



An
Bord
Pleanála

Inspector's Report ABP-312843-22

Development	To erect a 30m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing with an extension to an existing access track.
Location	Monroe West Townland, Ardfinnan, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21/1768
Applicant(s)	Vantage Towers Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Vantage Towers Ltd
Observer(s)	Ezita Cunningham & Others Edel & Shane Griffin & Others

Date of Site Inspection

9th November 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on farmland adjacent to a farmstead to the west/south-west of Ardfinnan. This farmstead is accessed from the east off the L7517, which also serves housing to the north and south of the farmland, known as Castle View and Lady's Abbey/Ashfield Manor. A single lane secondary local road runs between the site and the surrounding farmland and Lady's Abbey/Ashfield Manor. This road forms part of the pilgrim route known as St. Declan's Way, which runs between Cashel and Ardmore.
- 1.2. To the north-west of the site lie a cluster of transport warehouses, which are accessed off the R665. This regional road runs through Ardfinnan from east to west and it incorporates a bridge across the River Suir. The site and the existing development in its vicinity are on elevated lands above and to the south of the River.
- 1.3. The site itself is of regular shape and it extends over an area of 0.0064 hectares. A Dutch barn with a lean-to element lies to the east of this site, along with an existing farm track.

2.0 Proposed Development

- 2.1. Under the proposal, a 30m high lattice telecommunications support structure with a headframe would be erected on the site. This structure would support the following equipment:
 - First operator, Vodafone, 3 no. antennas and 5 no. dishes at 30m AGL,
 - Second operator, 3 no. antennas and 1 no. dish at 26.5m AGL, and
 - Third operator, 3 no. antennas and 1 no. dish at 23m AGL.
- 2.2. The support structure would be accompanied by ground mounted equipment within an 8m x 8m compound, which would be enclosed by palisade fencing and served by gates in its north-eastern boundary. An existing farm track to the north-east would be extended as far as these gates.

3.0 Planning Authority Decision

3.1. Decision

“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 application site is located near to Ardfinnan village and in close proximity to residential areas of Lady’s Abbey, Ashfield Manor, and Castle View. The proposed development would form a visually prominent feature and would negatively impact on the visual amenities and character of the settlement.

The Planning Authority is not satisfied, having regard to the limitations in information on other existing telecommunications sites considered, that no other 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

See decision.

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

- National Development Plan 2018 – 2027
- National Planning Framework 2020 – 2040
- Telecommunications Antennae and Support Structures Guidelines as revised by Circular Letters PL 07/12.

5.2. Regional Spatial & Economic Strategy for the Southern Region

Objective RPO 137 addresses mobile infrastructure:

It is an objective to strengthen the continued delivery of high-speed, high-capacity digital and mobile infrastructure investment in our Region and strengthen cross regional integration of digital infrastructures and sharing of networks.

5.3. Development Plan

Under the Tipperary County Development Plan 2022 – 2028 (CDP), the site is shown as lying just outside and immediately to the south of the settlement boundary around Ardfinnan, a service centre settlement. Adjacent lands to north within this boundary are zoned for employment and enterprise. 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 Appendix 2 of the CDP, scenic routes and views in the County are identified. The R665 between Ardfinnan and Clogheen is identified as such a route and, likewise, views (V17) to the south from this route.

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.

5.4. Natural Heritage Designations

Lower River Suir SAC (002137)

5.5. 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

Justification for the site

- While the proposal would accommodate Vodafone, the applicant anticipates that other operators would be interested, too, and so one 30m high lattice tower is specified for the site.
- The majority of existing telecommunications sites are too far away to provide the coverage in the area of Ardfinnan that is needed. The exception is the 30m high monopole at Ballyneety, c. 2km to the north-east of the current application site. Three and Eir operate from this mast, which was granted

permission under 09/603. Even so their coverage of the village of Ardfinnan for 4G services tapers off towards the south-west. Vodafone is not confident that, if it were to locate on this mast, its coverage requirements would be achievable.

Site identification

- The applicant undertook a site search prior to making the current application. 4G and 5G technologies require smaller areas than 2G and 3G. As the former will be the technologies of choice in the future and as the latter will be likely to be phased out, it is important to select a site with this in mind.
- The Planning Authority refers to a rooftop location 300m to the north-west of the application site. However, this location would be too low to meet operators' requirements.

