote best practice in siting and a high quality of design of telecommunications infrastructure. The Telecommunication Guidelines and Planning Circular PL07/12 seek to encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. It also states that the shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration. Similarly, the Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.
- 7.3.2 The applicants state that they are a long established telecommunications infrastructure provider and the proposed 15 metre high telecommunications structure would facilitate co-location of other telecommunications providers. This requirement necessitates the development of the 15 metre height proposed, which would allow additional antennae to be attached to the structure by other providers to facilitate improvement of mobile and data services in the area.
- 7.3.3 There are no other suitable sites available within a two kilometre radius of the site where the current proposals could be facilitated, as confirmed within the ComREG mobile telephony mapping data. Eircom currently provide coverage in this area from a Vodafone structure, approximately 5.16 kilometres from the site. The current service is not adequate for high speed broadband in and around the village, necessary for business and residential customers. The applicants have included a section on alternatives as part of its planning justification, submitted as part of their planning appeal statement. This section includes existing and predicted coverage footprint mapping. The existing coverage for Cappawhite where there is poor mobile coverage for mobile and data services which results in dropped/blocked calls and data sessions in the area. The predicted mobile coverage mapping sets out the benefit to mobile call and data sessions that would accrue to businesses and residents of Cappawhite in terms of significantly improving coverage services. There is no substantive evidence within the application or appeal regarding any alternative available and suitable sites within the wider Cappawhite area. It is apparent that the development is necessary to provide improved mobile coverage in the Cappawhite and surrounding area in order to cater for the significant increase in demand

for high speed data in recent years. A site with good elevation is stated as being necessary, and a series of existing and predicted coverage maps for the various types of mobile and data services are provided. Having reviewed the information submitted, I am satisfied that the applicant has demonstrated an adequate technical justification for the proposed development.

- 7.3.4 Having regard to the demonstrated need for improved telecommunications services in the Cappawhite area, the lack of viable existing alternatives for co-location within two kilometres of the appeal site, and the proposal to locate on the site of an existing telecoms infrastructural facility, I consider that the proposed development of a telecommunications support structure in the Cappawhite area is justified. The key issue is therefore, whether the appeal site, is a suitable site for such a development. From the documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a reliable telephony and broadband Service for commercial and residential customers in the Cappawhite area, which has been demonstrated, is not reliable at present. This is supported by the data included within the outdoor mobile coverage mapping on the ComREG website, where it is apparent that telecommunications coverage in this area is not strong nor reliable, particularly for 3G and 4G users. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, and would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.
- 7.3.5 The Planning Authority, in granting planning permission, accepted the planning justification set out by the applicants, that there is not a more suitable alternative location for the development in the vicinity of the appeal site.
- 7.3.6 The Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages and that if such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. What is proposed in this instance does not appear to be specifically designed or adapted for the locality, however it would be located on the site of an existing utility structure. The location of the infrastructure in Cappawhite village, would serve the mobile coverage and broadband requirements of the village, and therefore must be located in proximity to the village centre.

7.3.7 Planning Circular PL07/12 recommended that Development Plans should avoid the inclusion of minimum separation distances between telecommunication installations, schools and residences, as provided for under the 1996 Guidelines. With particular regard to the nearest residential property, I note that the proposed structure would be c. 45m distant and would not have a direct viewpoint of the telecommunications structure. I also note the school, 60 metres to the south-east similarly does not have a direct aspect of the proposed structure. Having regard to the separation distance and the lack of a direct aspect towards the proposed structure, with Red Hill providing a the backdrop, where there are a number of wind turbines existing within this landscape, I do not consider that the proposed development could be considered to be an overly dominant or overbearing feature.

7.3.8 From the documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a reliable telephony and broadband Service for commercial and residential customers in the Cappawhite area, which has been demonstrated, is not reliable at present. This is supported by the data included within the outdoor mobile coverage mapping on the ComREG website, where it is apparent that telecommunications coverage in this area is not strong nor reliable, particularly for 3G and 4G users. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, and would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.

7.3.9 In conclusion, therefore, I consider that the proposal to locate the new structure within the same site as an existing telecoms building, on lands zoned for social and public facilities, and the proposals to make it available for co-location by multiple operators is generally consistent with the provisions of the Development Plan and the national guidance and I consider the proposed development to be generally acceptable, subject to consideration of its landscape and visual impact.

7.4 Landscape and Visual Impact

7.4.1 The appellants consider that the proposed development would interfere with the character of the landscape/townscape and would seriously injure the visual amenities of the area.

7.4.2 With regard to the visual amenities of the area, the proposed telecommunications support structure and compound would be located to the north of Cappawhite village, within the

development boundary, on the site of an Eircom exchange, adjacent to a local road. The appeal site essentially comprises the footprint of the existing exchange site and the proposed telecommunications compound would be located to its rear(west). No additional landscaping or mitigation works are proposed within the appeal site.

