



An  
Bord  
Pleanála

## Inspector's Report ABP 309822-21

<b>Development</b>	Telecommunications support structure and associated infrastructure
<b>Location</b>	Eircom Exchange, Emly. Co Tipperary.
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	20/879
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v Decision
<b>Appellant(s)</b>	Eircom Ltd
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	28th July 2021
<b>Inspector</b>	Fergal Ó Bric

## **1.0 Site Location and Description**

- 1.1 The appeal site is located within the development boundary of the settlement of Emly Co. Tipperary. It is within the bounds of an Eircom exchange, southeast of the Main Street/Village centre. Immediately east and west of the appeal site are undeveloped lands, further east, west and south and north of the appeal site are individual dwellings, community and commercial premises within the settlement boundary. There is a Protected Structure, Emly House, which is located approximately 150 metres south-west of the appeal site.
- 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 northern (roadside) boundary is formed by a low wall. the southern, eastern, and western boundaries are enclosed by a post and wire fence and mature deciduous trees providing screening along each of the site boundaries.

## **2.0 Proposed Development**

- 2.1 The development proposals would comprise:
- The erection of a twenty-seven-metre-high free-standing telecommunications structure with its 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 refused planning permission for the development for one reason as follows:

The application site is in proximity to Emly house, RPS no. S338, the proposed development would form a visually prominent and highly visibly feature from the Protected Structure and would negatively impact on the visual amenities of this area.

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

The proposed development would, therefore, contravene Policy TI14 Telecommunications of the South Tipperary County Development Plan, 2009, as varied and the Guidelines for Planning Authorities on Telecommunications, Antennae and Support Structures (DoELG) 1996 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, the proposed development contravenes Policy TI14 Telecommunications of the South Tipperary County Development Plan, 2009, as varied, which seeks to facilitate proposals for masts, antennae, and support structures in accordance with the Guidelines and where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Report**

The initial Planner's Report dated September 2020, set out the following:

- The site is located within the development boundary of Emly, on the site on an Eircom exchange and is zoned for low density residential development
- The planner was not satisfied that the proposal was compliant with Policy TI14, where the policy is to facilitate proposals for masts, antennae, and ancillary telecommunications equipment where no significant adverse impact upon the local surrounding area would arise particularly in primary or secondary amenity areas, or within areas with significant views or the setting of national monuments and protected structures.
- An Appropriate Assessment (AA) screening exercise concluded that there no potential for significant impacts upon a Natura 2000 site that a Natura Impact Statement was not required in this instance.
- An Environmental Impact Assessment screening concluded that the submission of an EIAR was not required in this instance.

- Further information was submitted in relation to any potential impact upon Emly House, existing and proposed telephony coverage in the Emly area, alternative sites considered within the area and alternative heights for the proposed monopole structure.
- Clarification of further information was submitted in relation to alternative sites considered and the visual impact of the proposed telecommunications structure.
- A refusal of planning permission was issued as set out within Section 3.1 above.

### **3.2.2 Internal Referrals**

No internal referrals.

### **3.3 Prescribed Bodies**

Irish Aviation Authority: No objections.

### **3.4 Third Party Observations**

Nine third party observations were received. The issues raised within the observations related to the following issues:

- Adverse impact upon Emly House and its surrounds.
- Proposal at 27 metres tall would represent an eyesore.
- Proposal would detract from built and natural heritage of the village.
- There is precedent for other telecommunications located just outside Emly village to site a telecommunications structure sensitively within the environment.
- The proposal would adversely impact upon neighbouring privacy.
- Adverse health implications arising from telecommunications structures.

## **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 extended)).**

Within Section 2 of the Development Plan, the settlement of Emly is identified as a service centre. The appeal site is zoned for new residential development of medium/low density where the objective is: To provide for medium to low density residential development. Within the land use zoning matrix, there is no specific provision for telecommunications/public service uses. Therefore, the proposals would have to be considered on their individual merits in accordance with the proper planning and sustainable development of the area.

