



An
Bord
Pleanála

Inspector's Report

ABP-319400-24

Development	Erection of 15m high telecommunications shrouded pole together with antennas, dishes, associated telecommunications equipment, all enclosed by security fencing, and remove existing 12m high wooden pole.		
Location	eir Exchange, Graigue, New Inn, Co. Tipperary.		
Planning Authority Ref.	2460018.		
Applicant(s)	Eircom Limited.		
Type of Application	Permission	PA Decision	Refuse permission.
Type of Appeal	First Party	Appellant	Eircom Limited
Observer(s)	Gerard & Cathy Maloney Kenneth R. Roberts Eamonn & Margaret Barron Loretta Moloney John Colville		
Date of Site Inspection	1 st August 2024.	Inspector	Des Johnson

Context

1. Site Location and Description.

1.1 The site is located centrally in New Inn village, Co. Tipperary, to the south of Cashel and north of Cahir. It is to the east side of the R639, which passes through the village, and a short distance south of the crossroads between the R687 and the R639. The site forms part of an existing Eir exchange compound.

1.2 There is an exchange building and a 12m high wooden pole with telecommunications equipment, including dishes and finial on the site. Adjoining immediately to the south is a single storey detached dwelling with well-maintained gardens on a large site. Adjoining to the north is a large rectangular shaped field and graveyard. There are low level residential properties on the opposite side of the public road. The villages commercial centre is at the cross-roads a short distance to the north. There is a school c. 140m to the north-west of the site.

1.3 The existing mast is set back from the public road, and to the north side of the exchange building on the site. There is a low stone wall to the front of the site, setback from the public footpath.

2. Description of development.

2.1 The proposal is for the erection of 15m high telecommunications shrouded pole together with antennas, dishes, associated telecommunications equipment, all enclosed by security fencing, and the removal of an existing 12m high wooden pole. The proposed operator's equipment would be hidden within the shrouded pole.

2.2 A 1m high lightening finial is proposed on top of the shrouded pole, giving a total height of 16m.

2.3 Planting is proposed along the western site boundary.

3. Planning History.

3.1 ABP Reference 23.223956- Permission granted (dated 19th October 2007) on appeal for the retention of 10m high pole and 2no. 0.6m diameter dishes for the provision of telecommunications services at this location. The reasons and considerations for the decision referred to (a) national strategy regarding the improvement of mobile communications services, (b) Telecommunications Guidelines, and (c) location outside any specific restrictions with regard to development in scenic areas set out in the current development plan for the area.

A condition restricts the permission to 5 years from the date of the Order, and the removal of the structure at the end of that period unless permission has been granted for the retention for a further period. The reason for the condition is to enable the development to be re-assessed having regard to changes in technology and design during the 5 years period, and to circumstances then prevailing.

The planning authority had refused permission for reasons relating to conflicts with CDP policy for Telecommunications Apparatus, and failure to adequately demonstrate the type of antennae proposed.

This pole has been removed from the site. It is noted that the application drawings refer to a second pole on the site – referred to as ‘Vodafone Pole’.

3.2 ABP Reference 311023-21 – Permission refused for 15m high monopole telecommunications structure together with antennas, dishes, and associated telecommunications equipment, all enclosed in security fencing. The reason for refusal is as follows:

Having regard to the very close proximity of the proposed telecommunications structure to an existing residential property to the south, and to the specific location of the proposed structure within the subject site, it is considered that the proposed development would seriously injure the residential amenities of the adjacent property to the south. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.3 During the consideration of this appeal, the Board issued a S 132 Notice seeking confirmation (or otherwise) of the design capability of the proposed monopole being repositioned on site to a location at or approximate to the position of the current 12m high pole on the site. In response, the developer stated that the site area is not adequate to accommodate the 15m multi-user monopole due to technical/construction related requirements.

4. Planning Policy

4.1 The National Planning Framework includes National Policy Framework Objective 24 – to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.

