



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319277-24

<b>Development</b>	Erection of a 15m high shrouded pole with antennas, dishes and associated telecommunications. Removal of an existing wooden pole.
<b>Location</b>	Eir Exchange, Townfields, Cloughjordan, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2360975
<b>Applicant(s)</b>	Eircom Limited (t/a Eir).
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	St Michael's National School Board of Management.
<b>Observer(s)</b>	Electromagnetic Sense Ireland Kelli Cleary Karen Allwood and Others.

The Members of the Parent's  
Association St Michael's National  
School

**Date of Site Inspection**

15<sup>th</sup> January 2025.

**Inspector**

Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site is part of an existing Eir Exchange compound on Main Street in the village of Cloughjordan, County Tipperary. The site compound has an area of 250sqm and comprises of a small exchange building, a c.12m high wooden pole and an ESB power pole with connecting overhead lines. The compound is enclosed by low walls and fencing.
- 1.2. St Michael's National School is located to the west of the site and there is a private dwelling to the east. McDonagh Avenue housing estate is located directly to the north of the subject site and there are residential dwellings located to the south.

## **2.0 Proposed Development**

- 2.1. The proposed development will consist of:
  - erection of a 15m high shrouded pole with antennas, dishes, associated telecommunications.
  - Removal of an existing wooden pole

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant subject to 7 conditions.

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

#### **3.2.1. Planning Reports**

The Planning Report discussed the following:

- Planning policy in favour of telecommunication masts.
- Planning justification submitted.
- Previous refusal reason from An Bord Pleanála – mainly visual and amenity impacts. The following changes noted:

- The proposal is for a shrouded monopole, meaning that all but 1 of the antennae would be hidden from view within the structure, providing a slimmer monopole and a significantly reduced visual impact compared with that proposed under the previous application.
- The monopole would be sited 6m from the northern boundary of the site rather than 5m in the previous application.
- The security fence would be timber construction rather than palisade as proposed under the previous application.
- Planting is proposed to the front (streetscape) and rear (interface with residential) of the site.
- Planner is satisfied that the proposed development will not have an unacceptable visual impact on the school. The school has all external amenity space located to the northwest. The subject site is located opposite the eastern elevation of the school and the only window serving that elevation is a storage room.
- Visual impact addressed but imposed a condition requiring planning permission for any additional attachments to the external face of the monopole.

### 3.2.2. Other Technical Reports

- Roads: No observation.

### 3.2.3. Conditions

- Condition 3: Notwithstanding the exemption provisions of the Planning and Development Regulations 2001, as amended (or any replacement Regulations), no additional communications antennae, drum shaped dishes or other telecommunications equipment shall be fitted to the exterior of the monopole without a prior grant of planning permission.

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.

### 3.3. Prescribed Bodies

- Irish Aviation Authority: No requirement for obstacle lighting due to the 15-metre height proposed.

### 3.4. Third Party Observations

An observation was received from Board of Management, St. Michael's National School. The following concerns were raised:

- The 15m pole will be built within 3m of the walkway into the school where 137 pupils, 15 staff and numerous parents/guardians walk every day.
- Visual impact and shadow impact
- No information on how many antennae and dishes would be placed on the monopole.
- Reference to North Tipperary CDP instead of Tipperary County Development Plan 2022-2028.
- Reference to Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996, in respect of siting considerations.
- Challenges the rationale for choosing the proposed site.
- Challenges the statement in respect of the visual impact in the context of the existing wooden pole.
- Visual impact assessment submitted does not include a photomontage from the National School.

## 4.0 Planning History

**ABP-312143-21:** (PA reference: 201417) Permission refused for 15-metre-high monopole telecommunications support structure together with antennas, dishes and associated telecommunications equipment all enclosed in security fencing.

1. Having regard to the guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to Planning Authorities in July 1996, and the height, scale and

location of the proposed development in close proximity to an area that is predominantly residential in character, it is considered that the proposed development would be visually obtrusive and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **Tipperary County Development Plan 2022-2028**

The site is partially zoned as “Social and Public”, the objective is to provide and improve social and public facilities.

Section 6.8 relates to Digital Connectivity and Innovation.

Policy 6-6 Facilitate the sustainable development of telecommunications and digital connectivity infrastructure in line with Harnessing Digital, The Digital Ireland Framework (GoH, 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.

