



An
Bord
Pleanála

Inspector's Report

ABP-309665-21

Development	Construction of a communications structure.
Location	Eircom Exchange, Mountainview Drive, Cahir, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	201536
Applicant(s)	Eircom Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom Limited
Observer(s)	None
Date of Site Inspection	1 July 2021
Inspector	Una Crosse

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.1 hectares, is located to the west of Cahir town centre in County Tipperary. The development site is located to the east of Mountainview Drive and south of Mountain Road where there is a terrace of semi-detached properties known as Ginchy Terrace. There are a number of properties which address Mountain Road to the north east of the subject site. South of the site there is open space with playing fields to the southwest. Mountainview Drive/Millennium Place residential estate is located to the south of the appeal site.
- 1.2. The site accommodates an existing Eircom Exchange building. The site of the proposed mast is within the southeast corner of the site.

2.0 Proposed Development

- 2.1. The proposal provides for the erection of an 18m high free-standing telecommunications structure with associated antennae, communication dishes and ground equipment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission on 17 February 2021 for the following reason:

“Policy INF 10: Telecommunications of the Cahir Local Area Plan 2011 states that the Council will facilitate proposals for telecommunications masts, antennae and ancillary equipment where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover save in the following locations:

- (a) within significant views or settings of National Monuments or Protected Structures*
- (b) in close proximity to schools, churches, creches, community buildings, other public and amenity/conservation areas and residential areas.*

The application site is located in close proximity to the residential areas of Mountainview Drive, Millennium Place and Ginchy Terrace and playing fields located southwest of the site. The proposed development would form a visually prominent and highly visible feature from the above residential areas and playing fields and would negatively impact on the visual amenities of this area.

The Planning Authority is not satisfied having regard to the limitations in information on other existing telecommunication sites considered, that no other location has been identified which would provide adequate telecommunication.

The proposed development would therefore, contravene Policy INF11 Telecommunications of the Cahir Local Area Plan 2011 and the Guidelines for Planning Authorities on Telecommunications Antennae & 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 Planner's Report includes a site location and description, outline of proposal, planning history, internal reports, submissions and policy outlined.

The Planning Appraisal is summarised as follows:

- Acknowledges site is an existing utility (Eircom Exchange) but is in close proximity to residential estates of Mountainview Drive, Millennium place and Ginchy Terrace and other residences along Mountain Road to the northeast and playing fields to the southwest.
- Policy INF10 outlined noting site is located in close proximity to existing residential areas and amenity lands (playing fields).
- Details submitted outline coverage requirements in the area and how the development will meet the requirements and provide improved indoor coverage with the coverage requirements noted.
- Examined coverage details on Comregs website for Eir noting area currently has 'very good' 3G coverage and 'good' 4G coverage but website does not specify if indoor or outdoor.

- Application details include other sites considered with same generally 1km from the site with 2 existing installations within Cahir considered but excluded due to space/height restrictions.
- Limited information put forward of space and height required for installations.
- Site outside 1km range excluded due to heavy vegetation where 24m tower extends above tree canopy but no details of coverage through use of this installation and other installations provided.
- Guidelines on Telecommunications structures state free standing masts should be located within smaller towns or villages as a last resort with recommendation to locate in industrial estates or on tall buildings with these options not considered with such areas to the west and south of Cahir town.
- Proposal is proposed at southeast corner of the site forward of the existing building and would be conspicuous to view forming a prominent feature particularly from Mountainview Drive, Millennium Place and Ginchy Terrace with no screening available save for the existing low walls.
- No boundaries proposed to the installation and equipment cabinets with secure fencing of same commonplace.
- Concerned with visual impact of proposal and consider same will have a significant negative visual impact on the immediate area.
- Proposal not a prescribed class of development for which EIA is required.
- Proposal has been screened for AA and determined AA not required.
- Screening report attached which references the Lower River Suir SAC as being within the zone of influence but noting that there are no rivers, streams or drains connecting the proposal to this site, concluding that there is no potential for significant effects with an AA not required.
- Refers to Circular Letter PL07/12 which advises that planning authorities should be primarily concerned with appropriate location and design of such structures noting they do not have competence for health and safety matters with the Circular stating that these are regulated by other codes and such matters should not be additionally regulated by the planning process.

- Consider operators compliance with general public exposure limits is covered by the terms of the operator's licence which requires a Declaration of Conformity with ICNIRP exposure guidelines which has been submitted.
- Noted that County Tipperary Development Contribution Scheme provides a 100% waiver for telecommunications structures in accordance with Circular Letter PL03/2018.

