



An  
Bord  
Pleanála

## Inspector's Report ABP-311076-21

### Development

Erect a 15m high monopole telecommunications support structure together with antennas, dishes and associated equipment and remove the existing 10m high timber communications, all adjacent to a Protected Structure.

### Location

Eir Exchange, St. Patrick's Place, Fethard, Co. Tipperary.

### Planning Authority

Tipperary County Council

### Planning Authority Reg. Ref.

21/701

### Applicant(s)

Eircom Ltd

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party -v- Decision

### Appellant(s)

Eircom Ltd

### Observer(s)

None

### Date of Site Inspection

14 Oct 2022

### Inspector

B. Wyse

## 1.0 Site Location and Description

- 1.1. The site is the existing Eir Exchange at St. Patrick's Place, Fethard. It has a stated area of 0.0141 hectares and comprises a walled/fenced compound that accommodates a small exchange building and associated equipment, including a 10m high wooden pole with antennae affixed and an ESB power pole. The street front boundary is defined by a stone wall and arch. The site is bounded to the north by a commercial property (formerly livestock mart) and to the south and west by a residential property. The commercial centre of the town extends southwards.

## 2.0 Proposed Development

- 2.1. The proposed development consists of a 15m high monopole telecommunications support structure together with antennas, dishes and associated equipment and the removal of the existing 10m high timber communications pole with antennae. The new structure would be located to the front of the site (south-east corner).
- 2.2. The existing pole is stated to be too low to propagate widespread signal across Fethard and there are large coverage blackspots. The new structure would provide comprehensive coverage and would facilitate site sharing with other operators.
- 2.3. The application documentation includes; a justification of the need for the proposed development at this location; and a series of photomontages illustrating the proposed structure from selected vantage points around the town.

## 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 or Protected Structures.*

The application site is located in Fethard town centre and is within the Architectural Conservation Area and the Zone of Archaeological Potential. The site is situated inside and in close proximity to the Town Walls (a National Monument) and also contains a Protected Structure (Ref. RPS 219). The application site adjoins residential areas and is in close proximity to amenity areas, churches and community buildings. The proposed development would form a visually prominent and highly conspicuous feature within Fethard and would negatively impact on the visual amenities and character of the settlement and the setting of the aforementioned built heritage.

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:

- Potential of locating a mast on a greenfield site has not been considered.

- No documentation has been submitted in relation to impact on the Protected Structure or on the Town Walls (National Monument).

The report also concludes that no appropriate assessment (AA) issues arise and that environmental impact assessment (EIA) is not required.

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

Irish Aviation Authority (IAA): No requirement for obstacle lighting.

## 4.0 **Planning History**

**PA Ref. 09/829:** 2009 refusal of permission to retain the existing wooden pole with Omni antenna fixed to the top of it (total height 15m) for reasons relating to visual amenities, built heritage and siting close to community facilities and residential areas.

**PA Ref. ENF 75/13:** Enforcement file in relation to the existing development. Now closed (past 7 year limitation).

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

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

The site is within the area zoned town/village centre.

The site is located within the Fethard Architectural Conservation Area (ACA) and the Zone of Archaeological Potential (Drg. No. Fethard ACA-LTSC-002).

The site is within the Town Wall, described as being of international importance and comprising an almost complete circuit of upstanding medieval town defences. The Wall is a National Monument.

At the closest point the line of the wall runs east-west a short distance to the north of the appeal site (through the adjacent former livestock mart property).

The archway at the front of the site is a Protected Structure (Ref. TRPS 1238).

Specific Objectives include:

*SO13: To work with the Irish Walled Towns Network and the Heritage Council to continue to support Fethard's membership of the Network and will continue to seek funding for the conservation and maintenance of the Town Walls in conjunction with the local community.*

*SO14: To seek to ensure the continued enhancement and management of the character and visual appearance of the Architectural Conservation Area, in order that it may function as an important visitor experience for the town.*

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 9 (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, 1996.
- 5.2.2. 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 of the Classes 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 Fethard is deficient and so needs to be improved. The existing timber pole is unsuitable, due to its 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.
- The proposal would have the capacity to facilitate mast sharing with other operators, thereby obviating the need for other masts in Fethard.
- The proposed mast, at 15m, would be lower than the industry standard, but it would be the minimum height necessary to improve coverage. This mast would replace the existing 10m high wooden pole on the site.
- Extracts from Comreg's outdoor coverage maps for Fethard show that Eir's 4G coverage is patchy and needs to become more consistent and Vodafone's 4G coverage ranges from fringe to no coverage at all.
- Other structures in the area are too far away to allow the improvement in coverage that is needed.
- A new structure within Fethard is therefore needed and there is no other site within the town which would meet the requirements of planning. Any such a site would forfeit the advantages of the existing exchange site.
- While the site lies within an ACA conservation can be reconciled with the need for new development. In this respect, the adjacent former mart site to the north of the application site has previously been identified for a tourism development and yet modern tourism relies upon good telecommunications.

