



An
Bord
Pleanála

Inspector's Report ABP-311343-21

Development	Erect an 18m high telecommunications support structure and associated equipment.
Location	Eircom Exchange, Kilcooley Way, Gortnahoe, Thurles, County Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21739
Applicant(s)	Eircom Ltd
Type of Application	Permission
Planning Authority Decision	To refuse permission
Type of Appeal	First Party v. Decision
Appellant(s)	Eircom Ltd
Observer(s)	3no.
Date of Site Inspection	14 th October 2022
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1. The application site is part of a property that currently accommodates an Eir exchange building at Kilcooley Way in the village of Gortnahoe, County Tipperary. The application site, sitting within the wider plot, has a stated area of 36sqm (outlined red). The wider plot (outlined blue) is triangular in shape and has an area of approximately 650sqm. In addition to the small exchange building there are two ESB power poles with connecting overhead cables. The plot is generally enclosed by hedgerows and fencing.
- 1.2. The property is bounded to the north and east by a sports ground and agricultural land, to the west by a residential property and to the south, across the road, by a small housing scheme and agricultural land. The commercial centre of the village is focussed a short distance to the west along the R689.

2.0 Proposed Development

- 2.1. The proposed development comprises an 18m high monopole telecoms support structure with antennae and associated equipment. The new mast would be located approximately 20m east of the exchange building.
- 2.2. The purpose of the proposed development is to allow the applicant to improve its 3G and 4G service in the area. The development would also enable site sharing.
- 2.3. The application documentation includes a justification for the development at the subject site, details of existing coverage and alternative sites examined and photomontages to illustrate the visual impact of the proposed mast.

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 Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities 1996 recommend against locating freestanding telecommunication apparatus within or near small towns or villages. Commercial or retail areas, tall buildings, rooftops or other existing structures are preferable to the construction of freestanding masts. The guidelines also state that freestanding masts be located in a residential or near schools only as a last resort.

The application site is located within Gortnahoe Village, on village centre zoned lands, adjoining residential areas and in close proximity to educational and sporting/recreational facilities. The proposed development would form a visually prominent and highly visible feature within Gortnahoe and would negatively impact on the visual amenities and character of the settlement.

The Planning Authority is not satisfied that there are no other suitable locations within the required radius 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 (dated 8 July 2021 and 27 August 2021)

Basis for planning authority decision.

Following a request for further information expressing serious concern over the location of the development adjacent to existing community and residential facilities within Gortnahoe the later report included the following:

- While the site is an existing utility site it is located on village centre zoned lands and within close proximity to educational (170m to primary school) and sporting/recreational facilities (20m to community field and 108m to community hall) and residential units (31m to nearest dwelling).
- The benefit of improved coverage must be balanced with an assessment of the appropriateness of the site and the visual impact of the development.
- No consideration was given to brownfield/greenfield/forestry sites which may be suitable.

The earlier report had concluded that neither EIA nor AA was required.

3.2.2. Other Technical Reports

District Engineer – recommended standard surface water condition.

3.3. Prescribed Bodies

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

3.4. Third Party Observations

The planning authority received 111no. observations in objection to the proposed development, mostly from local residents and residents within the wider community. Issues raised are similar to those referred to in the planning authority decision and in the Observation submissions to the appeal. They also include concerns in relation to health and safety and property devaluation.

4.0 Planning History

None relevant.

5.0 Policy Context

5.1. Development Plan

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

Gortnahoe is a designated service centre. The site, together with most of the village within the settlement boundary, is not zoned for any particular purpose.

Specific Objectives SO8/9/10 refer to carrying out village enhancement works and the protection of protected structures, historic buildings and structures of archaeological significance.

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 (Gol 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 Guidance

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. The support structure should be kept to a minimum height consistent with effective operation.*

In larger towns and city suburbs the advice is that only as a last resort should freestanding masts be located in a residential area or beside schools. Again, if necessary, existing utility sites should be considered and masts/antennae should be designed/adapted for the 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:

- Eircom requires a site in Gortnahoe as their current sites in the area do not provide adequate service for good indoor high-speed broadband or voice.
- There are no existing telecoms installations within 2kms that might facilitate sharing. The nearest structure is 5.5kms distant. There are no commercial structures in the area of the required height and with space.
- The 18m height is to provide for adequate signalling and to facilitate sharing.
- The slimline monopole design was selected to minimise visual impact. Any views would be intermittent and the structure would not be detrimental to the amenity of the area.
- Photomontages illustrate that the proposed development would not have a significant visual impact in the area.
- Telecoms installations are often sited in close proximity to residential developments.

- The proposed development is in accordance with local and national planning policy.
- Health and safety is not a matter for the planning process.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

6.3.1. Michael Fogarty (on behalf of Gortnahoe Community Group)

Includes:

- The planning authority decision should be upheld.
- The submission includes details of several alternative sites in the area where landowners are willing to engage with Eircom. In the absence of full assessment of these the Guidelines are not been adhered to.
- The proposed development would give rise to traffic and parking issues (photographs enclosed).

6.3.2. Gortnahoe Playground Group (c/o Catherine Campion, Chairperson)

Includes:

- The proposed development would have a serious visual impact on their playground and children.
- The development would detract from the natural heritage of the village being located in the main thoroughfare and visible from all entrances to the village.