3.2.2. Other Technical Reports

Roads Section – no objection

Mid West National Road Design Office – N24 Project Team have no observations in relation to proposal in respect of the N24 Cahir to Limerick Junction Project.

Tramore House Regional Design Office – site is outside the study boundary of the N24 Waterford to Cahir Project with no conflicts between two developments.

3.3. Prescribed Bodies

- 3.3.1. Irish Aviation Authority – no requirement for obstacle lighting but does not preclude the Local Authority from imposing any conditions it may require.

3.4. Third Party Observations

- 3.4.1. The third-party submission received included objections on the grounds of: close proximity to homes, devaluation of homes, lowering of visual amenity, health hazard, unsuitable location in a densely populated area, danger to children as adjacent to green area and playing pitch and lack of consultation with residents.

4.0 Planning History

None of relevance on site.

The appeal refers to the following ABP decisions:

ABP-307962-20 – Permission granted by the Board for an 18m high mast at the Eircom Exchange in Fethard on Sea in County Wexford on 4 December 2020.

ABP-308491-20 – Permission granted by the Board for a 15m high mast at the Eircom Exchange in Cappamore, Co. Limerick on 12 February 2021

5.0 Policy Context

5.1. National Guidelines

5.1.1. Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)

These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service. At 4.3 it is stated that “the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a 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 structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

5.1.2. Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12

The 2012 Circular letter set out to revise sections 2.2. to 2.7 of the 1996 Guidelines. The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply, and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites beside schools. While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and

schools, e.g. up to 1km. Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. 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. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

5.2. Development Plan

5.2.1. South Tipperary County Development Plan 2009

This Plan was extended until such time as the RSES and subsequent new Tipperary County Plan are adopted.

Policy TI14 relates to Telecommunications where 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 states that 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”.

5.2.2. Cahir Local Area Plan 2011

The relevant local area plan is the Cahir Local Area Plan 2011. It is not clear whether this Plan has been officially extended however given it was the policy used by the Planning Authority in the reason for refusal I propose to deal with it as if it has been extended and remains in effect.

The site in question is zoned existing residential in the Land Use zoning Map (1) with the lands to the south zoned amenity.

Section 5.7 of the Plan addresses "Access to Broadband" with Policy INF 9 stating that:

"The Council will proactively work with key stakeholders to address deficiencies in broadband coverage and will facilitate the continued development of broadband infrastructure in Cahir in line with the policies of the National Development Plan and the Regional Planning Guidelines for the South East Region".

Section 5.8 of the Plan deals with Telecommunications where it is stated that:

"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, environmental quality and public health. When considering proposals for telecommunication masts, antennae and ancillary equipment, the Council will have regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities DoEHLG 1996 or any amendment thereof".

Policy INF 10 states:

"The Council will facilitate proposals for telecommunications masts, antennae and ancillary equipment where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover save in the following locations: (a) Within significant views or settings of National Monuments or protected structures (b) In close proximity to schools, churches, crèches, community buildings, other public and amenity/conservation areas and residential areas".

For information purposes it should be noted that Policy INF 11 refers to Waste Management.

5.3. **Natural Heritage Designations**

There are no designated sites within close proximity of the sites.

5.4. **EIA Screening**

The proposed development is not a project/class of development which falls within either Part 1 of Part 2 of Schedule 5 of the PD Regulations.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are summarised as follows:

- Noted that the Eircom Exchange has been an established communication installation for over 20 years.
- Planned occupants, Eircom, seeking a location to provide mobile and broadband cover in the area, with licence requirements and continuing rollout of 3G & 4G network requiring a site in this area of Cahir.
- Current sites do not provide adequate service for high speed mobile broadband in western part of Cahir and surrounds with Eircom's current coverage experiencing reduced quality of service and capacity.
- Addition of site will provide indoor voice and high speed data services to Cahir town and surrounding area, as shown in Image 2 with refusal of permission leading to loss of essential coverage.
- Given nature of land not possible to secure alternative site that satisfies requirements of the Development Plan with proposal an important component of strategic telecommunications infrastructure.
- When investigating area, site for co-location sought with Extract from ComReg Siteviewer showing 2 existing structures within 1km as search area required must be less than 1km.
- Both structures ruled out due to limited space and height with another structures which is 1.27km rules out due to distance and heavy vegetation with no other

telecommunications or commercial structures in the area that would meet the mobile operators service provision obligations.