- The proposal would not unduly cause a negative impact on the protected structure.
- In relation to Section 4.3 of the Guidelines the proposal meets the requirements by reference to the monopole design, minimum height and the use of an established utility site. It can be regarded as a last resort to provide the necessary coverage.
- By reference to the application photomontages it is acknowledged that the proposed development would have a visual impact. However, the monopole would not be a focal point. It would fall within intermittent views as people go about their business. No houses would look directly at the proposed structure and it would come to be regarded as simply part of the streetscape.
- Precedents for the current proposal, i.e., the 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

None

## 6.3. Observations

None

## 7.0 Assessment

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

The issues are addressed under the following headings:

- Visual and Heritage Impact
- Residential Amenity
- Appropriate Assessment

## **7.2. Visual and Heritage Impact**

- 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. The challenge in Fethard is amplified due to the acknowledged rich heritage quality of the village. As described in the development plan Fethard has a strong medieval history and surviving form, including the almost complete circuit of upstanding Town Walls, a National Monument. The historic core of the town retains the medieval street pattern with the focus on Main Street which displays a striking architectural coherence from its narrower western end to its eastern end where it widens out just a short distance to the south of the appeal site. The entire central area is a designated Architectural Conservation Area (ACA) and a Zone of Archaeological Potential.
- 7.2.1 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 town, are available. The applicant's documentation includes details of coverage requirements for the town and indicates that existing alternative sites within a search area in the environs of the town are not suitable. I note that the planning authority's decision and Planners Report query the adequacy of the assessment of alternative sites, including the absence of consideration of a greenfield site. 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.
- 7.2.2 The question of alternative sites must also be balanced against the availability of an existing utility site in the town, 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.
- 7.2.3. I acknowledge that 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, I acknowledge the proposed monopole design, which is generally the most minimalist design employed in the industry where a freestanding structure is required, and the proposed 15m height, which is at the lower end of the heights typically employed. I also note that the proposed development would facilitate sharing with other telecoms operators.

- 7.2.4. All of this points to substantial compliance with the Guidelines. However, both the Guidelines and the development plan clearly also indicate that the sensitivity of the receiving environment is a very important consideration.
- 7.2.5. While the proposed site is located to the north of the wider eastern end of Main Street it is, in my view, in a prominent location relative to this key focal point at the centre of the town. Though minimised through design the proposed structure would still be substantial and much bigger, in terms of bulk and height, than the existing wooden pole. It is also to be located to the front of the site, right into the south-east corner – the most prominent part. As a consequence the proposed structure would, in my view, register as very obvious and prominent from the east end of Main Street and in approaches from Barrack Street (to the north) and from Watergate Street (to the south). Given the prominence of the site I do not consider that further design modifications, such as a shroud over the antennae or the application of a suitable colour finish, would sufficiently moderate its negative impact.
- 7.2.6. In relation to the applicants photomontages I consider that generally they represent the propose structure as being at a greater distance than would actually be the case when viewed with the naked eye. In addition the specific viewpoints selected do not, in my view, accurately demonstrate just how prominent the structure is likely to be. In particular Viewpoints 3 and 4 tend to minimise the impact relative to the key focal point at the widened end of Main Street. As indicated above I consider that the structure would be a very prominent feature in this area.
- 7.2.7. It follows that I consider that the proposed structure would have an adverse visual impact on the local townscape and that it would not be compatible with the designation of the area as an ACA and its associated objectives to enhance and manage the character and appearance of the area.
- 7.2.8. In relation to the protected structure on the site (Ref. TRPS 1238 – Stone Archway), I have no information on its significance, role, context etc. However, the siting of the

proposed telecoms structure in such close proximity would seem, on the face of it, to be inappropriate. The remains of the Town Walls (a National Monument) also run a short distance to the north of the application site so that the proposed structure would also be in quite close proximity. In relation to both of these I am inclined to agree with the planning authority Planners Report that the onus is the applicants to document any potential impacts that might arise or should be taken into account. No such documentation has been submitted.

- 7.2.9. I consider, therefore, that the decision of the planning authority to refuse permission for reasons related to visual and heritage impacts should be substantially upheld.

### **7.3. Residential Amenity**

- 7.3.1. While the planning authority reason for refusal refers to amenity areas, churches and community buildings, as well as residential areas, I consider the main issue under this heading to be the very close proximity of the proposed telecoms structure to the adjacent house immediately to the south of the site. The proposal to locate the structure in the south-east corner of the site would result, in my view, in the structure being excessively close and dominant, such as would seriously injure the residential amenities of this property.
- 7.3.2. I consider, therefore, that the decision of the planning authority to refuse permission for reasons related to residential amenity should also be substantially upheld.

### **7.4. Appropriate Assessment**

- 7.4.1. 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 for the following reasons and considerations.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the location of the application site in the centre of Fethard and within the Fethard Architectural Conservation Area (ACA) it is considered that the proposed telecommunications structure would be unduly prominent and that it would adversely affect the ACA. As such the proposed development would be contrary to Specific Objective SO14 of the Tipperary County Development Plan 2022-2028, Volume 2 (Fethard) which seeks to enhance and manage the character and visual appearance of the ACA. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. It is considered that the proposed telecommunications structure in such close proximity to the adjacent house (to the south) would be seriously injurious to the residential amenities of that property. 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

28th October 2022