



An
Coimisiún
Pleanála

Inspector's Report ACP-323826-25

Development	Section 254 licence for the installation of a telecommunications pole and ground cabinet.		
Location	Grass Verge on the R688 Ballyclerihan, Clonmel, Co. Tipperary		
Planning Authority Ref.	Tipperary County Council		
Applicant(s)	Phoenix Tower Ireland III Limited.		
Type of Application	Section 254 Licence		
P. A Decision	Refuse		
Type of Appeal	First Party	Appellant(s)	Phoenix Tower Ireland III Limited
Observer(s)	None		
Date of Site Inspection	26/01/2026	Inspector	Caryn Coogan

1.0 Site Location/ and Description.

- 1.1 The appeal site is located in Ballyclerihan village. Ballyclerihan is a village located along the R688 between Clonmel and Cashel in Co. Tipperary.
- 1.2 The subject site is the road verge on the southern side of the R688 approaching the village from the south, on the Clonmel side. It is positioned along the public road which forms a field boundary. Immediately adjoining the site location to the south east is Clerihan Community park. It should be noted Clerihan Community park is served by large flood lighting poles, and there is public lighting along the R688 in the general vicinity of the site.
- 1.3 The site is a narrow grass verge positioned between a 1.2metres stonewall and a 2m wide public footpath.

2.0 Proposed development.

- 2.1 The proposed development is a 20m monopole on a public grass verge, with 3No. 0.6m antennas attached to the top of it by brackets. There will also be 3No. CommScope 2.8 long antennas attached, and 3No. RRUs. The pole is galvanised, and there are two small cabinet boxes positioned each side of the pole.
- 2.2 The licence application is accompanied by detailed drawings, technical reports and a visual impact assessment.

3.0 Planning Authority's Decision

- 3.1 Tipperary Co. Co. decided not to grant the licence on the 3rd of September 2025 for 2no. reasons:
 1. This proposal is for, in alia, a 20m high monopole in the village of Ballyclerihan. It is an objective of Tipperary County Development Plan 2022 (Policy 6-6) 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 surrounding areas and the receiving environment.

Having regard to the height and form of the structure proposed, the lack of any screening and the location of a mast on an important pedestrian route connecting population centres to a recreational asset, it is considered that the mast proposed would be an oppressive feature and would seriously injure the character of the receiving environment by reason of its overbearing impact.

The proposal therefore conflicts with the stated objective of the Tipperary County Development Plan 2022 (Policy 6-6) and would be contrary to the proper planning and sustainable development of the area.

2. Based on the information presented, the planning authority is concerned that the mast proposed lies within a sightline triangle serving the agricultural entrance permitted under 05/1633 north west of the site. The proposed development would therefore endanger public safety by reason of being a traffic hazard or obstruction to road users.

4.0 Planning Reports

4.1 The Planning Report on file is dated 03/09/2025.

- When viewed from the R688 on the approach to the village from the south the structure is visually intrusive and has an overbearing impact on the character of the receiving environment. This is an important consideration as the site lies between the main population centre and an important recreational asset in the area.
- The proposal will obstruct sightlines at an agricultural entrance

5.0 Planning History

There is no relevant planning history.

6.0 Planning Policy

6.1 ***Section 6.8 Digital Connectivity and Innovation***

The Council is focused on enhancing digital connectivity in Tipperary in line with the strategic framework set out in Harnessing Digital, The Digital Ireland Framework (GoI, 2022) and the targets and objectives set out therein, including the objective to position Ireland as a digital leader, driving and enabling digital transformation across the economy and society.

The Council and its partners have been proactive in the support of digital connectivity in Tipperary through actions such as the development of digital hubs and community learning spaces, better rural connectivity through 'Connected Communities', and in the use of digital communication and social media in consultation and communication programmes. The Council will continue to invest in digital connectivity in both urban and rural areas, will support the roll out of broadband in association with the National Broadband Plan, and will seek the future-proofing of public realm and capital investments to cater for future digital connectivity infrastructure. The Council will support a 'Dig Once' principle to ensure that digital connectivity infrastructure is delivered to enable better co-ordination between operators and providers in order to avoid inefficient, unduly disruptive and ad-hoc infrastructure provision, particularly as part of Council capital and public realm projects.

The Council recognises that there is a balance between facilitating the provision of mobile telecommunications infrastructure, and the need to protect residential, visual amenity and the natural and built environment. When considering proposals for telecommunications infrastructure, the Council will have regard to Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, DEHLG, 1996 (and any review thereof) and will seek to work proactively with the telecommunication industry during the development and deployment phase.

6.10 Policy

6 - 6 Facilitate the sustainable development of telecommunications and digital connectivity infrastructure in line with Harnessing Digital, The Digital Ireland Framework (GoI, 2022) and in accordance with Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, (DEHLG, 1996), where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment.

6.2 ***The Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures.*** DoELG 1996.

