



An
Bord
Pleanála

Inspector's Report ABP-312118-21

Development	Erect a 24m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing.
Location	Mantlehill Great, Golden, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21/1007
Applicant(s)	Vantage Towers Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 5 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Cellnex
Observer(s)	None
Date of Site Inspection	9 th November 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located to the north of the village of Golden, which lies on the N74 between Cashel and Tipperary, and to the east of the River Suir. This site lies within farmland that adjoins, to the south, the grounds of Golden Kilfeacle GAA Club and a local grave yard. It is accessed by means of a farm track that runs westwards from a local secondary road, the L-83073-0, which forms a cul-de-sac off the N74.
- 1.2. The site is of rectangular shape, and it extends over an area of 0.0064 hectares. This site is situated towards the north-western corner of its host field. The landowner's farmhouse and farm yard lie to the east and a neighbouring farmhouse and farm yard lie to the north-east.

2.0 Proposed Development

- 2.1. The proposal would entail the erection of a 24m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment. This support structure would be sited within a compound enclosed by 2.4m high palisade fencing and a pair of gates that would afford access from a farm track. It would have a headframe to which the following items would be attached:

- 3 no. Vodafone 2.7m antenna and 3 no. Vodafone 0.9m antenna, and
- 3 no. antenna for other operators.

Below the headframe the following additional items would be attached:

- 3 no. 1.1m antenna for other operators,
- 2 no. 0.6m Vodafone dishes, and
- 1 no. 0.6m dish for other operators.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of further information, permission was granted, subject to 4 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Further information was requested. Thus, Section 4.5 of the Telecommunications Antennae and Support Structures Guidelines is cited, and the applicant was requested to “submit a survey and analysis of all existing masts in the area. The applicant is requested to provide a detailed justification of the reasons why they cannot co-locate on any such existing structures.”

3.2.2. Other Technical Reports

- IAA: No requirement for obstacle lighting.
- Tipperary County Council: Area Engineer: No objection.

4.0 **Planning History**

None

5.0 **Policy and Context**

5.1. **National Planning Guidelines**

Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letters PL 07/12.

5.2. **Development Plan**

Under the Tipperary County Development Plan 2022 – 2028 (CDP), the site is shown as lying in a rural area, to the north of Golden, a service centre settlement, and to the north-east of an Archaeological Zone of Potential. The site is also shown as lying within the landscape character area known as the River Suir Central Plain, within which lowland pasture and arable lands predominate. This area is deemed generally to have a high capacity/low sensitivity with respect to development.

Under Section 6.8 of the CDP, digital connectivity and innovation are addressed. This Section states that

The Council recognises 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 policy, denoted as 6-6, is also relevant:

Facilitate the development of telecommunications infrastructure 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.

5.3. Natural Heritage Designations

Lower River Suir SAC (002137)

5.4. EIA Screening

The proposal is for a telecommunications structure with antennae and dishes. As such, it does not come within the scope of any of the Classes of development that are potentially the subject of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

(i) Existing site 700m to the north of Golden Village is the established site for the local area:

- The appellant manages an existing telecommunications site at Castlepark Stud, c. 400m to the north-east of the application site. This site is c. 83m ASL whereas the application site is c. 69m ASL. It, therefore, affords the greater potential.
- The appellant plans to upgrade and expand the services available to Three and other operators at its site.

(ii) The appellant's site is providing Three with very good coverage to Golden Village and its surrounds:

- Extracts from Comreg's outdoor coverage maps show that Three's 3G and 4G coverage from the appellant's site ranges from good to very good.
- Even though the space available on the appellant's mast would be lower, given its higher height, this mast would afford better coverage to other operators than under the proposal.

(iii) Site sharing option not fully assessed for co-location with no evidence provided to eliminate co-location/site share option:

- Attention is drawn to the advice of the Telecommunications Antennae and Support Structures Guidelines in favour of mast sharing, thereby avoiding an unnecessary proliferation of masts.
- In the present case, the applicant's further information response provided a technical justification for the application site, but it did not adequately rule out the appellant's site for future mast sharing, e.g., the applicant did not approach the appellant in this respect.

