



An  
Bord  
Pleanála

## Inspector's Report ABP-312109-21

---

<b>Development</b>	To replace a 15m high telecommunications monopole with a 21m high monopole and associated equipment.
<b>Location</b>	Eir Exchange, Shesheraghmore, Borrisokane, County Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	211431
<b>Applicant(s)</b>	Eircom Ltd (T/A Eir)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party v. decision
<b>Appellant(s)</b>	Matthew Ducie
<b>Observer(s)</b>	Ellen Ducie
<b>Date of Site Inspection</b>	14 October 2022
<b>Inspector</b>	B. Wyse

## 1.0 Site Location and Description

- 1.1. The existing Eir exchange is located off Church Road (R490) in Borrisokane, County Tipperary. The application site, as outlined in red, has a stated area of 0.06ha and it sits within the exchange compound and access route. The existing compound comprises a small exchange building, the existing 15m high telecoms monopole structure enclosed within security fencing and an ESB power pole and overhead line, all generally enclosed by chainlink fencing.
- 1.2. The appellants house and garden is located immediately adjacent to the south. There is a vehicular access to a sports ground running along the eastern side. Undeveloped lands generally extend northwards. Church Street in the vicinity is generally residential. The commercial centre of Borrisokane is some distance to the west.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the replacement of the existing 15m high telecoms mast with a 21m high mast of similar monopole design and with associated antennae and other equipment. The new structure would be located immediately to the south of the existing structure and it would also be enclosed with 2.4m high security fencing.
- 2.2. The existing structure is stated to be too low to achieve the required coverage levels. The new structure would facilitate wider 3G, 4G and 5G coverage and accommodate more operators.
- 2.3. The application documentation includes a justification of the need for the proposed development by reference to Comreg coverage maps and details of discounted alternative sites in the wider area.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision to grant permission is subject to 5no. standard conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

Basis for planning authority decision.

Includes:

- The proposed height increase is acceptable given the existing pole on the site.
- The structure is acceptable as it is set back approximately 56m from the public road.

The report also concludes that neither Environmental Impact assessment (EIA) nor appropriate assessment (AA) is required.

### 3.2.2. Other Technical Reports

Roads and Transport – no objection.

## 3.3. Prescribed Bodies

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

## 3.4. Third Party Observations

An objection submitted by Matthew Ducie, Terresa Ducie and Ellen Ducie refers to similar matters to those raised in the grounds of appeal.

## 4.0 Planning History

**PA Ref. 08510120:** This is a 2008 permission for a 15m high mast for use by emergency services.

**PA Ref. 13510171:** This is a 2013 permission for the continued use of the above mast (existing mast on site).

## 5.0 Policy Context

### 5.1. Development Plan

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

The site is located within an area zoned 'existing residential'.

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. Natural Heritage Designations

None relevant.

### 5.3. 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

The appeal is lodged by Matthew Ducie, the adjacent resident. Main grounds can be summarised as follows:

- The proposed development would be just 1.38m from the boundary of the appellants family home, approximately 3m to the base of the mast.
- The proposed structure would be visible from every viewpoint within the appellants home and garden and have a severe visual impact. Photographs attached.
- The close proximity of the development gives rise to health concerns.

- The proposed development would devalue the appellants property.
- The Council previously had concerns in relation to the 15m high structure in such close proximity to the appellants property.

## 6.2. Applicant Response

Includes:

- It is acknowledged that the existing structure creates a visual impact on the appellants house and garden. However, it isn't practical or effective to undertake mitigation measures to reduce this impact, such as planting close to the boundary.
- Communications services have grown rapidly since 2013 and the submission includes a letter of support from Vodafone.
- The site is located at a strategic location to provide the required services.
- The existing exchange also provides additional advantages including connections and technological and work practice efficiencies.
- The increase in height of 6m does not significantly change the visual impact. The design is still the preferred monopole for towns and villages.
- Circular Letter 07/12 advises planning authorities that health issues are not a planning consideration.
- There is no empirical evidence that telecoms infrastructure devalues property. Property values can be negatively impacted in areas that don't have the benefit of coverage and data services. And there are many other factors that can affect property values. Reference is made to a number of Inspector's reports on other cases where this matter was considered.

