



An  
Bord  
Pleanála

## Inspector's Report ABP-311023-21

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<b>Development</b>	Erect a 15m high monopole telecommunications support structure and associated equipment.
<b>Location</b>	Eir Exchange, Garigue, New Inn, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	21/670
<b>Applicant(s)</b>	Eircom Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First / Third Party
<b>Appellant(s)</b>	Eircom Ltd
<b>Observer(s)</b>	7 no.
<b>Date of Site Inspection</b>	14 <sup>th</sup> October 2022
<b>Inspector</b>	B. Wyse

## 1.0 Site Location and Description

- 1.1. The application site is part of the existing Eir exchange compound in the village of New Inn, County Tipperary. The site has a stated area of 82.5sqm. The exchange compound, outlined in blue, has an area of approximately 290sqm and comprises a small exchange building, a 12m high wooden pole with antennae attached, a 10m high wooden pole with another operators antennae attached and an ESB power pole with connecting overhead lines. The compound is generally enclosed by low walls.
- 1.2. The exchange compound is bounded to the east and south by a residential property. The next nearest residential properties are across the road to the west. A green area extends to the north. The commercial centre of the village is generally a short distance to the north with its focus on the crossroads (R639 and R687). There are a number of trees in garden of the adjacent house (to the east and south) and in close proximity within the green area (to the north).

## 2.0 Proposed Development

- 2.1. The proposed development comprises a 15m high monopole telecoms support structure with antennae and associated equipment. The new structure would be located to the front of the existing exchange building and it would be separately enclosed by a c.2.4m high security fencing, finished green.
- 2.2. The purpose of the proposed development is to allow the applicant to significantly improve its 4G service in New Inn and to facilitate site sharing. At present Eir does not transmit from the exchange site – Vodafone does from a timber pole structure that is incapable of accommodating another operator.
- 2.3. The application documentation includes a justification statement for the proposal, including details from Comreg's mobile coverage mapping that is stated to illustrate the poor quality of Eir's existing 3G and 4G coverage in the area.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason:

“Policy TI14: Telecommunications of the South Tipperary County Development Plan 2009, as varied, states that the Council will facilitate proposals for *masts, antennae and ancillary equipment in accordance with Telecommunications Antennae and Support Structures: 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 or secondary amenity areas or locations that would be detrimental to designated listed views.*

*(ii) Within significant views or settings of National Monuments of Protected Structures.*

The application site is located within New Inn Village, adjoining residential areas, amenity areas and in close proximity to school, churches and community buildings. The proposed development would form a visually prominent and highly visible feature within New Inn and would negatively impact on the visual amenities and character of the settlement.

The Planning Authority is not satisfied, having regard to the limitations in information on other existing telecommunications sites considered, that no 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 (DEHLG) 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

Basis for planning authority decision.

Includes:

- The proposed freestanding mast would be located in the centre of the village which is a small settlement of low-rise buildings.

- There is an existing Dairygold site 600m south of New Inn with tall buildings and silos. The potential to install roof mounted infrastructure here has not been examined. Nor has the potential of a new greenfield site.
- The proposed development would be located forward on the site and be readily conspicuous within New Inn. Screening is limited to a number of trees adjoining the site.
- The development would be at variance with development plan objectives to enhance the village.
- The potential to upgrade the alternative sites identified has not been discussed.

The report also concludes that neither EIA nor AA is required.

### 3.2.2. **Other Technical Reports**

IAA: No observations.

### 3.2.3. **Observations**

The planning authority received 63no. observations submissions in objection to the proposed development, many from local residents. Issues raised are similar to those referred to in the planning authority decision and in the Observation submissions to the appeal.

## 4.0 **Planning History**

**PA Ref. 07/212, ABP Ref. 223956:** This is a c.2008 permission to retain a 10m high pole and 2 no. 0.6m diameter point-to-point telecommunications dish antennae for a 5-year period.

**PA Ref. 12/340:** This is a 2012 permission to retain the above structure for a further 5-year period.

**PA Refs. ENF 308/09 and ENF 4405:** These are two enforcement files referenced in the planning authority's planner's report.

## 5.0 Policy and Context

### 5.1. Development Plan

The relevant plan is the Tipperary County Development Plan 2022 – 2028 (CDP).

New Inn is designated as a local service centre. The site, together with most of the village within the settlement boundary, is not zoned for any particular purpose. The adjacent green area to the north is designated 'amenity'.