Objective 6-k (a) Support the delivery of the National Broadband Plan and the Tipperary Digital Strategy 2018-2023 (and any review thereof), enable high-speed broadband and digital connectivity services to all businesses and householders in Tipperary, and to support innovation in the digital economy.

(b) To support and enable enterprise and remote working opportunities, thereby strengthening settlements as places to live, and work through the “Smart Town” and “Town Centre First” concepts.

Volume 3 Appendix 6 Development Management Standards.



## Section 5.6 Satellite Dishes & Telecommunications Apparatus.

Satellite dishes and telecommunications apparatus can affect the character and appearance of historic buildings and important townscapes. Satellite dishes are not normally acceptable on a Protected Structure, on the front of structures within PRAs or town centre areas or the front or side of a building within an ACA save for exceptional circumstances.

### 5.2. **National Policy**

#### **National Planning Framework**

NPO 48: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

National Strategy Outcome includes Strengthened Rural Economies and Communities. In this regard the NPF states "... improved connectivity, broadband and rural economic development opportunities are emerging which offer the potential to ensure our countryside remains and strengthens as a living and working community".

#### **Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996.**

These guidelines support the establishment and roll out of a national network of telecommunications antennae and structures to facilitate quality telecommunication service throughout the State.

In regard to visual impact, the guidelines state that local factors should be taken into account, such as intermediate objects (buildings or trees), topography, scale, multiplicity of objects in the wider panorama and the position of the object in respect of the skyline. Sharing or clustering of masts is encouraged, and it is suggested that the visual impact can be softened by screening & judicious use of colouring.

The guidelines recommend against locating free-standing telecommunication apparatus within or near small towns or villages. In larger towns and city suburbs, it is recommended that operators locate in industrial estates or in industrially zoned

land. Commercial or retail areas, tall buildings, rooftops or other existing structures are preferable to the construction of free-standing masts.

The guidelines further state that free standing masts be located in a residential area or near schools only as a last resort, that such support structures are to be kept to a minimum and should be monopole.

Circular Letter PL07/12, are relevant to applications for telecommunications structures.

Section 2.2 Temporary Permissions state:

“Mobile telephony, with associated ground-based antennae and support structures, will remain a key feature of telecommunications infrastructure for the foreseeable future. Moreover, the roll-out of NGB will tend to increase the importance of the infrastructure.

Planning Authorities are therefore advised that from the date of this Circular Letter, attaching a condition to a permission for telecommunications masts and antennae which limit their life to a set temporary period should cease. Where a renewal of a previously temporary permission is being considered, the Planning Authority should determine the application on its merits with no time limit being attached to the permission.

Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life”.

Section 2.3 The Development Plan and Separation Distance

The 1996 Guidelines advised Planning Authorities to indicate in their development plans any locations which would not be suitable for a mast. While these policies are reasonable, there has been a number of instances for insertion of a specific minimum distance for e.g. Up to 1km from houses and schools.

Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning Authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 Health and Safety Aspects

The Circular letter reiterates that advice to local planning authorities. Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

Harnessing Digital, The Digital Ireland Framework

### **5.3. Natural Heritage Designations**

The proposed site is not located within a designated site. The nearest designated sites are listed below:

- Scohaboy (Sopwell) Bog SAC (site code: 002206) & NHA (site code: 000937) are located approximately 2.5km north.
- Ballintemple Bog pNHA (site code: 000882) is located approximately 5km southeast.
- Lough Nahinch pNHA (site code: 000936) is located approximately 5.5km northeast.
- Cangort Bog NHA (site code: 000890) & SAC (site code: 000585) is located approximately 8km northeast.

### **5.4. EIA Screening**

- 5.5. The proposal relates to the construction of a telecom's monopole and associated works.
- 5.6. I note the observations received which outline that the proposed development should be considered cumulatively with other projects being development by Towercon. It is also disputed that the proposal falls under Category 10(iv) of Part 2, Schedule 5, Planning and Development Regulations 2001 as amended.
- 5.7. However, I consider that the proposed development should be considered as a standalone project and considered on its own merits. The proposed development is a project but is not a listed project as per Schedule 5, Planning and Development

Regulations 2001 as amended. Refer to Appendix 1 regarding this preliminary examination

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal have been submitted from St Michael's National School adjacent to the subject site. The following concerns are raised:

- The 15metre shrouded pole will be built within 3m of the walkway to the school where 137 pupils, 15 staff and numerous parents/guardians walk every day.
- The 15metre shrouded pole will be built within 3m of the boundary wall, 7m away from the gable-end of the school building, and more than twice the height of the school, which would be an eye sore, and danger and cast a constant shadow on the school.
- No information on how many dishes or antennas proposed.
- CDP 9.9.2 states the Council recognises 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.