- Site established as existing communication facility for over 20 years with the addition of proposed structure an upgrade of the installation which will connect directly into the exchange using fibre cable facilitating fast speed broadband and mobile connectivity with fibre connection requiring less equipment and a smaller structure.
- Eircom share all existing structures with licenced operators in policy of co-location with proposal chosen for its capabilities in allowing multiple operators.
- Visual impact of proposal central consideration as per 1996 Guidelines which state visual impact one of most important considerations with slimline monopole structure selected to reduce visual impact with structure of a design and scale that would not be out of character in an urban area and not dissimilar to lamp standard or traffic light pole.
- Height required to provide signal to surrounding area and to become a share facility to facilitate co-location and avoid proliferation of structures.
- While visible from certain views, intermittent and not detrimental to visual amenity of the area. Series of photomontages provided to outline visual impact and which demonstrate degree of visual impact which is not considered significant.
- Refer to ABP-308491-20 where proposal not considered to seriously injure visual amenities of the area.
- Location of telecommunications installations in close proximity to residential development commonplace with position consistent with ABP-307962-20 where stated that it is not uncommon for telecommunications structures to be sited in close proximity to residential development, particularly in urban area, with no restriction on distance between residential development and such structures in the Guidelines.
- Telecommunications regarded as 4th utility after water, electricity and gas with indoor mobile reception insufficient in certain buildings in urban areas and with more people working from home proposed upgrade of existing site in Cahir will facilitate enhanced broadband provision.

- Vodafone Connected Futures report notes 25% of adults working from home say current service not sufficient and in some cases prevents working from home impacting workforce and targets to reduce carbon emissions.
- Potential impact on school delivery of programmes on tablets if infrastructure not equipped.
- Reference to Policy in South Tipperary County Development Plan on proposals for masts.
- Reference to National broadband plan.
- Reference to National Spatial Strategy for Ireland 2002-2020.
- Reference to Circular Letter PL07/12 which updates elements of the 1996 guidelines.
- Notwithstanding 1996 Guidelines, lodgement of a bond not considered necessary.
- Waivers provided for telecoms masts in Development Contributions Schemes

6.2. **Planning Authority Response**

Response was received late.

6.3. **Observations**

None on file

7.0 **Assessment**

7.1. **Introduction**

Having inspected the site and considered the contents of the first-party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of Proposed Development
- Identification of Other Locations

- Impact on Visual Amenity
- Appropriate Assessment

7.2. Principle of Proposed Development

- 7.2.1. Firstly, I would point out to the Board that reference to “Policy INF11” in the final paragraph of the reason for refusal would appear to be an error as this policy relates to waste management. It is therefore taken that the reference should be to Policy INF10 which is referenced in the opening line of the reason for refusal.
- 7.2.2. In terms of the principle of the proposal, I would consider that the erection of such a mast adjoining and within the boundary of the existing Eircom facility is acceptable. Permission for the siting of same within an existing Eircom exchange has been granted in many instances by the Board including those referenced by the appellant namely ABP-307962-20 in County Wexford and ABP-308491-20 in County Limerick. The site is zoned ‘existing residential’ but I would note given the existing and established use of the site for telecommunications purposes it is appropriate.
- 7.2.3. I would also note that the 1996 Guidelines state that “only as a last resort and if the alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary sites already developed for utilities should be considered”. I address other locations in the next section but I would note that the exchange site is an existing utilities site adjoining residential areas rather than a residential site itself.
- 7.2.4. In respect of the specific policy referenced in the refusal, Policy INF10 of the Cahir LAP, this policy states that the Council will facilitate proposals for telecommunications masts, antennae and ancillary equipment where it can be established that there would be no negative impact on the surrounding area and that no other location can be identified which would provide adequate telecommunication cover save in the following locations:
- (a) within significant views or settings of National Monuments or Protected Structures
 - (b) in close proximity to schools, churches, creches, community buildings, other public and amenity/conservation areas and residential areas.