4.2 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities. 1996.

The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service. Visual impact is identified as among the more important considerations which must be taken into account. Visual impact will vary with the general visual context of the proposed development. Great care is needed when dealing with fragile or sensitive landscapes, and with other areas designated or scheduled under planning or other legislation. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or 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 the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure. Sharing of facilities is to be encouraged and applicants should satisfy the authority that they have made a reasonable effort to share. Only as a last resort, and if alternatives are unavailable or unsuitable, should free standing masts be located in a residential area or beside schools.

4.3 Circular Letter PL07/12, issued on 19th October 2012, revises sections of the 1996 Guidelines. The Circular Letter refers to a growing trend for Development Plans to specify minimum distances between telecommunications structures and houses and schools. This does not allow for flexibility on a case by case basis, and can make the identification of new infrastructure very difficult. Separation distances should not be specified in Development Plans. Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures. Health issues are regulated by other codes and such matters should not be additionally regulated by the planning process.

4.4 The Tipperary County Development Plan 2022-2028 came into effect on 22.08.2022.

New Inn is designated as a Local Service Centre. The appeal site is within the settlement boundary for the village, but is not zoned for any particular purpose. The adjacent green area to the north is designated 'amenity'.

Objective SO1 – support the preparation of an Enhancement Scheme for New Inn.

Objective SO2 – support the provision of a public amenity area in New Inn village centre.

Objective SO3 – facilitate the carrying out of streetscape enhancement works in New Inn village.

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.

5. Natural Heritage Designations

5.1 Lower River Suir SAC – c. 4.8km to the SW, and 14km to the E.

Qualifying interests

Atlantic salt meadows

Water courses of plain to montane levels

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels

Old sessile oak woods

Alluvial forests

Taxus baccata woods of the British Isles
Freshwater Pearl Mussel
White-clawed Crayfish
Sea Lamprey
Brook Lamprey
River Lamprey
Twaite Shad
Salmon
Otter.

Development, Decision and Grounds of Appeal

6. PA Decision.

6.1 The planning authority refused permission for 3 reasons, summarised as follows:

1. The proposed mast would be an oppressive feature and would seriously injure the residential amenity of the adjacent property to the south by reason of its overbearing impact.
2. Based on the information submitted, the planning authority is not satisfied that due consideration has been given to identifying potential alternative sites in the immediate locality. The planning authority is not satisfied that this is a site of last resort. The proposal conflicts with Policy 6-6 of the CDP and Ministerial Guidelines.
3. Based on the information submitted, the planning authority is not satisfied that the proposal is capable of being visually absorbed by the receiving environment.

6.2 The Planner's Report dated 29.02.2024 states that the site is within the development boundary of the settlement as defined in the CDP 2022. There is a Protected Structure 100m to the SW. In broad terms the principle of facilitating ICT infrastructure is supported by local planning policy, subject to being considered against normal planning considerations. There has been a mast at this location since 2000. The remaining timber pole is not capable of providing improved 4G signal for technical reasons. Improvements in 4G coverage arising from the

provision of a new mast cannot be doubted. The question is 'is this a site of last resort'? The applicant has indicated that for technical reason, this is the only realistic site. No alternatives appear to have been considered. The proposed development fails to meet one of the basic thresholds of the Telecommunications Guidelines.

The site is not in a visually sensitive or protected area as defined in the CDP. There is serious concern with respect to the overbearing impact on the adjoining property to the south. There is no meaningful screening to the south of the site, and limited potential for the provision of same. The proposed development would be oppressive and would seriously injure the residential amenity of the property to the south.

The assessment of health impacts is beyond the scope of the planning assessment.