Policy TI14 states that developments will be facilitated where it can be established that there will be no significant adverse impact on the surrounding area. It is felt that the proposed shrouded pole 7m from the school building would have a huge negative impact on the school visually and a negative impact on everyone's emotional wellbeing due to the unknown or unproven theories surrounding these structures.

- The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996 Section 3.2 planning reference 20/1417 mentions the authority should take into account population centres. The site is located in the centre of a village at a height of 90m above sea level. There are other

sites within 1km distance on higher ground which wouldn't impact on houses, schools or creche.

Page 9 also states that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.... or in a residential area or beside schools.

- Query Eir's application on page 2, section 1.1 paragraph 2 which states that the proposed structure is ideally located to capture the target catchment area as it lies on a low point in the main street of the village.

The report further states that the site is considered the best possible solution to meet the existing and future demands of its customers in this area. It is argued that this is the cheapest solution as the company own the site and the exchange.

- No parking facilities and no logic to the site.
- Coverage maps are submitted, no argument as to the need for a mast but not at this location.
- The applicant states a refusal will have a negative effect on local mobile phone and broadband service provisions. This is not true as the company will seek an alternative site.
- The applicant states the proposed shrouded 15m pole will have a less visual impact. The current pole is 12 metres further from the school.
- No visual impact from the school and housing estates. Applicant states that there will be little impact visually. But photographs are strategically taken. Photos submitted of the current 12m pole from adjoining houses.
- The application refers to Louth County Council and should be Tipperary County Council.

## 6.2. Applicant Response

The applicant has submitted the following comments:

- There are three mobile network telecommunications providers in Ireland, Three Ireland, Eir Mobil and Vodafone Ireland. And on the back of these

networks are MNVOs (Mobile Network Virtual Operators) and these will continue to grow. Therefore, the demands for these services will impact the economic growth of an area.

- Line of Sight is required to connect the cell to the network. The proposed mast will use a link by way of dish fixed to the outside of the shrouded pole. Combined with the facility at the Exchange, this will communicate with another site to enhance services.
- The network operators are obliged to meet certain license requirements and therefore must provide services in areas identified as weak. Telecommunications are now regarded as critical infrastructure and utility.
- Outdoor coverage is generally provided but indoor coverage is affected by building materials, and they may reduce the strength of mobile phone signals. For modern services, it is therefore more important to be close to the source of demand.
- Weak coverage in Cloughjordan. There are two lattice tower structures close to the town, one at Knocknacree about 1.9km to the north and Ballygibbon about 6.4km to the southwest each accommodating all three operators. Any coverage over Cloughjordan is from these existing sites. To install more equipment in these locations will not enhance services for the village.

High quality indoor 4G and 5G services are generally below the required standard for all the operators. This is partly because of the topography around Cloughjordan. To ensure coverage for Cloughjordan and maintain coverage overlaps and links, it is necessary to secure infrastructure within the village. The proposed site is considered an ideal location.

- The Planning Report considers Volume 3, Chapter 5, Section 5.6 and Chapter, section 6.8 of the CDP and the proposal complies with the CDP and the Telecoms Guidelines.
- Planning History ABP-312143 addresses many of the concerns raised in the 3<sup>rd</sup> party appeal. These being that it was considered the location of the proposed development was appropriate, that the impact on the school did not

support a refusal and that health concerns are not a matter for the planning process.

The reason for refusal was due to the impact on the residential property to the north, especially at McDonagh Avenue. The refusal due to prominent feature the monopole would have compared to existing poles on the site in relation to these houses and their gardens.