(iv) Visual impact on character and setting of Golden Village not adequately assessed:

- Attention is drawn to the proximity of Golden Village to the site, c. 200m away, and to two churches, which are protected structures, i.e., RPS refs. S064 and S065. A visual impact assessment (VIA) of the proposal should have been undertaken to enable the visual impact of the proposal upon the Village and these churches to be established.

(v) Insufficient details provided in the planning documentation as to any impact upon the adjacent Lower Suir SAC, c. 200m to the west of the site:

- Given a potential hydrological link between the site and the SAC, impacts upon the SAC during any construction phase were not adequately assessed.

6.2. Applicant Response

In relation to ground (i):

- Attention is drawn to the appellant's pole, which is the subject of permitted application 11/346 for 2 no. 18m high CCTV camera poles to facilitate the security of Castlepark Stud.
- While Three has attached equipment onto one of the poles, the site's primary use is that of security rather than telecommunications. Furthermore, its planning status is open to question.
- Vodafone's equipment could not be installed on the pole in question, as there is insufficient space, and it would be too heavy.
- While the appellant refers to an upgrade to facilitate mast sharing, a larger structure would be needed and so there is no evidence that either the landowner's agreement or planning permission would be forthcoming.
- The one outstanding established site is that of Tipperary Mid-West Radio Co-Op, which lies c. 2.81km to the south of the site and so too far away to afford the needed 3G, 4G, and 5G coverage to Golden.
- The applicant reiterates that Golden needs improved coverage and that, under the proposal, the opportunity to provide such coverage from what would become the established telecommunications site would exist.

In relation to ground (ii):

- The appellant's "mast" is a pole for security cameras that also supports its equipment. While the ComReg map shows that the appellant's equipment provides good 3G and 4G coverage, this is not the case for 2G coverage, and so the applicant surmises that 2G equipment could not be accommodated on the pole.
- By contrast, the applicant's proposal would afford the opportunity to Vodafone to provide good 2G, 3G, 4G, and 5G coverage to Golden and the N74. Without this proposal, it would not be able to provide 4G and 5G coverage.
- The appellant emphasises height: While this is important, of greater importance is proximity to demand: The applicant's site is closer to Golden. Each new wave of technology has resulted in a reduction in the coverage area that can be achieved – hence the importance of proximity to demand.

In relation to ground (iii):

- The appellant's pole would be incapable of supporting Vodafone's equipment and so the invitation to co-locate is mis-placed.
- By contrast, the applicant's proposal would facilitate co-location, especially as operators have struggled in the past to obtain planning for sites in the area of Golden.
- In the light of the foregoing, the lack of contact between the applicant/prospective operator and the appellant can be understood.

In relation to ground (iv):

- If the appellant was to upgrade its pole to a mast akin to the applicant's proposal, then due to the greater height and local hilltop location of its site, this mast would have a greater visual impact than the applicant's proposal.
- Views of the two sites would be hidden by the village streetscape and other views of them would be intermittent.
- Neither site would affect the two protected structures.

In relation to ground (v):

- The Lower River Suir passes to the north and east of the two sites. This River is an SAC and, to the north, it passes closer to the appellant's site than the applicant's one.
- During any construction phase, the erection of the proposal would be the subject of standard construction practices.

6.3. Planning Authority Response

- The planning register does not indicate that the appellant's mast is authorised.
- The question of co-location was addressed under further information.
- The two churches would, variously, be 212m and 268m away from the site and so their characters would be unaffected.

- The proposal was the subject of Stage 1 Screening for AA, and it was concluded that, given the site's distance from the AA, an Appropriate Assessment was not required.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the National Development Plan 2018 – 2027 (NDP), the National Planning Framework 2020 – 2040 (NPF), Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, the Tipperary County Development Plan 2022 – 2028 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Policy and site selection,
- (ii) Landscape and visual impacts,
- (iii) Access,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Policy and site selection

7.2. The NDP has as a fundamental underlying objective the need to prioritise the provision of high-speed broadband. Likewise, Objective 48 of the NPF undertakes to “develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.” Under Policy 6-6 of the CDP, the Planning Authority undertakes to facilitate the development of telecommunications infrastructure in accordance with the Telecommunications Antennae and Support

Structures Guidelines, “where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment.”