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

The Council recognise 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 policies and specific objectives 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

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

Policy LH13: It is the policy of the Council to encourage the sympathetic restoration, re-use and maintenance of protected structures thereby ensuring their conservation and protection. In considering proposals for development, the Council will have regard to the Architectural Heritage Protection Guidelines for Planning Authorities, (DAHG 2011) or any amendment thereof, and proposals that will have an unacceptable impact on the character and integrity of a protected structure or adjoining protected structure will not be permitted.

### **5.3.2 Draft Tipperary County Development Plan 2022-2028**

The Draft Plan remains on public display until the 15<sup>th</sup> day of October 2021.

Section 6.8 of the Draft Plan sets out the following in relation to Digital Connectivity and Innovation:

The Council supports high quality digital connectivity and innovation in the digital economy as a key enabler of learning and quality of life in Tipperary. The Council and its partners have been proactive in the support of digital connectivity in Tipperary

though actions such as, the development of digital hubs and community learning spaces, better rural connectivity through 'Connected Communities', and in the use of digital communication and social media in consultation and communication programmes. The Council will continue to invest in digital connectivity in both urban and rural areas and will support the roll out of broadband in association with the National Broadband Plan.

#### **5.4 Natural Heritage Designations**

None relevant.

### **6.0 The Appeal**

#### **6.1 Grounds of Appeal**

The grounds of the first-party appeal may be summarised as follows:

Technical Siting considerations:

- A site is needed for Eircom to continue the rollout of their 2G, 3G and 4G network services.
- Without a site in Emly, the area would have inadequate mobile voice and data services.
- Eircom would lose essential coverage if this telecommunications infrastructure is not put in place.
- The existing Eircom coverage does not provide an indoor voice service or support high speed mobile broadband in the village of Emly and its environs.
- As per the Commission for Communications Regulation (ComReg) coverage mapping, the village of Emly is located with a blackspot location, with reduced quality of service and capacity.
- The proposals would improve the coverage and service, thus eliminating the coverage blackspot within Emly Village.
- If planning permission is refused, Eircom would lose essential coverage and customers would lose essential coverage and service.



- The infrastructure needs to be located within a built-up area and have a search area of less than 1 kilometre as high-speed services have a range of 500 metres per sector.
- The proposed development represents an important component of strategic telecommunications infrastructure in Tipperary.
- The proposed development at the subject site would represent an upgrade to an existing telecommunications installation.
- The proposed structure would connect directly into the exchange building using fibre cabling and would provide high speed broadband and mobile connectivity to the local Eircom network.
- As the sole telecommunications structure in the Emly area, the development has been designed for co-location with multiple telecommunication providers of mobile and broadband services to deliver service to customers in the Emly area.
- 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.
- The proposed development represents an important component of strategic telecommunications infrastructure within Tipperary and Ireland.

#### Alternative sites considered:

- There are two other existing telecommunications structures within a 2-kilometre radius of the appeal site. These installations are too remote from the village to provide an adequate service for high-speed mobile broadband users in and around the village, as high-speed services have a range of 500 metres per sector.
- There are no other existing telecommunication structures within a radius of two kilometres of the appeal site, that could accommodate Eircom's coverage needs, as per the information available on the ComREG outdoor mobile coverage mapping.
- The appeal site has been used by Eircom as a communications installation for more than 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.

- It has not been possible to secure an alternative site within the Emly locality that would satisfy the requirements of the Tipperary Development Plan requirements.

#### Visual Impact:

- A slimline monopole structure is proposed to reduce the visual impact.
- The structure is nondescript in character and design and is not dissimilar in design to a lamp standard or traffic light pole which are common in villages throughout Ireland.
- A number of photomontages have been submitted illustrating the extent of visual impact the proposed development would have from a number of local vantage points.
- The structure will be visible from certain views. However, views would be intermittent, and the structure would not have a significant adverse visual impact within the area and therefore, would be consistent with the provisions of the Telecommunication Guidelines, 1996.