- The refusal reason is now addressed through a new design of shrouded monopole. It incorporates two layers of antennas within a shroud enabling use by two operators. A dish is attached to the exterior of the shroud to secure a link to the network. The overall footprint of the pole and foundation is reduced which substantially mitigates the visual impact compared to the previously proposed monopole. Further changes include landscaping to the north and south and a wooden compound fence rather than a steel palisade fence.
- Photomontages submitted and undertaken by professional and photomontage view 5 was taken in consideration of the Inspectors concerns for McDonagh Avenue. The proposed view is considered minimal in comparison to the present viewpoint.
- Telecommunication Guidelines, section 4.3 relates to visual impact states “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:
  - A rural/agricultural area
  - An upland/hilly, mountainous area
  - A smaller settlement/village
  - An industrial area/industrially zoned land
  - As suburban area

- A larger town or city”

In the proposed situation there is limited flexibility to secure the necessary capacity and coverage for the target area.

- Cloughjordan Village is designated as an ACA with a large number of protected structures; however, the proposed development is away from this area and therefore any impact is minimal to insignificant. Due to the urban layout, manmade structures and slight rise in topography it is submitted that any visual impact to the designated area and protected structures is considered minimal to insignificant.
- The site is zoned as Social & Public, which is to provide and improve social and public facilities. It is therefore considered an appropriate location from the zoning perspective.
- Having regard to the requirements and demand to provide coverage to towns, villages and residential areas, it would be impossible to provide telecommunication services without locating infrastructure in proximity to residential dwellings, towns and villages. The Telecoms Guidelines and Circular Letter 07/12 advises against specifying minimum separation distances between masts and houses. It also reminds Planning Authorities that health issues are not a planning consideration in relation to telecommunication structures. If a letter of ICNIRP compliance is required, it can be supplied.
- In relation to health, the proposed development will be fully compliant with the relevant Health and Safety Legislation and will be operated in accordance with ComReg Guidelines.
- In relation to parking, the exchange and proposed structure are generally operated remotely and as such do not require staff presence. Once built, inspections and maintenance may require up to 4 to 6 visits per annum.
- The proposed structure is similar to the following granted and approved by An Bord Pleanála.



### 6.3. Planning Authority Response

- None

### 6.4. Observations

Four observations have been received from local residents (over 800 signatures signed the observation), members of the parent's Association and Electromagnetic Sense Ireland. The following concerns were raised:

- Previous refusal from ABP reference PL92.312143 due to the proximity of the pole to the housing estate and negative visual impact.
- The proposed pole will dominate the landscape and direct view from the back windows of the adjacent residents. And negatively impact the views from throughout the estate.
- Residents have requested to be relocated if the pole is approved.
- Unknown health risks.
- The site is adjacent a site currently for sale by Tipperary County Council, the proposed mast will impact the sale.
- The site is outside Cloughjordan ACA; however, it is located between school, homes and a building of national historic significance (the original schoolhouse of Cloughjordan, which Thomas MacDonagh's parents were teachers). The proposal is along the Main Street and will impact the streetscape.
- The proposed security fence will create a prison-yard effect on the children entering school.
- Material Contravention – the Planning Authority failed to comply with the Telecommunication Guidelines and failed to apply the “last resort” test to the proposed development in terms of location beside St. Michael's National School. This is clearly a material contravention of objective 6-6 of the Development Plan. The council failed to apply the Material Contravention procedure to grant permission.

Note: Tipperary County Council are currently before the high court for an unidentified material contravention in the case of Gortnahoe Community Group and Fogarty v An Bord Pleanála and Tipperary County Council 2023 293 JR.

- Request the Board to exercise its jurisdiction under Section 132 PDA2000 to request a submission from Eircom in relation to whether Towercom is in fact to be the operator of the proposed mast. Eircom (t/a Eir) noted as the “operator” of the proposed mast in order to meet the technical requirements of Eircom (t/a Eir).
- EIA screening, the site is part of a network of sites. No information submitted by Eircom to indicate that the site is part of a wider project being developed by Towercom and indicating the spatial extent of that development and its particular characteristics having regard to Annex III of the Directive. It is not possible to assess whether the portfolio exceeds the threshold of Category 10(iv) of Part 2, Schedule V to the PDRs:
- Towercom are not interested in finding alternative sites for its mast as the particular sites have been predetermined by the terms of its contract with Eircom. The co-location requirements of the Telecoms Guidelines and the Development Plan cannot be met. Eircom are already operating from the existing mast at Knocknacree, north of the village of Cloughjordan
- Request the Board to retain the necessary expertise to assess the technical justification asserted by Towercom on behalf of Eircom.
- No information submitted on how many antennas are proposed for Eir, or what size they would be. The proposed statement for site sharing is unsustainable.
- Applicant required under the Telecoms Guidelines to submit a statement of compliance with IRPA Guidelines in relation to radiation. The failure to provide the relevant statement results in a material contravention of the Development Plan.
- Under the Safety, Health and Welfare at Work (Electromagnetic Fields) Regulations, SI 337/2016, employers have a legal responsibility to inform their

employees, to carry out risk assessments and reduce the risks of possible adverse health effects from workplace EMFs including pulsed microwaves, magnetic and electric fields.