7.2.5. The Planning Authority then state that the application site is located in close proximity to the residential areas of Mountainview Drive, Millennium Place and Ginchy Terrace and playing fields located southwest of the site and that the proposal would form a visually prominent and highly visible feature from the above residential areas and playing fields and would negatively impact on the visual amenities of this area. Therefore the Planning Authority have determined that given the close proximity of the proposal to a number of residential areas and playing fields that it would negatively impact on the visual amenities of this area. I address the matter of impact on visual amenities separately in Section 7.4 below and in relation to the other matter in the refusal which relates to the identification of other possible locations, I address this matter in the next section, 7.3. However, given that the proposal is sited within an existing Eircom exchange I consider that the proposal is acceptable in principle.

7.3. Identification of Other Locations

7.3.1. The Planning Authority state in the reason for refusal that they are not satisfied, given what they consider to be limitations in the information on other existing telecommunication sites considered, that no other location has been identified which would provide adequate telecommunication. Firstly, I would note that the subject site is an established Eircom communications facility and clearly given its existing use would be the most appropriate location for the proposed development. Furthermore, as outlined above, the Board have granted permission on numerous occasions for the erection of telecommunications masts on these exchange sites. Finally, as set out in the appeal documentation, the technology associated with this mast provides that to facilitate the area which it is proposed to serve the appellant is required to erect the mast within quite a confined area. Existing masts within this area are stated to be unavailable for further equipment. I consider that the appellant has provided sufficient evidence to allow the Board to conclude that there are no other suitable locations for this piece of infrastructure.

7.4. Impact on Visual Amenity

7.4.1. The visual impact of the proposed development on the immediate residential community appears to be the pressing consideration within the decision of the

Planning Authority. While the mast will clearly be visible and comprise a new structure within this immediate area, it will not in my opinion impact significantly on the visual amenity of the area. Firstly, the mast is located within the site of an existing Eircom exchange. Secondly, the most proximate residential property to the mast (1 Ginchy Terrace) is located 45 metres to the northwest of the subject site with the most proximate residential property on Mountain Road c.50m to the northeast. The refusal reason references the policy which states 'close proximity' however this is not defined in the Plan and in my opinion a distance of 45/50 metres could not be considered to be close proximity. In relation to the playing fields adjoining the exchange, while the proposal will be visible, it is located north of the amenity lands within the existing exchange and therefore given the exchange site is already developed will not significantly alter the context of the site.

7.4.2. The appellant has undertaken a visual impact assessment which has been attached to the appeal and while the mast is clearly visible from the entrance to Mountainview Drive and along the road to the east of the exchange site, it is not a visually prominent structure when viewed outside of its immediate surrounds. Therefore, I do not concur with the Planning Authority's view that the proposal is unacceptable on visual amenity grounds. As the appellant quite rightly points out, telecommunications infrastructure are now part and parcel of our urban environments providing as it does essential telecommunications to facilitate mobile communication and broadband connectivity.

7.4.3. I would note that the Planning Authority note that no boundaries have been proposed to the installation and equipment cabinets with secure fencing of same commonplace. I consider that a condition to request same would be appropriate.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development, which is a vertical mast, outside of and not connected to any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider 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 permission for the proposed development is granted.

9.0 Reasons and Considerations

Having regard to:

- a) the National Planning Framework Project Ireland 2040,
- b) the national strategy regarding the improvement of mobile communications services,
- c) the guidelines relating to telecommunications antennas 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 PL07/12 issued by the Minister for the Environment, Community and Local Government on the 19th day of October, 2012 under Section 28 of the Planning and Development Act 2000, as amended,
- d) the policy of the planning authority as set out in the South Tipperary County Development Plan 2009 and the Cahir Local Area Plan 2011, to support the provision of telecommunications and broadband infrastructure,
- e) the established use of the site,
- f) the potential for sharing of the structure and site with other operators,
- g) the general topography of the site and distance of residential properties within the vicinity of the site to the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would, therefore, 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, except as may otherwise be required in order to comply with the following conditions.
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	<p>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.</p> <p>Reason: In the interest of clarity</p>
2	<p>Prior to commencement of development, details of the proposed colour scheme for the telecommunications support structure, ancillary structures and fencing for the boundaries of the installation shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: In the interests of visual amenity and orderly development</p>
3	<p>Any additional panels or structures, proposed to be attached to the mast exceeding 1.3 metres in any dimension, shall be the subject of a separate planning application.</p> <p>Reason: To regulate and control the layout of the development in the interest of orderly development</p>
4	<p>No advertising signage shall be erected on the monopole mast, equipment cabinets or security fence.</p> <p>Reason: In the interest of visual amenity.</p>

Una Crosse
Senior Planning Inspector

12 July 2020