- 7.3. The applicant proposes to site a new telecommunications mast on farmland to the north of Golden Village, for Vodafone and other operators. The appellant has an existing telecommunications mast, which supports equipment operated by Three, on farmland to the north of the applicant’s site and on higher ground, i.e., c. 83m ASL compared to c. 69m ASL. It states that the proposed telecommunications equipment should be sited on its existing mast in a bid to ensure that mast sharing occurs in accordance with advice in this respect set out in the Telecommunications Antennae and Support Structures Guidelines.
- 7.4. The Planning Authority advises that, whereas the applicant has planning permission for 2 no. 18m high poles to support CCTC security cameras and lighting (11/346), it does not appear to have planning permission for the telecommunications mast.
- 7.5. The applicant responds to the appellant by stating that the pole structure of the telecommunications mast in question would be of inadequate strength to support the telecommunications equipment now proposed and so a new telecommunications mast would, in practise, be needed. While the appellant’s site is higher than the applicant’s, a key factor in the roll out of 4G and 5G coverage is proximity to where demand is in Golden Village and along the N74, which passes through it. The applicant’s site would be closer to the N74 in the Village than the appellant’s, i.e., 320m compared to 680m. Accordingly, the applicant concludes that mast sharing on the appellant’s existing telecommunications mast would not be feasible and any new mast would be better placed technically to be on the current application site rather than on the more distant farmland of the appellant.
- 7.6. I, therefore, conclude that, while mast sharing is a desirable objective to avoid the unnecessary proliferation of masts, the existing mast would appear to be of inadequate strength to achieve this objective and so a new mast is needed. For reasons of technical coverage, the siting of such a mast on the current application site would appear to be preferable, and so the selection of this site is, in principle, justified.

(ii) Landscape and visual impacts

- 7.7. Under the Tipperary County Development Plan 2022 – 2028 (CDP), the site is shown as lying in a rural area, to the north of Golden, a service centre settlement, and to the north-east of an Archaeological Zone of Potential. The site is also shown as lying within the landscape character area known as the River Suir Central Plain, within which lowland pasture and arable lands predominate. This area is deemed generally to have a high capacity/low sensitivity with respect to development.
- 7.8. During my site visit, I observed that from within the Village of Golden, views of the site from the N74 were effectively obstructed by the streetscape. From within the grounds of a local grave yard and the local GAA club to the north of the N74, the site would become visible if developed as proposed. Such visibility would tend to be viewed in conjunction with existing vertical items, such as the floodlighting poles that accompany the GAA grounds. Some mitigation would be afforded by existing mature hedgerows.
- 7.9. The appellant draws attention to the presence of the two parish churches to the south and to the south-west of the site. Both churches are protected structures and so it expresses concern that their settings would be adversely affected by the proposal. During my site visit, I viewed these churches in relation to the site and, due to the separation distances that would exist and the presence of intervening mature vegetation, I do not consider that their settings would be adversely affected
- 7.10. During my site visit, I also observed the site from the local road (L1301) that parallels the River Suir to the west and from the local road further to the east (L8307) of the site. The former road affords open and expansive views of the landscape setting of Golden. The scale of the landscape and the range of these views would be such that the proposal would be absorbed by the landscape and so significant visual intrusion within views would not arise. The latter road rises at gentle gradients to afford intermittent views of the site within the sweep of the local populated landscape. The presence of existing wirescape, farm buildings, and mature hedgerows would serve to mitigate the visual impact of the proposal within these views.
- 7.11. The applicant in its discussion of the relative merits/de-merits of its site and the appellant's one draws attention to the difference in their elevations as set out under the first heading of my assessment. It states that any new comparable mast on the

appellant's site would be sited on higher land than its site and so it would appear more conspicuous. This statement would be true for vantage points along the two local roads discussed above. However, from within the grounds of the local graveyard and the local GAA club, the fact that the applicant's site would be closer than the appellant's would effectively negate the difference in height and so the proposal from these vantage points would be likely to be at least as conspicuous, if not more so.