Given the close proximity of St. Michael's National School, it is likely that microwave signal exposure from the proposed mast could exceed workplace sensory and public auditory effect limits contained in these Regulations, and in the EU Recommendation, 1999/519/EC.

- The site is located approx. 35 metres from the nearest dwelling to the east and approximately 45 metres from the dwelling to the north. These residences would fall within the industry "exclusion zone" for transmitting telecommunications antennas.
- A resident has come forward and offered an alternative site adjacent to the water pumping station which is more suitable for the applicant.

#### **6.5. Further Responses**

- None

#### **7.0 Oral Hearing**

- 7.1. The appellant requested an Oral Hearing be held for the appeal. The Board considered that sufficient information was on file to allow an assessment. Therefore, no Oral Hearing was undertaken.

#### **8.0 Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Site location/alternative sites
  - Visual & Residential amenity

- Procedural issues
- Health Issues
- Other Issues
- Appropriate Assessment

## 8.2. **Site Justification**

- 8.3. The subject site is zoned as Social and Public as per CDP. The objective is to provide and improve social and public facilities. The site is currently an Eir Exchange site with a building and a 12-metre wooden pole telecom's structure. The site is adjacent a national school to the west and residential properties to the east, north and south.
- 8.4. The grounds of appeal refer to the Telecoms Guidelines Section 3.2 which states that the Planning Authority should take into account certain factors such as population centres. The subject site is located in the centre of a village at a height of 90m above sea level. There are other sites within 1km distance on higher ground which wouldn't impact on houses, schools or creche. Section 4.3 of the guidelines also refers to only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages and further states "Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools".
- 8.5. The appellant also queries Eir's application on page 2, section 1.1 paragraph 2 which states that the proposed structure is ideally located to capture the target catchment area as it lies on a low point in the main street of the village. The report further states that the site is considered the best possible solution to meet the existing and future demands of its customers in this area, coverage maps also submitted. It is argued that this is the cheapest solution as the company own the site and the exchange. No parking facilities and no logic to the site.
- 8.6. I have reviewed the applicant's justification for the site. The applicant has stated Eir have an obligation to provide coverage and that the current coverage disparity will be exacerbated as operators' 3G layers are switched off in 2023 and 2024. 5G higher frequency technologies are short wave and have a lesser geographical reach than

exiting 4G, 3G and 2G technologies. Each generation of service has resulted in smaller catchment areas, especially in populated areas, such as Cloughjordan Village and the surrounding area. As the demand increases, coverage areas are reduced, and coverage overlaps are necessary to ensure the quality of service.

- 8.7. The ComReg coverage maps submitted, indicate good coverage levels with limited “very good” and a lot of “weaker” coverage levels for 4G services. The 5G services indicate predominately weaker coverage in the village of Cloughjordan and the surrounding area. Therefore, the applicant has stated the proposed development will substantially improve communication services, both mobile coverage and data, in Cloughjordan Village and the surrounding areas. It will also improve services along local road networks.
- 8.8. The proposal will support site sharing, providing the potential for other operators who also seek to improve their 4G and 5G coverage locally.
- 8.9. The applicant has provided information for 5 other sites in the locality, these were discounted due to varying reason. Site one at Knocknacree TD was discounted as the existing 24m mast would require remodelling and it would still not achieve eir’s technical requirements of situating its own fit-for-purpose monopole. Site two at Ballygibbon TD is located too far from Cloughjordan. Site three at Magherareagh TD, is too far from Cloughjordan and Clonagannagh Td is too far away and would require remodelling and still wouldn’t achieve eir’s technical requirements.
- 8.10. The guidelines do state as a last resort, that should structure be located in a residential area or near schools, that such support structures are to be kept to a minimum and should be monopole. Having reviewed the justification submitted by the applicant and the lack of alternative sites, and the current use of the existing exchange site which already accommodates a structure. It is in my opinion that the structure at the proposed site location can be considered as a last resort. Additionally, the proposed monopole design is generally the most minimalist design, where a freestanding structure is required, and the proposed 15m height is at the lower end of the height 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.