Ardfinnan topography

- The Lower River Suir flows through Ardfinnan, which is in a valley with elevated land surrounding it. The existing 30m mast is on elevated land and so is the site selected by the applicant, as such elevation is needed to ensure both good coverage and connectivity with other masts.
- The proposed lattice tower would lend itself to mast sharing to a greater extent than monopole structure, e.g., more equipment can be attached at the same height.

Ardfinnan Settlement Plan

- The site is adjacent to lands that are zoned for employment and enterprise. The proposal would be in an ideal location to serve such uses.

Protected structures

- Protected structures lie within the historic village, which is at a lower level than and at some considerable remove from the application site. Consequently, any visual impact upon them would be minimal.

Site location

- Given the foregoing technical and planning considerations, the selected site is in a suitable location for the proposal. Surrounding field boundaries benefit from hedgerows and farm buildings lie nearby, all of which would contribute to the partial screening of the proposal. Additional planting can be undertaken, if deemed necessary and, likewise, a varied colour scheme can be adopted.

South Tipperary County Development Plan 2009 – 2015

- Section 9.9.2 cites the Guidelines, Section 4.3 of which refers to the integration of monopoles with other objects within a site's context.
- Policy TI14 refers to primary and secondary amenity areas and the settings of national monuments and protected structures, none of which would impinge upon the site.
- Section 9.1 states the Planning Authority's aim that all of the County should receive high quality coverage, as such coverage has social and economic benefits.

Telecommunications Antennae and Support Structures Guidelines

- Section 4.3 acknowledges that operators "will only have limited flexibility as regards location", due to technical constraints. Likewise, where freestanding masts are needed in settlements, the use of existing utility sites is advocated. The current proposal would reflect this advice.

Coverage provided by the proposal

- The applicant has submitted a new map at the appeal stage, which illustrates the indoor and in-car 4G coverage that the proposal would achieve.
- ComReg's Radio Spectrum Management Strategy Statement for 2017 to 2018 listed challenges to mobile reception, which illustrate the need for improvements in coverage to be achieved.

Project 2040, National Broadband Plan, and National Planning Framework

- All of the above plans promote the expansion of broadband coverage.

6.2. Planning Authority Response

The Planning Authority requests that its refusal be upheld in the light of the following considerations:

- The site is close to existing and proposed residential areas and to the village of Ardfinnan. The Telecommunications Antennae and Support Structures Guidelines advise against the use of sites in such locations.
- Under 21/660, retention permission was granted for a 30m high mast c. 2km from the current application site. (The original permission was granted to 09/603). Co-location is available on this mast. While coverage may not be optimum from this mast, it is considered to be preferable to the development of the applicant's proposal.
- The potential use of the rooftop of the large industrial building to the north-west of the site has not been adequately addressed by the applicant as an alternative to the current application site.

6.3. Observations

(a) **Ezita Cunningham** and Others of Lady's Abbey and Castle View

While the demand for telecommunication services is acknowledged, strong objection is raised to the proposal, and the following points are made in this respect:

- The proposal would soar above the historic village of Ardfinnan and as such it would be visually intrusive.
- St. Declan's Way, a pilgrim route from Ardmore to Cashel, passes close to the site. It also passes the ruins of an old Carmelite Abbey and an old fever hospital. The proposal would be an alien feature in this historic and scenic landscape.
- Ardfinnan already has a recently erected 30m high mast and so the need for a second one is questioned.
- The selected site is surrounded by housing and the local health centre and community playschool: Surely a more remote site could be found.

- Local families and users of the playschool are concerned over the health implications for children of the proposal being so close by.
- The observer, herself, expresses acute concern over the proposal, as it would be 150m from her house. She has contemplated selling her house but been advised by local auctioneers that the proposal would devalue it. She is contemplating having to live in the rear portion of her house in a bid to lessen the health risk posed by the proposal to her family. She expects that, if the Board grants the proposal, then it will guarantee the ensuing health and well-being of those residing nearby.