- 7.4.3 There is an existing low wall and pedestrian gate along the roadside (eastern) boundary, the western and northern boundaries comprise a 1.5 metre post and wire fence, the southern boundary comprises 1.5 metre planting. Having regard to the proximity of the proposed telecommunications support structure to the roadside and the lack of localised screening, the telecommunications support structure would be highly visible from the adjoining local road to the east of the site. The associated cabinets and fenced compound would be less visible, due to their location to the rear of the exchange building. I, therefore, consider that the proposed development will have an additional visual impact within the locality.
- 7.4.4 In terms of impact upon the landscape, the site is elevated and to the north of the town. The area is designated as a secondary amenity area as per the Development Plan. Section 7.2 of the Plan outlines the following in relation to development proposals in these areas: The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. In this respect, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.
- 7.4.5 As per Policy LH 2, developments which would have an adverse material impact upon the visual amenities of an area will not be permitted. Section 9.9.2 of the Plan seeks to achieve: a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. This section of the Development Plan also refers back to the provisions of the 1996 Telecommunication Guidelines and the need to work with and support key stakeholders to secure the implementation of the NBP and to ensure that fast and effective broadband facilities are available in all parts of the County. Therefore, a balance needs to be struck between the protection to be afforded to the landscape within secondary amenity areas and the telecommunications infrastructure policies and objectives set out within Section 9.9.2.
- 7.4.6 The applicant also submitted photomontages of the proposed development from a number of local viewpoints (nine viewpoints) although the proposed views are not included within images 6-8 inclusive, where they state that there would be no visual

impact. I would concur that these form a reasonably representative sample of the views of the structure from the selected viewpoints. I consider that its visibility and visual intrusiveness will not be significant from the vicinity of the selected viewpoints given the separation distance, the backdrop of wind turbines on Red Hill,, and the proximity of the site to the general built form of Cappawhite with its varied roofscape, telephone and public lighting poles and mature vegetation.

- 7.4.7 Where the structure will be visible due to its 15 metre height, it will generally be seen against a backdrop of Red Hill and the wind turbines, located north of the appeal site, where levels rise considerably. Screening from the south is provided by the existing buildings within the village and due to mature vegetation in the intervening land. Having regard to these characteristics of the appeal site and the wider area, and noting that the 15 metre height is required to effectively function over as large an area as possible, I do not consider that the magnitude of the impact of the proposed development on the visual amenities of the area would be so significant as to warrant refusal.
- 7.4.8 It is acknowledged that the proposed telecommunications installation will impact upon the local landscape by virtue of the elevated nature of the site. However, Sections 7.2 and 9.9.2 of the Plan set out that telecommunications proposals will be facilitated where no significant adverse impact on the surrounding area and local receiving environment arises. On balance, while I acknowledge that the proposals will impact upon the local landscape, I am satisfied that the impact would not be a significantly or materially adverse one, so as to warrant a refusal of planning permission.
- 7.4.9 In terms of impacting upon the Main Street Architectural Conservation Area (ACA), the site is located, approximately two hundred and seventy metres north of the Main Street and there is little or no intervisibility between the two due to the existence of the structures located south of the appeal site, fronting onto Church Street. It is not considered that the proposed telecommunications infrastructure would adversely impact upon the character of the ACA.
- 7.4.10 In terms of impact upon a local protected structure, the former local Church (Protected structure number S1119) as per the Development Plan, there is a separation distance of approximately two hundred metres between the site and the former church, south-east of the appeal site. By virtue of the separation distances involved, and the low level of intervisibility between them, due to the existence of existing built form along Church Street between the two, it is not considered that the current proposals would adversely impact upon the character of the protected structure.

7.4.11 In conclusion. I do not recommend that permission be refused on grounds relating to landscape or visual impact.

7.5 Depreciation of Property Values

7.5.1 This issue was also raised in the appeal submissions. The applicant contends that depreciation of property values is not a material planning consideration and that there is no evidence that telecommunications structures will result in a loss in property value. I note that there is a separation distance of approximately 45m between the structure and the nearest house.

7.5.2 In the absence of any substantive evidence to the contrary presented in this case, I do not consider that this ground of appeal should be upheld.

7.6 Other Issues

7.6.1 Impact upon human health

The observers at both application stage and appeal stage raised the issue of potential human health impacts arising from the proposed development. Circular Letter PL07/12 issued by the Minister under section 28 of the Planning and Development Act 2000, as amended, states that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. It goes on to state that these are regulated by other codes and such matters should not be additionally regulated by the planning process. The applicants have submitted a report in this regard outlining that latest international research and studies have been undertaken on both acute and long term effects from high frequency EMF and non-ionising radiation exposure, typical of base stations. Research has provided no conclusive evidence of any related adverse health impacts arising from these installations. The issue of health and safety, therefore, is not considered further.

7.7 Appropriate Assessment-Screening

7.7.1 Having regard to the location of the development within a serviced area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or

projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

8.1 I recommend that planning permission be granted for the reasons and considerations set out below.

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, 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,
- b. The policy of the planning authority, as set out in the South Tipperary County Development Plan 2009-2015 (as varied), to support the provision of telecommunications infrastructure,
- c. The established telecommunications use on the site.
- d. The general topography and landscape features in the vicinity of the site,
- e. The existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and particulars submitted to the Planning Authority on the 10th day of June 2020, 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. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed with respect to the boundary hedgerows.

Reason: In the interests of public safety and visual and residential amenity.

5. Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating

to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

- 6 Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include reinstatement/reinforcement of the hedgerow along the roadside, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

Fergal Ó Bric
Planning Inspectorate

10th December 2020