- 8.11. Having reviewed the site selection process and the coverage maps provided, I consider the applicant has provided a sufficient justification for the proposed site. Also having regard to the location of the proposed site at an existing telecoms site at Eir Exchange unit, the proposed 15 metre monopole will replace the existing 12 metre wooden pole and I consider that the site is suitable for a new monopole.
- 8.12. Having regard to the justification put forward by the applicant, the zoning on site and the existing telecom use on site, I consider that the proposed site location is justified. All of this points to substantial compliance with the Guidelines. However, both the Guidelines and the CDP clearly indicate that the sensitivity of the receiving environment is the critical consideration. This, therefore, is the focus of the remainder of my assessment.
- 8.13. **Residential & Visual Amenity**
- 8.14. The subject site is an Eir Exchange site with a 12-metre-high wooden telecoms pole. The site is located approximately 7 metres from the adjacent school to the west, approximately 25 metres from the nearest dwelling to the north, 13 metres from the dwelling to the west and approximately 28 metres from the dwelling to the southeast.
- 8.15. The grounds of appeal state the 15metre shrouded pole will be built within 3m of the walkway to the school and 7m away from the gable-end of the school building, and more than twice the height of the school, which would create a negative visual impact, negative impact on human wellbeing and cast a constant shadow on the school. No information submitted on how many dishes or antennas proposed. And that the proposal will contravene section 6.6 of the CDP which states the Council recognises 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. And contravene policy 6-6 which states that developments will be facilitated where it can be established that there will be no significant adverse impact on the surrounding area.
- 8.16. I have examined the photomontages submitted with the planning application.
- 8.17. Photomontage at view 1 is taken along the Main Street R490 approximately 184m from the proposed telecom mast to the west. The proposed view is similar to the existing view apart from the slight increase in pole height. I consider this viewpoint is acceptable and the difference in the existing and proposed is minimal.

- 8.18. Photomontage at view 2 is taken along the Main Street R490 towards the site from the west at a setback of 92m. The proposed view is similar to the existing view apart from the slight increase in pole height. I consider this viewpoint is acceptable and the difference in the existing and proposed is minimal.
- 8.19. Photomontage at view 3 and view 4 is taken from northern end of McDonagh Avenue at a distance of 192 metres from the subject site. The existing telecom mast is not visible and neither will be the proposed mast. I consider the viewpoint is acceptable. In addition, I have walked McDonagh Avenue and due to the topography of the area which slopes away as you travel north and as a result there are limited views to the south of the Eir Exchange site.
- 8.20. Photomontage at view 5 is taken from the northeastern side of the green on McDonagh Avenue at a distance of 79 metres from the subject site. The current pole is view to the rear of house No. 1 and the proposed telecom pole will be located to the west of the dwelling and to the rear of house No. 2. The proposed monopole is wider and taller than the existing pole, however, I consider the proposed visual impact as moderate and similar to the existing view as the wooden pole will be removed, therefore, there will only be a slight change in the current view.
- 8.21. Photomontage at view 6 is taken from the eastern direction of the R490 at McDonagh House set back 171m from the proposed site. The proposed pole is viewed among a cluster of telegraph poles and streetlights, I do not consider that the proposed development will negatively impact on this viewpoint.
- 8.22. It is my opinion that there will be some degree of impact on visual impact from the rear garden of dwelling no. 1 – 4, McDonagh Avenue, as these are single storey dwelling with their gardens open directly to the rear of the Eir Exchange site and at a slightly higher level. The applicant has proposed planting along the northern and southern boundary of the proposed site compound. This will to some degree reduce the visual impact and I accept this is a suitable mitigation measure. I consider, given the distance between dwellings no. 1-4 and the existing use of the subject site and the proposed monopole design, it is my opinion that the visual impact will not be detrimental to the residential amenity of the residents of McDonagh Avenue and will be viewed within an urban visual cluster of utility poles.