7. First Party Appeal.

7.1 The grounds of appeal may be summarised as follows:

- The proposal will provide critical infrastructure and services for New Inn. The services need to be within close proximity of the demand. The site is within an established communications exchange with links in use for the operators. The proposal is to upgrade the existing. The site provides benefits to the operators that other sites cannot provide.
- Fibre optic is planned for the Exchange which will enable a back-haul facility enabling rural sites further away to be linked to the proposed structure and gain from improved services. There are no alternative suitable or existing telecommunications sites or rooftops within the settlement boundary of the village.
- Line of sight is necessary to connect the cell to the network. Although this site has established links into the network, coverage and links are impeded by the current tree line.
- The provision of services is vital to the economy. Demand within mobile and broadband networks is continuing to grow, but the existing does not have the capacity to meet demand. It must be expanded and upgraded to ensure high-quality, high-speed service.
- Vodafone transmit from a wooden pole structure providing 2G and 3G services. The proposed development is specifically to upgrade services for Vodafone to improve existing services and provide 2G, 4G and 5G

services in the future. The Eircom Exchange provides links for the existing and new structure.

- The existing wooden pole is to be removed and replaced by a 15m high shrouded pole. The antennas will be hidden inside the shroud. The wooden pole is inadequate to accommodate new technologies. The proposed development would allow more advanced 4G and future 5G technologies to be deployed.
- ComReg coverage map submitted indicates coverage for 4G and modern services is very weak, and 5G services for all operators is weak to non-existent around New Inn. Maps are submitted showing 2G and 3G coverage levels from existing sites, and coverage levels with the proposed upgrade. Corresponding maps are submitted for 4G coverage levels.
- The nearest site is 3km to the southwest, but this is too far away to provide necessary coverage services to the village. There are no other existing telecommunications sites in the surrounding area. Vodafone has identified a weakness in coverage for New Inn and the surrounding road network. Changes in lifestyle post Covid continue to place high demand on services.
- Due to the small area required for foundations for the proposed shrouded monopole design, it is possible to site the proposed development to the north of the Exchange building, approximate to the position of the current 12m wooden pole on the site. This proposal is considered a visual improvement on the previous application.
- The site is zoned 'Social and Public' with the objective *"to provide and improve social and public facilities"*. There is no conflict with any Protected Structures.
- The proposal does not contravene the Telecommunications Guidelines. Further landscaping would be possible if required. Small native hedge planting (such as common Hawthorn or Holly) might be most appropriate along the southern boundary.
- Five photomontages (also submitted with the application) are submitted with the grounds of appeal; these depict the appearance of the application

structure. Views from the road network would be intermittent. The visual impact of the proposed development would be marginally greater than the existing wooden pole. The greatest zone of visual impact would be the house to the south. This would be substantially reduced due to the siting of the proposed structure behind the Exchange building. Colour options for the proposed structure are available e.g. dark brown to resemble the colour of the existing wooden pole, or dark green to blend with nearby trees.

- The appellant refers to precedent cases elsewhere, where the Board granted permission to Eir Exchange for monopole installations.
- The submission includes an updated Vodafone Site Justification Report (March 2024.). This states that the existing timber pole is at full loading capacity and the new structure would provide increased structural capacity for Vodafone upgrade and additional other operators use. It includes existing and proposed coverage maps.

8. Observer Submissions

8.1 Five Observer submissions were made and are summarised as follows:

Cathy and Gerard Maloney, Graigue, New Inn, Cashel

- Eircom were refused permission by An Bord Pleanála for a similar application in 2021.
- The Observers home is right beside the subject site, and this was one of the reasons the previous application was refused. The house has not moved. The site is badly maintained and an eyesore.
- The proposed development would devalue the Observers home. It would block light to the Observers home.
- The proposed development would be too near two schools and a GAA pitch.

John Colville, Coleraine, Cashel

- The proposed development would be an eyesore, have a serious negative impact on the village, and have a detrimental impact of the wellbeing of the community.

- A previous application for a mast was refused by Tipperary County Council and upheld by An Bord Pleanála. The development is totally inappropriate for this site.
- The development would set an undesirable precedent for other villages.
- There is no reason the applicant cannot identify a new site in the locality.