6.3.3. Gortnahoe Tidy Towns (Martin Campion, Chairperson)

Includes:

- The proposed development would be unsightly and impede the development of the village into the future.
- Eir made little effort in relation to alternative sites.
- The development would detract from the built/natural heritage of the village.

7.0 **Assessment**

- 7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. Issues raised in the Observer submissions are noted and appropriate assessment also needs to be considered.

The issues are addressed under the following headings:

- Alternative Sites
- Townscape Impacts
- Impact on Residential properties and Community Facilities
- Traffic
- Appropriate Assessment

7.2. **Alternative Sites**

- 7.2.1. It is well recognised that placing infrastructure of this nature in small towns and villages 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 area and indicates that existing alternative sites within a search area in the environs of the village are not suitable and that there are no suitable commercial buildings or structures. I note that the planning authority's decision and the Planners Report, which included a request for further information in relation to the issue, and the Observer submissions, query the adequacy of the assessment of alternative sites, including the absence of consideration of a greenfield site. The Observers also include some details of possible alternative sites in the surrounding area. 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. The applicants indicate that the proposed 18m height is required to achieve adequate transmission levels and to facilitate sharing with other operators.
- 7.2.5. Both the Guidelines and the development plan clearly indicate that the sensitivity of the receiving environment is the critical consideration. This, therefore, is the focus of the remainder of my assessment.

7.3. Townscape Impact

- 7.3.1. The refers to the reference in the planning authority reason for refusal to the impact on the visual amenities and character of Gortnahoe and to those related matters raised in the Observer submissions.
- 7.3.2. Under the current development plan Gortnahoe 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 development site, contrary to other assertions, is located away from the centre of the village, that is focussed along the R689, and in a relatively peripheral location.
- 7.3.3. Given this context I do not consider that the proposed mast, an 18m high monopole, would adversely impact on the amenity or character of the village. While it might be visible from a number of locations it would not, in my view, register as a significant structure. This conclusion is reasonably supported in the applicants photomontages series that includes assessment from a significant number of vantage points. The Board will note that the new mast would not be visible at all in several of the views. While it is accepted that moving some of the viewpoints to avoid intervening buildings would likely result in greater visibility than suggested the views would still be distant and intermittent so that the impact of the mast would still be of low significance.

7.4. Impact on Residential Properties and Community Facilities

- 7.4.1. Given the low density nature of Gortnahoe and the relatively peripheral location of the development site I do not consider that the proposed mast would significantly intrude, from a visual perspective, on community facilities in the village. For the most part these are located along the R689 and at some distance from the proposed development. In this regard I do not consider the distances referenced in the planning authority Planners report to the various community facilities to be significant or to be within the scope of those contemplated in the Guidelines where they refer to masts located 'beside' schools. The closest community facility referenced is a community field (at 20m) and I do not consider this to be particularly sensitive.
- 7.4.2. The most sensitive receptors, in my view, are the nearest residential properties. The adjacent property to the west is a detached bungalow facing the road with substantial gardens to the side. There is a common boundary with the Eir exchange plot (are outlined blue). The proposed mast would be over 25m from this boundary and approximately 60m from the nearest, west facing, gable of the house. Given the layout of the property and the separation distances I do not consider that the proposed mast would have a significant adverse impact on its residential amenities. To further protect the amenities of this property, and given the extent of the Eir exchange property outlined in blue, I consider that it would be reasonable to require the applicants, by condition, to carry out some suitable tree planting between the proposed mast and the existing exchange building.
- 7.4.3. The small housing scheme to the south-west across the road also needs to be considered. The nearest house would be approximately 35m from the proposed mast. Again, given the layout of these houses, orientated north-south, and the separation distances I do not consider that the proposed development would have a significantly adverse impact on residential amenity.
- 7.4.4. Given the relatively peripheral location of the development site and the layout of nearby properties and the separation distances, I do not consider that the proposed development would be at variance with the Guidelines in relation to the location of such developments in residential areas.

7.5. Traffic

- 7.5.1. This is referenced in one of the Observer submissions. Given the minor nature of the proposed development that would generate very little traffic I do not consider that this constitutes a significant issue.

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 granted subject to conditions.

9.0 Reasons and Considerations

Having regard to:

- Policy 6-6 of the Tipperary County Development Plan 2022-2028, which supports the provision of broadband/telecoms infrastructure subject to environmental considerations,
- Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, DOE 1996, which recognises that it may be necessary to locate such infrastructure in towns and villages and advises that existing utility sites should be considered along with site specific design,
- the location of the development site, an existing telecoms exchange facility, peripheral to the village centre, community facilities and residential properties and,
- the proposed monopole design,

It is considered that, subject to compliance with the following conditions, the proposed development would not be seriously injurious to the visual or residential

amenities of the village. The proposed development 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, including further information submitted to the planning authority on 4 August 2021, 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. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. Suitable tree planting shall be carried out towards the western end of the exchange property (area outline blue). Prior to the commencement of the development revised drawings providing for this shall be submitted for the written agreement of the planning authority.

Reason: In order to protect the residential amenity of the adjacent property to the west.

5. On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense.

Reason: In the interest of clarity.

B. Wyse

Assistant Director of
Planning

2 December 2022