7.12. I conclude that the landscape and visual impacts of the proposal would be capable of being absorbed or significantly mitigated, thereby ensuring that it would not result in serious injury to the amenities of the area.

(iii) Access

7.13. The proposed access route to the site would be from the N74, along the L-83073-0 and an accompanying existing farm track. *Prime facie* this route would be capable of accommodating construction phase traffic and the occasional operational phase traffic that the proposal would generate.

7.14. I conclude that, under the proposal, no access issues would arise.

(iv) Water

7.15. The OPW's flood maps do not show the site as being the subject of any formal identified flood risk.

7.16. The applicant has stated that during any construction phase, the proposal would be erected in accordance with standard construction practices for the control of surface water run-off. Accordingly, any pollution risk to the nearby River Suir would be addressed thereby.

7.17. I conclude that, under the proposal, no water issues would arise.

(v) Stage 1 Screening for Appropriate Assessment

7.18. Under Stage 1 Screening for Appropriate Assessment, the test to be applied is whether the project would be likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s). Screening involves the following 6-step process.

- Step 1: The project would entail the erection of a telecommunications mast and the construction of an accompanying secure compound on a site with an area of 64 sqm. It would be accessed off an existing farm track.
- Step 2: While the site does not lie within a Natura 2000 site, the River Suir passes c. 200m to the west of it and this River lies within the Lower River Suir SAC (002137). The farm track that serves the site continues westward to the Mill Stream that lies within the SAC. Insofar as this track is the subject of downward gradients towards the Stream, it represents a potential hydrological source/pathway/receptor route between the site and this Stream.
- Step 3: The Lower River Suir SAC is the subject of the following qualifying interests. The Conservation Objectives for these qualifying interests are either to maintain (M) or restore (R) their favourable conservation condition.

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] (R)

Mediterranean salt meadows (*Juncetalia maritimi*) [1410] (R)

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260] (M)

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] (M)

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0] (R)

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0] (R)

Taxus baccata woods of the British Isles [91J0] (R)

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] (R)

Austropotamobius pallipes (White-clawed Crayfish) [1092] (M)

Petromyzon marinus (Sea Lamprey) [1095] (R)

Lampetra planeri (Brook Lamprey) [1096] (R)

Lampetra fluviatilis (River Lamprey) [1099] (R)

Alosa fallax fallax (Twite Shad) [1103] (R)

Salmo salar (Salmon) [1106] (R)

Lutra lutra (Otter) [1355] (R)

- Step 4: Map 7 attached to the NPWS's Conservation Objectives document for the Lower River Suir SAC identifies the River Suir in the vicinity of the site as being a habitat for the White-clawed Crayfish. The safeguarding of water quality would therefore be of importance for the maintenance of this qualifying interest's habitat.
- Step 5: I am not aware of any other plans and projects which could in combination with the subject project give rise to likely significant effects.
- Step 6: The project would be undertaken in accordance with standard construction practices for the control of surface water run-off. These practices would effectively safeguard the SAC from any contaminated waters that might otherwise reach it. Accordingly, the project would not undermine the Conservation Objectives of the Lower River Suir SAC and give rise to likely significant effects upon it.

7.19. The proposed development was considered in the light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002137, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- Distance of the site from European Site No. 002137, and
- The use of standard construction practices to control surface water run-off.

In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to:

- The National Development Plan 2018 – 2027,
- Objective 48 of the National Planning Framework 2020 – 2040,
- The Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letter PL 07/12, and
- Policy 6-6 of the Tipperary County Development Plan 2022 – 2028,

it is considered that, subject to conditions, the proposal would contribute to the roll out of broadband services in accordance with national and local objectives. The landscape and visual impacts of the development of the site would be compatible with the amenities of the area. Existing access arrangements would be capable of being utilised satisfactorily. No water or Appropriate Assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of October 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>

3.	<p>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.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the telecommunications structure, subject to the provisions of Class 31 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 (as amended).</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p>
5.	<p>On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed, and the site reinstated within 3 months of decommissioning.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>

Hugh D. Morrison
 Planning Inspector

23rd November 2022