Loretta Moloney, Landsdowne Park, Ballsbridge, Dublin 4.

- The proposed development is in the centre of the village and is inappropriate and excessive in the extreme. Overdevelopment of a small site.
- The proposal could set a dangerous precedent
- The planning authority previously refused permission, and this decision was subsequently upheld by ABP. This current proposal is slightly amended but fundamental issues remain. The proposed development is on a small site adjacent to a family home and will seriously injure the residential amenity of that property by reason of its overbearing presence.
- The appellant was born and reared in the residential property to the south of the site. The property was built 80 years ago. The observer's brother and wife continue to live there. The proposal is putting unacceptable pressure on them.
- This is not a site of last resort.

Eamon and Margaret Barron, Loughkent, New Inn, Cashel.

- The proposed development would be visually intrusive by reason of its location, height, scale and design, and adversely injure the visual amenities of the area.
- There is no telecommunications pole on the site permitted by the planning authority.
- The permission for the existing pole has withered, and the Board should look at the application 'de novo'. The observers refer to refusal under Reference PL 04.305021 in Watergrasshill, Cork, which raised similar issues.

- A business and operational needs case has been put forward by the applicants, but Eir's business interest is of no concern to the local community.
- The proposal does not comply with the local development plans.
- High speed broadband is provided in the village since at least 2017.
- The Telecommunications Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. Eir have not made a genuine effort to find a suitable alternative site.

Kenneth Roberts, Rose-Marian, New Inn, Cashel.

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Environmental Screening

9. EIA Screening

Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening

Having regard to the nature and scale of development, location in an urban area, and the separation distance and lack of connectivity to designated European sites, 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.

2.0 Assessment

2.1. The proposal is for the erection of a 15m high telecommunications shrouded pole together with antennas, dishes, associated telecommunications equipment, all enclosed by security fencing, and the removal of an existing 12m high wooden pole. The security fencing proposed appears to be a mixture of wooden and palisade fencing, 2400mm high, but the submitted drawings fail to show where it is proposed to position this on the site.

2.2. I submit that the key issues in this appeal are as follows:

- Use of the site
- Policy issues
- Townscape impact
- Residential impact
- Environmental assessment

Use of the site

2.3. There is an existing exchange building on the site. The planning authority state that there has been a mast at this location since 2000. It is unclear if this statement relates to the existing 12m high wooden mast. There was previously a 10m high Eircom wooden pole mast on the site; this was granted retention permission by ABP

(Reference 23.223956) but limited by way of condition to a 5 year period. This wooden mast has now been removed from the site. It is noted that the application drawings relating to Reference 23.223956 show a second mast, referred to as 'Vodafone Mast'. This is on the site of the current existing 12m wooden mast on the site, also the site of the proposed shrouded mast. There is no information on file to indicate that the existing wooden mast on the site was ever the subject of a planning permission.

Policy issues

- 2.4. It is stated that the application addresses Eir and Vodafone requirements to significantly improve services, particularly in the target catchment area of New Inn village, the surrounding area, as well as the local road network. The proposed installation is to form part of an established telecommunications network system that Eir operates in the area. The proposed structure is to be shared between Eir and Vodafone.
- 2.5. The National Planning Framework includes an objective to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas. The Telecommunications Guidelines (1996) are generally supportive of the development and maintenance of a high-quality telecommunications service, but identify other important planning considerations which must be considered in each case, including visual impacts, and locational considerations in towns and villages, residential areas, and beside schools. The Tipperary CDP includes policy to facilitate the sustainable development of telecommunications and digital connectivity infrastructure where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment. It is an objective of the CDP to support the delivery of the National Broadband Plan to enable high-speed broadband and digital connectivity services to all businesses and householders in Tipperary.
- 2.6. The proposed development is to upgrade an existing network, and it is proposed to share the proposed structure between Eir and Vodafone. It is on a site where there is an existing exchange building and which has had a telecommunications mast over a considerable period. The proposal is for a monopole structure. In these

circumstances, I conclude that the principle of the proposed development is supported, by national and local policy.