Specific Objectives SO1/2/3 refer to the provision/enhancement of the village streetscape and amenity area subject to resources being available.

Policy 6-6 commits the Council to facilitate the development of telecommunications and digital connectivity infrastructure in line with Harnessing Digital, The Digital Ireland Framework (GoI 2022) and in accordance with Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, (DEHLG, 1996), where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment.

### 5.2. National Planning Guidelines

#### 5.2.1. Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996).

Section 4.3 includes; *Only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and 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.*

Circular Letter PL 07/12, DoECLG 2012.

This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.

### 5.3. Natural Heritage Designations

None relevant.

## 5.4. EIA Screening

The proposed development does not fall within the scope of any Class of development for the purposes of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Main grounds can be summarised as follows:

- Eir coverage in New Inn is deficient and needs to be improved. Existing timber poles are unsuitable, due to their height and light weight form, to support modern antennae.
- The siting of the proposal at the existing Eir exchange would secure technological and work practice efficiencies. Accordingly, the purchase or lease of alternative sites would not make sense.
- The proposal would have the capacity to facilitate mast sharing with other operators, thereby obviating the need for other masts in the New Inn area.
- The site is neither the subject of any special landscape or conservation designation nor is it the subject of any protected view.
- The site already has two wooden telecommunications poles on it, which are 10m and 12m in height. The latter pole would be removed so there would be no net increase in telecoms structures.
- While the proposed monopole would be 15m high, this height is the minimum needed to meet the technical requirements of the operator and is lower than the industry standard.
- The existing streetlights in the vicinity are 13m high and set a context for the proposed development.
- While there would be some visual impact screening from existing trees and hedging minimises it. There are mature trees to the front of the dwelling opposite and placing the structure near the north boundary in front of the

exchange building ensures that the dwelling to the south would not have a direct view.

- The proposal would not form a terminal view from the R639. As mitigation it is proposed to include wooden fencing and planting to the road front boundary.
- The visual impact is also mitigated by the slim monopole design.
- Two monopoles, 15m and 18m high, in Knockgraffon Townland, 2.8km to the south-west of New Inn, both used by Eir, are too far distant from New Inn to improve Eir's coverage in the area.
- Other structures identified, where Eir does not have an existing presence, are too far away to allow the improvement in coverage that is needed.
- Comreg's outdoor coverage maps for New Inn show that Eir's 3G and 4G coverage is either fair or fringe – hence the need for the proposal.
- The proposal generally complies with development plan policy and objectives. The site is not located within a primary or secondary amenity area or within the ambit of listed views or settings of national monuments or protected structures.
- The proposal is consistent with Telecommunications Antennae and Support Structures Guidelines and national policy to promote improvements in broadband coverage.
- Precedents for siting of a monopole in an existing exchange site within a settlement, are cited, e.g., ABP-309019-21 and ABP-309385-21.

## 6.2. Planning Authority Response

Includes:

- The proposed freestanding mast would be sited in the centre of New Inn and, as such, it would be contrary to the relevant Guidelines.
- The proposed freestanding mast would be sited in a position forward of the existing masts and exchange building on the site. Consequently, it would be conspicuous and prominent within the streetscape, and it would adversely

affect the visual amenities of the area, especially those of adjoining residential properties.

- The proposal would be at variance with objectives for the village, which seek its enhancement by means of streetscape improvements and a public amenity area.
- The proposed removal of an existing 12m high pole operated by Vodafone is noted. The 10m high pole was authorised under PA Ref. 12/340 for a 5 year period. This pole is now unauthorised.
- While coverage levels in New Inn are noted, their improvement needs to be considered in conjunction with site and visual amenity assessments. In this respect, the potential to use the tall structures on the Dairygold site 600m to the south of the village or to use a greenfield site in the area has not been examined.

### 6.3. Observations

#### **Patsy & Michael Downey, Glebe House, New Inn**

Includes:

- The proposed development would be contrary to the relevant provisions of the development plan.
- The streetscape of New Inn is attractive and the public realm has benefitted from improvements in recent years. The proposed development would have a significant adverse impact on same.
- No landscape/streetscape impact assessment has been submitted.
- The Guidelines indicate that only as a last resort should freestanding masts be located within or in the immediate surrounds of small towns and villages. In this context the applicants examination of alternative sites is inadequate. Similar considerations apply to the location of the development in a residential area.
- The application does not appear to be accompanied by a statement of compliance with the International Radiation Protection Association Guidelines.