(b) **Edel & Shane Griffin & Others of Ashfield Manor**

Strong objection is raised to the proposal, and the following points are made in this respect:

- The health risk posed by the proximity of the proposal to homes.
- The visual impact of the proposal upon homes.
- The site is elevated in relation to the village and so the proposal would adversely affect visual amenity over a wider area, too.
- Homes nearby may be devalued.
- In addition to homes, the site is close to the local community health centre and community playschool.
- The site is close to protected structures, i.e., the ruins of the Carmelite Abbey, Ardfinnan Castle, and Ardfinnan Bridge.
- Additional antennae may be added in the future.
- The site has been a venue for anti-social behaviour, and it may be so even if developed.
- The proposal would contravene Policy TI14 of the South Tipperary County Development Plan 2009 – 2015.

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 Regional Economic & Spatial Strategy for the Southern Region (RESS), the Tipperary County Development Plan 2022 – 2028 (CDP), the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Policy objectives and mast sharing,
- (ii) Public health and property values,
- (iii) Townscape and visual impacts,
- (iv) Access, and
- (v) Appropriate Assessment.

(i) Policy objectives and mast sharing

- 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.” Likewise, Objective RPO 137 of the RESS echoes these national objectives at the regional level. Locally, 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.” The applicant states that its proposal would promote the rollout of high-speed broadband services in line with the above cited objectives.
- 7.3. The applicant acknowledges the objective of mast sharing that is set out in the Telecommunications Antennae and Support Structures Guidelines. Accordingly, part of the rationale for the specification of the proposed 30m high lattice tower is that, along with the prospective operator Vodafone, other operators could be accommodated.
- 7.4. The Planning Authority’s reason for refusal refers, by implication, to mast sharing in its critique that limited information on other telecommunication sites has been submitted by the applicant and so the case against the prospective operator sharing an existing mast has not been established. The applicant has responded to this

critique by stating that the existing mast in question, which lies on the north-eastern approach to Ardfinnan, is too far away from the south-west of the village to ensure that Vodafone would be able to provide a satisfactory level of 4G coverage therein. At the appeal stage, the 4G coverage achieved by Eir and Three from the existing mast has been submitted to illustrate how it, indeed, tapers to the south-west. This level of coverage has implications for existing households and workplaces, and it also has implications for lands zoned to the north and north-west of the site for future employment and enterprise uses.

- 7.5. Also, at the appeal stage, the applicant has explained in greater detail the topographical challenges that Ardfinnan poses insofar as the centre of the village is in the valley floor of the River Suir and its outskirts are on accompanying elevated lands. To secure the necessary coverage of both centre and outskirts and a line-of-sight with existing telecommunications infrastructure, masts need to be high and relatively close to the marked change in levels between centre and outskirts. The existing mast falls short in this respect, whereas the proposed one would succeed.
- 7.6. I conclude that the proposal would fulfil national, regional, and local objectives that seek the greater provision of telecommunications services. I conclude, too, that the applicant has demonstrated why sharing the existing mast to the north-east of Ardfinnan would fall short in meeting the prospective operator's service requirements.

(ii) Public health and property values

- 7.7. The Observers express serious concerns over the health risk posed by the proposal to residents living in nearby housing. They also express concern that their properties may be devalued.
- 7.8. The applicant submitted a cover letter with its application within which it undertakes to operate its equipment in full compliance with the limits defined by the International Commission on Non-Ionising Radiation Protection. (In Ireland the Commission for Communications Regulation is the public body charged with ensuring that such compliance is achieved). The applicant also cites the advice of Circular Letter PL 07/12, which states that health and safety questions are not material planning considerations for planning authorities in assessing applications for telecommunications infrastructure.

- 7.9. While the Observers express concern over property values, the question of the effect of telecommunications infrastructure upon the same is the subject of debate, with recent indicators suggesting that it may lead to some uplift, due to the importance of connectivity for a wide range of activities, e.g., working from home.
- 7.10. I conclude that public health considerations are not a material planning consideration for telecommunications infrastructure applications. I also conclude that it is debateable whether the siting of such infrastructure near to housing would necessarily lead to the devaluation of property.