#### Design, Siting, and layout:

- When designing the structure for this site, the Radio Engineers required height to provide a signal over the surrounding area and to provide potential to become a share facility with other telecommunication providers.
- The accommodation of co-location is a requirement of the Tipperary County Development Plan, hence the need for the 27 metre height.
- Telecommunications structures are often located in proximity to residential development and very common in urban environments in Ireland. This is evident with the Board decision pertaining to a telecommunications structure permitted by the Board at Fethard on-Sea, Wexford, under Board reference number 307962-20.

#### Other Issues:

- 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 Emly 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.
- The proposal would be consistent with the decision issued by the Board for the development of a telecommunications structure at Cappamore, Limerick, under board reference 308491-20.

## **6.2 Planning Authority Response**

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

- In terms of consideration of alternative sites, the details as submitted to the Planning Authority as part of the on the 11<sup>th</sup> day of February 2021 states that no specific sites were investigated and all existing structures in the village were discounted based on existing vegetation, topography or that they were located within an area of archaeological potential.
- The current proposals at 27 metres in height could not be equated to a lamp stand or traffic light pole, where the heights would be no more than 14 metres.

- The proposals are non-compliant with Policy Ti14 given its location within the setting of Emly House, a protected structure as designated within the County Development Plan. c

## **7.0 Assessment**

**7.1** I will address matters in relation to principle of development, site selection, design and layout, impact upon the local landscape and visual impact and address a number of other issues raised within the appeal submission. 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.
- Design and layout
- Landscape and Visual impact.
- Other issues.
- Appropriate Assessment.

## **7.2 Principle of Development**

**7.2.1** 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 The proposal to improve telecommunications and broadband services is consistent with the policies and objectives as set out in the Development Plan (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).
- 7.2.5 The appeal site is located within the settlement boundary of Emly, as set out within the South Tipperary County Development Plan 2009-2015 (as varied). It has the benefit of a new residential medium to low density zoning. Given that broadband and communications are now considered an important aspect of utility services in terms of supporting education, business, and residential uses and that the site currently comprises an Eircom exchange, supporting telecommunication services, I consider that the proposed telecommunications structure, would be acceptable in principle at this location.

### 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 telecommunications structure would facilitate co-location of other telecommunications providers. This requirement necessitates the development of the 27-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. 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 within Emly Village for 4G users ranges from fringe to fair for mobile coverage 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 Emly 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 Emly area. It is apparent that the development is necessary to provide improved mobile coverage in the Emly and surrounding area in order to cater for the significant increase in demand for high-speed data in recent years. 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 Emly area, the lack of viable alternatives for co-location within the vicinity of the appeal site, and the proposal to locate on the site of an existing telecoms infrastructural facility, I consider that the proposed development at this specific location is justified. The key issue is, therefore, whether the appeal site, is a suitable site for such a development. From the planning documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would

contribute to providing a more reliable telephony and broadband service for commercial and residential customers in the Emly area, which has been demonstrated, is fair/fringe 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 4G customers. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, 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 I accept 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, having regard to the existence of the mature vegetation and trees in the area and the archaeological zones of interest that exist within the village centre and the lack of tall buildings within the village boundary that would be suitable for the siting of telecoms infrastructure.

#### **7.4 Design and Layout**

- 7.4.1 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 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. It is stated within the appellants appeal statement that the structure has been specifically designed for the site, having regard to the vegetation and mature trees in the area. The structure would be located on the site of an existing utility structure, where it would be easy to connect to the existing building to provide a high-speed fibre broadband service. The location of the infrastructure in Emly village, would serve the mobile coverage and broadband requirements of the village, and therefore, needs to be located in proximity to the village centre.
- 7.4.2 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. Regarding the nearest residential property, I note that the proposed structure would be located 48 metres distant and would not have a direct viewpoint of the telecommunications

structure. I also note that Emly House, 150 metres to the south-west of the appeal site similarly does not have a direct aspect of the proposed structure, having regard to the mature trees in the grounds of Emly House and the mature trees along the perimeter of the Emly telecoms exchange. Having regard to the separation distance and the lack of a direct aspect towards the proposed structure, and the existence of mature trees in the vicinity of the appeal site, I do not consider that the proposed development could be considered to constitute an overly dominant or overbearing feature.