- Due to its scale, height, and the nature of the antennae, the proposed development would detract from the residential amenities of dwellings in the vicinity and would intrude upon the amenities of the adjoining residential property to the south in a manner that would not be capable of mitigation.
- The reference to lighting columns is inappropriate.
- Existing screening at the site is patchy and would provide minimal screening only.
- The proposed development would impact views from the Old Barracks, a protected structure located approximately 90m to the south-west of the site.
- The two precedents cited by the applicant refer to sites with different contexts.

**Cathy Moloney of Graigue, New Inn & Others; Kenneth R. Roberts of Rose-Marian, New Inn; and Eamon & Margaret Barron of Loughkent East, New Inn** (similar observations).

Includes:

- Insofar as Vodafone provides coverage to New Inn, Eir could share its mast.
- Temporary permissions are appropriate as technological innovations may mean that masts will become obsolete.
- Comreg's website indicates that New Inn is served by 10 operators. Eir's proposal may not be completely in the community's interests. The Planning Authority should facilitate discussions on the introduction of 5G coverage.
- The proposed development would adversely affect amenity areas and property values in its vicinity. The applicant failed to consider alternative sites, e.g., nearby industrial sites.
- The pole proposed for removal is unauthorised and lies outside the application site. Vodafone has not confirmed its willingness to sanction such removal.
- The site is in a prominent location and the proposed structure will adversely affect the visual amenities of the village. Existing trees will not provide screening during autumn/winter.

- The site does not afford off-street parking or turning facilities and so operational vehicles would park on the R639, a busy regional road, thereby creating an obstruction/traffic hazard.
- By reference to section 35 of the Act the Board is requested to refuse planning permission for past failures to comply with conditions. By reference to section 138(1)(b)(ii) the Board is requested to dismiss the appeal having regard to any previous permission that it considers relevant.
- Twelve appeal cases are cited wherein proposed masts were refused by the Board. The following four are highlighted: PL92.306724, PL04.305201, PL16.305050, and PL05E.306840. The applicant's assertion that there is a trend in decisions favouring masts is thereby questioned.

**Cllr. Mairin McGrath & Deputy Mattie McGrath**

Includes:

- The scale of the proposal and its appearance would create an eyesore in the streetscape and diminish the attractiveness of the village. Additionally, this proposal would be overbearing of residential properties in the vicinity and it would lead to their devaluation.
- The proposal would contravene the development plan would be in view of four protected structures.

**Will Fitzpatrick, New Inn**

Includes:

- The development plan cites the Telecommunications Antennae and Support Structures Guidelines which emphasise that only as a last resort should masts be sited in in the immediate surrounds of villages and in residential areas.
- The applicant assertion that the proposed structure would integrate with the streetscape is not supported by any documentary evidence.
- The applicant has failed to demonstrate that the proposal would not a significant adverse impact on the surrounding area.

- The former constabulary barracks, a protected structure, is less than 100m from the site. This barracks is attractively laid out and it is of local importance historically.
- The proposed development would detract significantly from the village streetscape.
- Alternative sites considered by the applicants are already in use and no new greenfield sites were assessed.
- The site lies within a residential area, with one house abutting and others nearby. Scant regard has been had to the last resort test.

### **Jeremiah Hyland, Graigue, New Inn**

Includes:

- The proximity of the proposal to a dwelling house and a nearby school.
- The low height of the proposed mast would expose humans and animals to constant radiation and the ensuing health effects.

## **6.4. Further Responses**

None

## **7.0 Assessment**

7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. There are also some other issues raised in the Observer submissions and Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Alternative Sites
- Townscape Impact
- Residential Amenity
- Other Issues