- 8.23. I note the previous An Bord Pleanála reference ABP-312143-21, which was refused due to the height, scale and location of the proposed development in close proximity to an area that is predominantly residential in character, and it was considered that the proposed development would be visually obtrusive and would seriously injure the amenities of the area and of property in the vicinity. However, I note the applicant has altered the design since the initial application. The previous design proposed all equipment and antennas outside the pole, the appearance was industrial and top heavy. The proposed design has been significantly altered; the proposed shrouded monopole is slim with the proposed antennas hidden within the shrouded pole all apart from one dish. The monopole has been moved to 6m instead of 5m from the northern boundary of the site. The security fence will be timber construction rather than palisade and planting is proposed to the north and south. I consider the applicant has significantly amended the design and I consider this is more suitable for a residential area. I do not consider the proposed monopole will negatively impact the residential amenity of McDonagh Avenue or adjacent dwellings.
- 8.24. The Planning Authority attached a condition requiring a new planning application for any additional communication antennae, drum shaped dishes or other telecommunications equipment to be fitted to the outside of the monopole. In the event of a grant of permission, I recommend this condition shall be attached as the sleek, slim monopole appearance should be maintained in order to reduce the visual impact on the residents.
- 8.25. In regard to the visual impact on the adjacent school, the school will be located 7 metres from the proposed monopole. The eastern elevation of the school looks into the proposed site. I note there is a door located at first floor level on this elevation, and it accesses fire escape stairs, there are no other windows on this elevation. In addition, given the play areas associated with the school are located on the western and northern elevation, I do not consider that the proposed monopole will negatively impact on the visual amenity of the school or its pupils. Given the slimline design and location to the 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.
- 8.26. Having regard to the revised design proposal of a shrouded monopole and only one number dish proposed on the outside of the 15 metre pole and given the distance to the nearest dwelling and location of the school, I do not consider the proposed



development will have a negative visual impact on the adjoining school or adjacent residents.

**8.27. Health**

8.28. The Commission for Communications Regulations (ComReg) is the statutory body responsible for the regulation of radiation emissions. Compliance with emission limits in respect of regulation is regulated nationally by ComReg and health issues are not a matter for An Bord Pleanála in determining and deliberating on the application proposed. Regular measurements of emission levels are required to comply with International Radiation Protection Association and Guidelines. While I acknowledge the concerns expressed under observations to the planning application/appeal, this is a matter for ComReg.

8.29. The applicant has highlighted in their response, that the Telecoms Guidelines and Circular Letter 07/12 advises against specifying minimum separation distances between masts and houses. It also reminds Planning Authorities that health issues are not a planning consideration in relation to telecommunication structures. If a letter of ICNIRP compliance is required, it can be supplied. And in relation to health, the proposed development will be fully compliant with the relevant Health and Safety Legislation and will be operated in accordance with ComReg Guidelines

8.30. I would also note that Circular PL07/12 states that Planning Authorities should primarily be concerned with the appropriate location and design of telecommunication structures and do not have competence for health and safety matters in respect of telecommunications infrastructure, either with respect to human or animal health.

**8.31. Other issues**

8.32. The site is outside Cloughjordan ACA and not located adjacent to any protected structure, recorded monument or building listed on the NIAH website.

8.33. The observation submitted refer to the location of the ACA and state the site is located adjacent to a building of national historic significance (the original schoolhouse of Cloughjordan, which Thomas MacDonagh's parents were teachers). The proposal is along the Main Street and will impact the streetscape.

- 8.34. The proposal is outside the ACA of Cloughjordan, and although I note the building to the east is noted as teaching place of Thomas MacDonagh's parents, the building is not protected or listed on the NIAH website. Therefore, I do not consider that the proposed monopole will have an adverse effect on the built heritage or character of the village.
- 8.35. In terms of parking, the grounds of appeal noted no parking available. The applicant has responded and stated that there is no parking requirements as the monopole will be remotely monitored. It will require inspection and maintenance but only 4 to 6 times per annum. I consider, that on street parking along the Main Street will be sufficient for the sporadic parking requirements.
- 8.36. Having regard to the location of the subject site outside Cloughjordan ACA and the absence of any protected or listed structures adjacent to the proposed development, the proposed location and design is considered acceptable.
- 8.37. Having regard to the car parking requirements and the availability of on-street car parking, the proposed car parking arrangements are acceptable and will not impact the local residents.
- 8.38. **Material Contravention**
- 8.39. The observation submitted outline that the Planning Authority failed to comply with the Telecommunication Guidelines and failed to apply the "last resort" test to the proposed development in terms of location beside St. Michael's National School. And as a result, the to grant the proposal is a material contravention of objective 6-6 of the Development Plan.
- 8.40. In regard to Objective 6-6 which states; Facilitate the sustainable development of telecommunications and digital connectivity infrastructure in line with Harnessing Digital, The Digital Ireland Framework (GoH, 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. The appellant states the applicant is required under the Telecoms Guidelines to submit a statement of compliance with IRPA Guidelines in relation to radiation. The failure to provide the relevant statement results in a material contravention of the Development Plan.

