



An
Bord
Pleanála

Inspector's Report ABP 315576-23

Development	Erection of 18m monopole telecommunications structure
Location	Eir exchange compound, Market Place, Clonmel
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	22 612
Applicant(s)	Eircom Ltd (t/a eir)
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Decision
Appellant(s)	Eircom Ltd (t/a eir)
Observer(s)	none
Date of Site Inspection	19 th April 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is in Clonmel's historic town centre in the rear yard of the Eircom exchange, a modern 2-storey, brick, office building with a flat roof. The site is accessed via a short laneway. The rear yard is primarily used for parking and is bounded by high building and boundary walls on its northern, eastern and western sides and by an approximately 2 metre high wall on the south side. The eastern boundary corresponds to the 'suggested line' of the Town Wall depicted in Clonmel Town and Environs Development Plan (Map 3A). The site is also within a demarcated Zone of Archaeological Potential. The rear gardens of a terrace of houses back onto the site on the east side. Otherwise, the bounding properties are commercial in nature. There is an Architectural Conservation Areas to the west (Gladstone Street) and a number of protected structures nearby but none directly abutting the site.

2.0 Proposed Development

2.1. The proposal is a 0.12ha compound housing an 18m high telecom monopole.

3.0 Planning Authority Decision

3.1. Decision

To refuse permission having regard to the historic and architecturally significant character of the receiving urban environment, the proximity of neighbouring residential properties and the number of existing masts in the vicinity, which provide an opportunity for co-location that has not been investigated.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is the basis for the planning authority's decision to refuse permission. The report makes the following points:-

- The proposal will have an adverse impact on a sensitive townscape and the application was not accompanied by photomontages to demonstrate no significant impact,
- There are dwellings nearby,
- There is already good mobile phone coverage in the locality, and
- There are masts nearby which could be shared.

3.2.2. Other Technical Reports

The district engineer recommends restrictions on vehicular access given the heavy local traffic.

The Irish Aviation Authority has no objection to the proposal.

3.2.3. Observations

No observations were received

4.0 Planning History

20/944 Permission refused in 2020 for a 20m high, latticed telecom structure for the same reason as the current application.

5.0 Policy and Context

5.1. Development Plan

The Tipperary County Development Plan 2022-2028, volume 1, section 6.8, states the following:-

Facilitate the sustainable development of telecommunications and digital connectivity infrastructure in line with Digital Ireland Framework (GoH,2022) and in accordance with Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (DEHLG 2026), where it can be established that there will be no significant adverse impact on the surrounding areas and receiving environment

5.2. National Guidance

In Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (DEHLG 2026) as updated by circulars PL07/12 and PL03/2018, it is stated in Section 4.3 that *‘visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters etc., already referred to. Visual impact will by definition, vary with the general context of the proposed development. Consequently the approach of the authority will vary depending on whether the proposed development is in (list of different types of geographical area)*

5.3. Natural Heritage Designations

None relevant

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged on behalf of Eircom.

- The appeal asserts that there will be minimal visual impact. The appeal is accompanied by a set of 6 'before' and 'after' photomontages which demonstrate no visual impact on nearby streets.
- The appeal asserts that the site is an optimal location for 5G services within a populated area, i.e. within an established communications centre where communications infrastructure is already concentrated. The three mobile networks in Ireland (the other networks, MNVOs, 'piggy-back' on these three networks) are already on the roof of the exchange building, but the current coverage is inadequate. The exchange provides underground linkages but 'line of sight' is also needed to enable connection to cells further away,
- The current ComReg coverage maps show that 4G and 5G coverage in Clonmel is substandard for all 3 networks.
- The proposed is less obtrusive than the structure previously refused. It's a monopole rather than lattice structure and lower by 2m.

The appeal submission also draws attention to Circular PL03/2018, the latest revision of national guidance re telecommunications, which requires planning authorities to extend the waiver of development contributions to 'any telecommunications infrastructure both mobile and broadband.....'

6.2. Planning Authority Response

None received.

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The main issues therefore, are as follows:-

- Impact on historic townscape,
- Need for telecommunications upgrade in Clonmel,

- The technical suitability of the proposal site,
- Impact on residential amenity, and
- Appropriate Assessment (AA).

7.2. Impact on historic townscape

The site is in the centre of town but the photomontages indicate a minimal visual impact as a result of screening by surrounding walls and buildings, including the exchange building itself. The proposal is a less obtrusive structure (lower and a monopole) than the latticed structure previously refused permission. Because the site is beside the likely line of the original town wall and within a designated area of archaeological potential, special care would be required during construction if a permission were to be granted.

7.3. Need for telecommunications upgrade in Clonmel

The appellant has made a comprehensive case for the need to upgrade telecommunications in the town. An upgrade would be in line with planning policy.

7.4. The technical suitability of the proposal site

The appellant has explained why the exchange building site is an optimal location, in large measure because of the existing concentration of infrastructure.

7.5. Impact on residential amenity

The visual impact on nearby dwellings is mitigated by an existing 6m high boundary wall and by the redesign of the mast following the previous refusal of permission.

7.6. Appropriate Assessment (AA)

Having regard to the small scale of the proposal and its location in the centre of an urban area and no European sites in the immediate proximity, it is not considered that the proposed development will have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to national and local planning policy to facilitate digital connectivity infrastructure, the location of the monopole at an established communications centre and on the basis of a demonstrated lack of visual impact, it is considered that, subject to compliance with the conditions set out, the proposed development would not significantly affect the historic character of the town centre or residential amenity. The proposed development would, therefore, be in accordance 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 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>
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2.	<p>The developer shall engage the services of a suitably qualified archaeologist to oversee the construction process. Where archaeological material/features are found, preservation in situ, preservation by record (excavation) or monitoring may be required on the recommendation of the National Monuments Service</p> <p>Reason: in the interest of conservation</p>
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Brendan McGrath
Planning Inspector

3rd May 2023