## 6.3. Planning Authority Response

None received.

## 6.4. Observations

This is submitted by Ellen Ducie in objection to the development. It raises similar issues to those raised in the grounds of appeal but extends consideration to the wider community in the locality of the appeal site. It also includes a petition from the local community.

## 7.0 Assessment

- 7.1.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Residential Amenity
- Health
- Appropriate Assessment

## 7.2. Residential Amenity

- 7.2.1. The key issue in the appeal relates to the close proximity of the site to the appellants house and garden. As indicated the existing exchange compound immediately abuts the rear of the property. The existing mast is approximately 10m from the common boundary and it's impact on the appellants property is clearly illustrated in the various photographs on file. This impact is acknowledged by the applicants.
- 7.2.2. In terms of assessing the impact of the replacement mast there are two aspects to consider.
- 7.2.3. The first is the increased height by 6m, from 15m to 21m. The latter measurements refer to the main bulk of the structure. The emergency services antennae, slimline in design, add a further 3.9m, bringing the total height to almost 19m (existing) and 25m (proposed). It is clear also that the proposed mast will carry additional antennae adding to the overall bulk of the top of the structure. Nevertheless, I do not consider that the increased height and bulk of the new structure, in themselves, would give rise to significantly greater impacts on the appellants property than exists at present.

- 7.2.4. The second important aspect to the proposed development, in my view, is the proposal to locate the new mast even closer to the appellants property. On the basis of the layout drawings submitted the new mast would be about 5m from the common boundary. This combined with the increased height and bulk would give rise to a significant increase in the impact of the development on the appellants residential amenity and, in my view, is not reasonable. While I acknowledge that erecting the replacement mast as proposed allows for continuity of service from the exchange site I, nevertheless, consider that the new mast should be located in the same position as the existing mast so as to minimise the impact on the appellants property. I'm sure a temporary fix for any interruptions to service during construction should be possible.
- 7.2.5. Siting the new mast in the same position as the existing should also allow for the establishment of some tree planting along the southern boundary of the exchange compound site (area outlined blue) so as to further mitigate the impact on the appellants property. This can be required by condition.
- 7.2.6. Given that the existing facility is already in place, and that the proposal essentially relates to an upgrade of that facility, I consider, subject to the new mast being sited in the same position as the existing, that the proposed development is acceptable.
- 7.2.7. In this context I do not consider that there is any basis to the appellants contention that the proposed development would devalue their property.
- 7.2.8. In so far as the Observer submission raises similar issues to those raised in the grounds of appeal, but expands the scope to the wider community, I do not consider that the impacts referred to give rise to significant concerns.
- 7.2.9. The immediate locality is a low density residential area and no significant impacts, whether in relation to residential or visual amenity, arise, in my view, from the proposed upgrading of the existing facility. In the wider landscape the new mast would register as very similar to the existing.

### 7.3. Health

- 7.3.1. As indicated at Section 5.2.2 above Circular Letter PL07/12, DoELG, specifically clarifies that health and safety matters in relation to telecoms infrastructure are regulated by other codes and are not matters for the planning process.

## 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 granted subject to conditions.

## 9.0 Reasons and Considerations

It is considered, subject to compliance with conditions, that the proposed replacement telecommunications structure and associated equipment would not seriously injure the residential amenities of properties in the vicinity 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, 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. The proposed telecommunications support structure shall be located in the same position on site as the existing structure. 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.

3. Suitable tree planting shall be carried out along the southern boundary of the exchange compound (area outlined 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

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 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.

6. 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

25 October 2022