- Appropriate Assessment

## 7.2. Alternative Sites

- 7.2.1. It is well recognised that placing infrastructure of this nature in small towns is challenging and this is reflected in the advice contained in Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines (the Guidelines) that it should only be as a last resort. However, the advice also concedes that it may be necessary and, in that event, existing utility sites should be considered and specific design solutions should be employed.
- 7.2.2. In terms of assessing the proposal, and following the scheme of the Guidelines, the first step is to consider if any alternative locations, outside the village, are available. The applicant's documentation includes details of coverage requirements for the village and indicates that existing alternative sites within a search area in the environs of the village are not suitable. I note that the planning authority's decision, the Planners Report and the Observer submissions query the adequacy of the assessment of alternative sites, including the absence of consideration of a greenfield site, including an industrial site located to the south of the village. While it could be argued that the applicants could have included more information in relation to the question of alternative sites, it would be difficult, in my view, to adjudicate on such an exercise and decide when exactly such might be sufficient.
- 7.2.3. The question of alternative sites must also be balanced against the availability of an existing utility site in the village, and as referenced in the Guidelines. The critical test, therefore, is whether or not the proposed development on this particular site can be deemed acceptable.
- 7.2.4. The proposed use of the existing exchange site has a number of advantages, including, as referenced by the applicants, technological and work practice efficiencies. Additionally, the proposed monopole design is generally the most minimalist design employed in the industry, where a freestanding structure is required, and the proposed 15m height is at the lower end of the heights typically employed. It is also noted that the proposed development would facilitate sharing with other telecoms operators.
- 7.2.5. All of this points to substantial compliance with the Guidelines. However, while the applicants indicate in the grounds of appeal that the existing 12m high telecoms pole

would be removed, there is no reference in this regard to the existing 10m high telecoms pole. The latter was the subject of 5 year permissions but I have no information as to the planning history of the former (see Section 4.0 above). The intention, therefore, seems to be that the site would continue to accommodate two telecoms masts/poles. It is also the case that both the Guidelines and the development plan clearly indicate that the sensitivity of the receiving environment is a very important consideration. This, therefore, provides the focus for my assessment of the proposed development under the headings that follow.

### **7.3. Townscape Impact**

- 7.3.1. This refers to the reference in the planning authority reason for refusal to the impact on the visual amenities and character of New Inn and to those related matters raised in the Observer submissions, including the impact on protected structures in the village.
- 7.3.2. Under the current development plan New Inn is not subject to any specific landscape or conservation designations and no relevant protected views are indicated. The built-up area of the village is generally low density and the large green amenity area to the north of the site creates a generous separation to the commercial core of the village at the crossroads. The green area also includes some significant trees close to the appeal site. As indicated the Old Barracks, a protected structure, is located across the street and approximately 90-100m to the south-west.
- 7.3.3. Given the context as described I do not consider that the proposed telecoms structure, at 15m high and of monopole design, would adversely impact on the amenity or character of New Inn or on the setting of any protected structures. In drawing this conclusion I also consider that the proposed development would not undermine Specific Objectives SO 1/2/3 in the development plan which seek to provide for further enhancements to the village.

### **7.4. Residential Amenity**

- 7.4.1. The main issue here, and the main issue in this appeal in my view, is the very close proximity of the proposed telecoms structure to the adjacent house to the south.
- 7.4.2. While acknowledging the proposed monopole design and the minimal height, the proposed telecoms mast would still be a much larger structure than the existing wooden poles on the site. By definition, and given that it would facilitate sharing, it

would also carry much larger and more antennae. As proposed the mast would be about 8m from the common boundary and little more than 10m from the front of the house. As such the mast would be a very prominent structure relative to this house.

7.4.3. I consider, therefore, that the proposed development would seriously injure the residential amenities of this adjacent property.

7.4.4. The Board will note that in so far as health and safety is raised in the Observer submissions Circular Letter PL07/12, DoECLG 2012, clarifies that this is not a matter for the planning process. The question of property values is also raised. This is a complicated matter and, in my view, it is not possible to reach any reasonably definitive conclusions.

## 7.5. **Other Issues**

7.5.1. One of the Observer submissions refers to potential traffic issues. I do not consider that such would arise as the proposed development, by its nature, would generate very little traffic.

7.5.2. One of the Observer submissions requests the Board to refuse permission by reference to s.35 of the Act (past failures to comply) or to dismiss the appeal by reference to s.138(1)(b)(ii) (previous relevant permissions). I do not consider that there is any basis for the Board to pursue either of these.

## 7.6. **Appropriate Assessment**

7.6.1. Having regard to the minor nature of the proposed development within an established urban area, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 be refused.

## 9.0 Reasons and Considerations

Having regard to its very close proximity it is considered that the proposed telecommunications structure would seriously injure the residential amenities of the adjacent property to the south. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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B. Wyse  
Assistant Director of Planning

28 November 2022