(iii) Townscape and visual impacts

- 7.11. The proposal would be sited in farmland, in a position adjacent to a farmstead to the north-east. This farmland is bound to the north by the Castle View housing estate. A wall and hedgerow denoted this boundary. It is bound to the south by a local secondary road, which forms part of the pilgrim route known as St. Declan's Way. On the opposite side of this road is a residential cul-de-sac known as the Ashfield Manor and a line of four dwelling houses set within their own grounds. The road is bound on either side by hedgerows. Additionally, walls denote the end of the rear gardens to dwelling houses on Ashfield Manor. (Mature trees between the roadside and these walls have been felled in recent years). The four dwelling houses have walls or fencing enclosing their roadside boundaries.
- 7.12. The Planning Authority's reason for refusal critiques the proposal on the grounds that, as a visually prominent feature, it would negatively impact on the visual amenities and character of the settlement. These grounds are echoed by the observers who draw attention to the pilgrim route, the historic interest attendant upon buildings and structures in Ardfinnan, and the proximity of local housing and community facilities, including a health centre and playschool. They cite the advice of the Telecommunications Antennae and Support Structures Guidelines, which state that "only as a last resort...should free-standing masts be located in a residential area or beside schools."
- 7.13. The applicant has responded to the Planning Authority's townscape and visual amenity concerns by drawing attention to the historic core of the village, which lies at some remove from the site and on the northern side of the River Suir. It also draws attention to the screening that is afforded to the site by existing trees, hedgerows, and farm buildings.

- 7.14. The application has been submitted without the benefit of any photomontages or townscape and visual assessments. However, during my site visit, I observed that on the approach to the village from the west along the R665, horizontal views are such that the proposal would be visible. While under the CDP this regional road is identified as scenic route, the views that underpin its designation are of the Knockmealdown Mountains to the south, which would be unaffected. Similar views would be available on the approach along the local secondary road, although users travelling in the opposite direction would face the Mountains.
- 7.15. During my site, I also observed that intermittent views of the upper portion of the proposal would appear on the south-western skyline from within the village centre, e.g., along the Main Street and from Ardfinnan Bridge. These views are not protected, and the skyline is composed of buildings and trees as it is.
- 7.16. Turning to the specific concerns of the observers, the site is between rather than within residential areas and the community facilities cited are at some remove from it. The screening referred to by the applicant would be of benefit to residents of Lady's Abbey where intervening woodland would feature. Formerly residents of Ashfield Manor would have viewed the site through trees, however, these trees have been felled in recent years. Clearer views of the upper portion of the proposal would be evident as a result. Likewise, the residents of Castle View would have similar views. The clearest views of the proposal would arise in the cases of the four dwelling houses, along the local secondary road, which face north-west towards the site. The separation distances between principal elevations and the proposal here would range between c. 150 and c. 190m.
- 7.17. The above cited Guidelines indicate that monopoles should be specified in situations where masts would be near to housing. I consider that the inevitable presence of the proposal upon the skyline and its presence within local views both from nearby roads and dwelling houses would be eased visually if the proposed lattice tower were to be respecified as a monopole. While such re-specification would not be optimum from a mast sharing perspective, I consider that it is warranted to ease the townscape and visual impact of the proposal and so it should be conditioned.
- 7.18. I conclude that the proposal would, subject to the substitution of a monopole for the lattice tower structure, be compatible with the townscape and visual amenities of the area.

(iv) Access

- 7.19. The proposal would be accessed by means of an existing entrance off the L7517. This entrance serves an avenue that leads to the farmstead to the north-east of the site. From there an existing farm track would be extended to the site. This existing/proposed means of access to the site would be suitable to handle the traffic that the proposal would generate during its construction and operational phases.
- 7.20. The proposal would not raise any access issues.

(v) Appropriate Assessment

- 7.21. The site is not in or beside any European site. Under the proposal, a telecommunications tower would be erected. This site is physically removed from the nearest European site, the Lower River Suir SAC, and there are no source/pathway/receptor routes between it and this site or any other European site. Accordingly, the proposal would raise no Appropriate Assessment issues.
- 7.22. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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

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,
- Objective RPO 137 of the Regional Spatial & Economic Strategy for the Southern Region,
- 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, regional, and local objectives. Subject to the respecification of a monopole structure, the townscape and visual impacts of the development of the site would be compatible with the amenities of the area. Proposed access arrangements would be satisfactory. No 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 received by An Bord Pleanala on the 22nd day of February 2022, and the 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>The proposed development shall be amended as follows:</p> <p>(a) The lattice tower shall be omitted in favour of a monopole structure.</p> <p>(b) All consequential changes of specifying a monopole structure for the proposal.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed</p>

	<p>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

29th November 2022