7.4.3 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 Emly 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 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.

7.4.4 In conclusion, I consider that the proposal to locate the new structure within the same site as an existing telecom building, 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.

## **7.5 Landscape and Visual Impact**

7.5.1 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.

7.5.2 Regarding the visual amenities of the area, the proposed telecommunications support structure and compound would be located to the south-east of Emly village centre, within the development boundary, on the site of an Eircom exchange. The appeal site essentially comprises the footprint of the existing exchange site and the proposed telecommunications compound would be located to its front(north). No additional



landscaping or mitigation works are proposed within the appeal site; however, a condition should be included whereby the mature tree planting along the perimeter of the appeal site should be retained to minimise any adverse visual impact within the local village.

- 7.5.3 There is an existing low wall and pedestrian gate along the roadside (eastern) boundary, the western, southern, and northern boundaries comprise a 1.5 metre post and wire fence and mature deciduous trees. These trees range in height from approximately thirteen to eighteen metres in height. Having regard to the existence of the mature screening along the perimeter of the appeal site, I am satisfied that the telecommunications support structure would not be visually prominent within the local environment. The associated cabinets and fenced compound would similarly not be highly visible, given their low-level height. I, therefore, consider that the proposed development would not have an adverse visual impact within the locality.
- 7.5.4 In terms of impact upon the landscape, levels on site are flat and consistent with those of the adjoining public roadway and neighbouring lands. 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 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.
- 7.5.5 The applicant also submitted photomontages of the proposed development from a number of local viewpoints (seven viewpoints), where they state that there would be no adverse visual impact largely due to the existence of the mature trees along the perimeter of the appeal site. 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 would not be significant from the vicinity of the selected viewpoints given the separation distance, the general built form

of Emly with its varied roofscape, telephone and public lighting poles and mature vegetation.

7.5.6 Where the structure will be visible within the village locality due to its 27 metre height, it will generally be seen against a backdrop of the mature trees and the urban built environment in which the appeal site is set, where ground levels are not elevated. Having regard to these characteristics of the appeal site and the wider area, and noting that the 27 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.

7.5.7 It is acknowledged that the proposed telecommunications installation would impact upon the local landscape by virtue of the height of the monopole structure. 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, to warrant a refusal of planning permission.

7.5.8 In terms of impact upon a local protected structure, Emly (Protected structure number S338) as per the Development Plan, there is a separation distance of 150 metres between the appeal site and Emly House, south-west of the appeal site. By virtue of the separation distances involved, and the lack of intervisibility between them, due to the existence of mature tree planting in this vicinity, it is not considered that the current proposals would adversely impact upon the character or setting of the protected structure.

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

## **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.

#### **7.6.2 Archaeology**

There are a number of zones of archaeological potential within the settlement boundary of Emly. The applicants stated that due to the existence of archaeological remains within the village, that a number of sites under consideration were discounted. This is considered reasonable. The appeal site is not located within a zone of archaeological potential and therefore, is considered suitable from a layout, and design perspective and would not compromise the archaeological integrity of Emly Village.

### **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.

### **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) and the Draft Tipperary Development Plan 2022-2028, 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 adversely impact upon 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 7th day of August 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 Any additional panels or structures, proposed to be attached to the monopole structure exceeding 1.3 metres in dimension, shall be the subject of a separate planning application.

**Reason:** To regulate and control the layout of the development and in the interest of orderly development.

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

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

- 5 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.

- 6 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.

- 7 All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

(b) Trees which are agreed in writing by the planning authority to be dead, dying, or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

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

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Fergal Ó Bric  
Planning Inspectorate

19th August 2021