- 8.41. In my opinion, the proposal does not materially contravene objective 6-6 as the Planning Authority have assessed the planning application in accordance with the Telecom Guidelines. Objective 6-6 specifically requires the proposal to be facilitated in accordance with the guidelines and does not highlight any part of the guidelines. The Planner noted the rationale for the proposed site compared to other locations, with other sites discounted on availability/operational/coverage grounds. This aside, I have had regard to the requirements of the guidelines in particular the health and safety, visual impact and the last resort test and I consider the applicant has submitted sufficient information to allow an assessment of the proposed development. I have had regard to the telecoms guidelines as required by Objective 6-6.
- 8.42. Therefore, I conclude that the proposal would not materially contravene the Tipperary County Development Plan 2022-2028. In this regard, if the Board is of the mind to grant permission, I do not consider the criteria under Section 37(2)(b) need to be complied with.
- 8.43. **Procedure issues & Legal issues**
- 8.44. The appellant and observations have raised additional concerns in relation to whether Towercom is in fact to be the operator of the proposed mast. Eircom (t/a Eir) is noted as the “operator” of the proposed mast in order to meet the technical requirements of Eircom (t/a Eir). A number of legal issues arise from the failure to properly identify the operator of the telecoms mast in the application which the Board is obliged to consider.
- 8.45. I note the applicant was acceptable by the Planning Authority and Eircom Limited (t/a eir) are listed as the legal owners on the application form. I am satisfied that the above issues did not prevent the concerned parties from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

## **9.0 AA Screening**

- 9.1. Having regard to the proposed construction of a 15metre high telecoms monopole on an existing Eir Exchange site, at Main Street, Cloughjordan within the town environs and on zoned lands. The nearest European Site is Scohaboy (Sopwell) Bog SAC (site code: 002206) & NHA (site code: 000937) are located approximately 2.5km north. It is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

## **10.0 Recommendation**

- 10.1. I recommend a grant subject to the reasons and considerations as set out below.

## **11.0 Reasons and Considerations**

- 11.1. Having regard to the nature and scale of the proposed development for a 15m shrouded monopole structure, the proposed development would be in accordance with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996 and with the policies and objectives of Tipperary County Development Plan 2022-2028, and would not seriously injure the visual or residential amenity of the area or the amenities of the property in the vicinity of the site. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. 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 the planning authority on the 8<sup>th</sup> day of December 2023 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. Notwithstanding the exemption provisions of the Planning and Development Regulations 2001, as amended (or any replacement Regulations), no additional communications antennae, drum shaped dishes or other telecommunications equipment shall be fitted to the exterior of the monopole without a prior grant of planning permission.

**Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.**

3. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

**Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.**

4. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 6 months, the structures shall be removed, and the site shall be reinstated within 6 months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within 2 months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details at the operator's expense.

**Reason: In the interest of the visual amenities of the area.**

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme [which shall include hedging planted inside the boundary fence], which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

**Reason: In the interest of the visual amenities of the area.**

6. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

**Reason: In the interest of the visual amenities of the area.**

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

**Reason: In the interest of the visual amenities of the area.**

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Jennifer McQuaid  
Planning Inspector

27<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319277-24		
<b>Proposed Development Summary</b>	Erection of a 15m high shrouded pole with antennas, dishes and associated telecommunications. Removal of an existing wooden pole		
<b>Development Address</b>	Eir Exchange, Townfields, Cloughjordan, Co. Tipperary		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	X		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
		N/A	
<b>5. Has Schedule 7A information been submitted?</b>			



N/A

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_