Townscape impacts

- 2.7. The proposed mast would be on the site of the existing 12m high mast (which is to be removed) setback 13.4m from the front site boundary. The proposed shrouded mast would be 3m higher than the existing (4m if the finial is included) and would be clearly visible from the R 369. It would also be visible at distance from the R 687 in intermittent views from the north and north-east. There are other vertical elements in the vicinity of the site, including public lighting poles and mature trees
- 2.8. The site is within the settlement boundary for the village but is not zoned for any particular purpose. The site adjoining to the north is designated as 'amenity'. There are no views or prospects listed for preservation which could be impacted by the proposed development. There are no specific landscape or conservation designations relating to the site or surrounding area. The Old Barracks is a Protected Structure on the opposite side of the street c. 100m to the south-west.
- 2.9. In the circumstances outlined, I conclude that the proposed development would not be likely to have any significant adverse impact on the village streetscape, or on the Old Barracks. I also conclude that it would not conflict with the CDP objectives for the enhancement of the village.

Residential amenity

- 2.10. I consider that the key consideration in this appeal relates to the impact of the proposed development on the adjoining single storey residential property to the south. By Order dated 1st September 2023, under Reference 311023-21, the Board refused permission for a 15m high monopole telecommunications structure, together with antennas, dishes, and associated telecommunications equipment, all enclosed in security fencing at this location. The proposed mast the subject of that application was to be sited to the front of the exchange building. The reason for refusal referred to the very close proximity of the proposed structure to the existing residential property to the south, and the specific location within the subject site. The Board considered that the proposed development would seriously injure the residential amenities of that property and, as such would be contrary to the proper planning and sustainable development of the area. During the consideration of that appeal, the

Board issued a S 132 Notice seeking confirmation (or otherwise) of the design capability of the proposed monopole being repositioned on site to a location at or approximate to the position of the current 12m high pole on the site (this is the site of the proposed mast in the current appeal). In response to the S 132 Notice, the developer stated that the site area is not adequate to accommodate the 15m multi-user monopole due to technical/construction related requirements.

- 2.11. The proposed siting is to the north side of the existing exchange building. As such, the lower portion of the proposed mast would be screened from view from the adjoining single storey dwelling to the south. The proposed shrouded mast is, however, larger in circumference and visually more imposing than the existing mast on the site (which is to be removed). Having regard to the proximity of the proposed mast to the adjoining residential property to the south, I conclude that the proposed development would be seriously injurious to the amenities of the adjoining residential property to the south.
- 2.12. The Telecommunications Guidelines 1996, make provision for the location of free-standing masts in a residential area, but only as a last resort, and if alternatives are not available. Based on the information submitted with the application and the grounds of appeal, I am not satisfied that alternative sites have been comprehensively explored.

Environmental assessment

- 2.13. Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site], 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
- 2.14. Having regard to the nature and scale of development, location in an urban area, and the separation distance and lack of connectivity to designated European sites, 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.

3.0 Recommendation

3.1. I recommend that permission be refused.

4.0 Reasons & Considerations

Having regard to the height, design and scale of the development, the immediate proximity of the site to an existing residential property to the south, it is considered that the proposed development would constitute an unduly obtrusive feature which would be seriously injurious to the residential amenities of adjoining property to the south. Furthermore, based on the information submitted, the Board is not satisfied that alternative sites have been comprehensively explored and that the subject site is a site of last resort. In these circumstances, the proposed development would be contrary to the proper planning and sustainable development of the area.

Des Johnson

Planning Inspector

29th August 2024.

Note: In the event, contrary to the above recommendation, the Board considers that permission may be granted, I recommend conditions be attached requiring details of colouring of the mast, siting and design of security fencing, and planting proposals for the site be agreed in writing prior to the commencement of development, and that the development be carried out in accordance with the written agreed details.

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.