



An  
Bord  
Pleanála

## Inspector's Report ABP-312143-21

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<b>Development</b>	15m high monopole telecommunications support structure and associated equipment.
<b>Location</b>	Eir Exchange, Townsfields, Cloughjordan, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	201417
<b>Applicant(s)</b>	Eircom Ltd (T/A Eir).
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Saint Michaels National School
<b>Observer(s)</b>	None
<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 on Main Street in the village of Cloughjordan, County Tipperary. The site has a stated area of 66sqm. The exchange compound, outlined blue, has an area of approximately 250 sqm and comprises a small exchange building, a c.12m high wooden pole and an ESB power pole with connecting overhead lines. It should be noted that at the time of inspection the steel pole and antenna (dish) indicated on the application drawings was no longer in place. The compound is generally enclosed by low walls and fencing.
- 1.2. St. Michaels National School, the appellants, is immediately adjacent to the west. The property adjacent to the east appears vacant – the applicants label it as a private dwelling but his not clear. There are residential properties adjacent to the north and to the south across the street. The commercial centre of Cloughjordan is focussed further to the east along Main Street.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a 15m high monopole telecoms support structure with antennae and associated equipment. The new mast would be located to the west of the exchange building and it would be separately enclosed by 2.4m high security fencing.
- 2.2. The purpose of the development is to allow the applicants to significantly improve its 4G service in Cloughjordan and to facilitate site sharing. Eir does not currently transmit from the exchange site.
- 2.3. The application documentation includes a justification statement for the proposal, including details from ComRegs mobile coverage mapping that is stated to illustrate the poor quality of Eirs existing 4G coverage in Cloughjordan.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision to grant permission is subject to 4no. standard conditions.

Condition No.1 refers to further information submitted to the planning authority following queries raised by the planning authority on the question of alternative sites and the proposed location beside a school and within a residential area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports** (dated 25 Jan 21, 6 Aug 21 and 8 Nov 21)

Basis for planning authority decision.

Include:

- Given that there is an existing mast on the site and that there are no alternative sites available, including greenfield sites, it is considered that the applicant has provided justification for the proposed development.
- Noted that the applicants have proposed to relocate the existing antenna on site onto the new structure and remove the wooden pole.
- This conclusion follows two requests for further information on the issue of alternative sites.

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

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

Irish Aviation Authority (IAA) : no observations.

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

The planning authority received 6no. objections to the proposed development referring to the negative visual impact of the proposal on the cultural heritage and character of the village, the adjacent school and residential area and other community facilities. Health and safety concerns were also raised.

## 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).

Cloughjordan is a designated service centre.

The appeal site is zoned 'social and public'.

The site is outside the Cloughjordan Architectural Conservation Area (ACA) that is located further to the east. It is within the Zone of Archaeological Potential (Drg. No. Cloughjordan – SCSP-009).

Specific Objectives S07/09 commit the Council to develop the tourism potential of the village and to carry out street enhancement works subject to resources.

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 (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**

- 5.4.1. 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 the Board of Management of St. Michaels National School and by the staff of the school.

Main grounds can be summarised as follows:

- The proposed telecoms structure would be 3m from the walkway into the school and 7m from the gable end of the school building.
- The structure would be an eyesore and cast a constant shadow on the school.
- It cannot be guaranteed not to give rise to health impacts.
- By reference to the 1996 Guidelines there are alternative sites that would not impact on houses, schools or creches. The Guidelines advise that such structures should only be sited within small towns/villages or in residential areas or beside schools as a last resort.

- The development is contrary to development plan policy.

## 6.2. Applicant Response

Includes:

- The development plan emphasises the importance of facilitating a high quality telecoms network.
- The site is zoned 'social and public – to provide and improve social and public facilities'.
- The monopole design and minimal height accord with the 1996 Guidelines.
- The site is already developed for utilities.
- The structure will be intermittently visible and would not terminate any views. There are a number of street lamps of the same height along Main Street.
- The cabin and fence can be coloured if required.
- Similar cases have been granted by An Bord Pleanala.
- The structure would be minimally visible from within the school. The shadow cast would be marginal.
- Circular Letter PL07/12 reiterates that health and safety matters are regulated by other codes.
- The structure must be located close to the population and the village. Using the existing exchange site allows convergence of overhead mobile and broadband technology with underground fibre networks which result in work efficiencies.

## 6.3. Planning Authority Response

None received.

## 6.4. Observations

None received.

## 7.0 **Assessment**

7.1. 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:

- Alternative Sites
- School and Residential Amenity
- Townscape Impacts
- 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. I note that the planning authority's decision follows two requests for further information on the issue of alternative sites and in the context of the proposed location near the adjacent school and in a residential area. The planning authority was ultimately satisfied that the applicants demonstrated that there are no suitable alternative sites available. Notwithstanding this quite lengthy process of investigation the appellants still maintain that there are alternative sites, although no details are provided.

- 7.2.3. It is difficult, in my view, to be definitive in relation to this issue. 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 and that it is proposed to relocate the existing antenna (dish) on site onto the new structure and to remove the existing wooden pole.
- 7.2.5. All of this points to substantial compliance with the Guidelines. However, 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. School and Residential Amenity**

- 7.3.1. In relation to the adjacent St. Michaels National School I consider, though located in close proximity, that the proposed mast would have something of a 'tangential' relationship with the school complex. Though it would be clearly visible from the front of the school and as approached along the street, the mast would be adjacent to a gable end of the school building. It would be some distance from the main entrance doors to the school and the vehicular access and other parking area and access to the rear at the opposite end of the school. Furthermore, the school building has been extended to the rear and the layout is such that the school, including recreational/sports facilities, orientates towards the north and north-west away from the proposed mast site. I do not consider, therefore, that the mast would register as a very significant feature in the daily experience of staff and pupils at the school. Given its slimline design and location east of the school, any shadow cast would be very minor and only fall towards the school for a very limited period in the early morning.



- 7.3.2. I do not consider, therefore, that the grounds of appeal in relation to the school, in this instance, should be upheld.
- 7.3.3. In relation to residential amenity the main issue, in my view, is the close proximity of the proposed mast to the adjacent houses to the north, at McDonagh Avenue. These are single storey semi-detached houses with very open rear gardens. The mast would be little over 5m from the common boundary and about 25m from the rear elevation of the nearest house. It would, therefore, be a very prominent feature in relation to these houses and their gardens. While monopole in design the mast would be a much more substantial structure than the existing poles on the site.
- 7.3.4. I consider, therefore, that the proposed development would seriously injure the residential amenities of these adjacent properties.
- 7.3.5. The Board will note that in so far as health and safety is raised in the grounds of appeal Circular Letter PL07/12, DoECLG 2012, clarifies that this is not a matter for the planning process.

#### **7.4. Townscape Impacts**

- 7.4.1. This refers to the visual impact of the proposed mast on the wider townscape/character of Cloughjordan. Though not raised explicitly in the grounds of appeal it is referred to in the applicants response and in the Observation submissions to the planning authority.
- 7.4.2. Noting that the development site is located to the west end of Main Street and peripheral to the commercial focus of the village centre and that it is outside the Cloughjordan ACA, I do not consider that the proposed mast would have an adverse impact on the built heritage or character of the village.

#### **7.5. Appropriate Assessment**

- 7.5.1. 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 amenities of the adjacent residential properties to the north. 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

5 December 2022