6.3 **Climate Action Plan 2025**

6.3.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan. 5.5.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

6.4 **Harnessing Digital.** The Digital Ireland Framework

6.4.1. Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

6.5 **Natural Heritage Designations**

The Lower River Suir SAC (site Code 002137) is located 7.5km south of the site.

6.6 **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as

amended, and, therefore, no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

7.0 The Appeal

7.1.1 Visual Impact

- The 20m height of the proposed street pole is commonplace for street poles of this nature. There are a number of similar cases referenced which were granted by the Commission. One in Tower, Cork, T24.009, 20m pole in Doughiska, Galway, ABP 322039 at Newcastle West, and Athboy Co. Meath.
- Other cases cited and Inspector's report quoted include 309598 in Waterford and ABP-311529 on Ballycullen Road, Dublin 24. In both cases it was considered that the poles would not be so visually disruptive to seriously injure the visual and residential amenities of the area.
- The proposed pole will be partially screened by the existing hedgerow along the R688. There are mature trees to the south of the site inside the boundary wall that will act as a backdrop.
- The footpath adjoining the site forms a connection between the village and the community park to the south of the village. However this is not a visually sensitive route and the masts and street poles are commonplace in amenity areas and GAA pitches throughout the country.

7.1.2 Traffic Hazard

- A supplementary Engineering report was submitted with the appeal stating:
- There may be some interference with sightlines during the construction period but this will be temporary.
- The pole and cabinets are setback from the road and do not interfere with sightlines
- The site is located within a 50kmph speed limit. The sightline requirement is 70metres in both directions, and the sightlines is in excess of 100m.

7.2 P.A. Response

There was no further comment from the planning authority.

8.0 Assessment

8.1 This licence has been applied for under Section 254 of the Planning and Development Act 2000, as amended. In terms of the legislative framework, I refer to article 5 of Section 254:

(5) In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to—

(a) the proper planning and sustainable development of the area,

(b) any relevant provisions of the development plan, or a local area plan

(c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and

(d) the convenience and safety of road users including pedestrians.

I intend to examine this appeal in line with the cited relevant legislation.

8.2 The Relevant Provisions of the Development Plan

8.2.1 The relevant section of Tipperary County Development Plan 2022-2028 is section 6.8 Digital Connectivity and Innovation. The Council supports high quality digital connectivity and innovation in the digital economy as a key enabler of learning and quality of life in Tipperary. It also states the Council will continue to invest in digital connectivity in both urban and rural areas, will support the roll out of broadband in association with the National Broadband Plan, and will seek the future-proofing of public realm and capital investments to cater for future digital connectivity infrastructure.

8.2.2 The Planning Authority's reason to refuse issuing a licence was rooted in it's consideration the proposed development did not comply with Policy 6-6 of the development. I quote the relevant 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.

In the first instance the applicant has indicated and demonstrated in the submission documents the subject monopole is required to address a blackspot in the area. There were 5No. sites examined and the subject site was chosen as the optimum for catering for existing and future demands. The village is expanding in terms of critical mass with residential developments under construction on the southern side of the village. The land to the south of the site is zoned for residential development in Volume 2 of the County Development Plan. At the present time the field is in agricultural use with no planning history for residential development.

Section 4.3 of the 1996-*Telecommunications-Antennae-Support-Structures Guidelines* state, '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'. However, the technical information demonstrates a blackspot occurs in the village, and adequate telecommunications is a necessity for sustainable rural communities. I consider the pole is not a large mast. It is located an adequate separation distance from houses and schools. Similar infrastructure is commonplace in urban areas throughout the country. Therefore, I accept the technical basis for locating the monopole so close to the village, and in this regard the proposal complies with the development plan policy.

8.3 The Number and Location of existing appliances, apparatuses or structures on, under, over or along the public road.

8.3.1 The receiving environment is not as described in the Planner's Report on file. On approach to the village along the R688 from the south there is a high volume of flooding lighting stands associated with the adjoining playing pitches. In addition there is public lighting poles along the roadside. There are also a number of flagpoles at the entrance to the playing pitches in close proximity to the location of the subject monopole. On the opposite side of the R688 to the subject site, there is a row of telegraph poles. On approach from the north out of the village along the R688, there is a row of trees which will screen the subject structure on approach from the village.

8.3.2 I have considered the applicant's Visual Impact Assessment including the photomontages from the various points on site. I consider these to be a true assessment of the pending visual impact of the monopole. I would not consider the structure to be overbearing in the context of the existing utilities in the immediate vicinity of the site. Furthermore, telecommunication poles, speed camera poles are a common sight on road verges in rural areas, and I do not consider the structure will look out of place. Having regard to the high volume of utility poles in the immediate vicinity of the site, I do not consider the addition of the monopole along the road verge will detract from the visual qualities of the area. The area boasts no designated scenic routes or designated landscapes considered of high amenity value.

8.3.3 The receiving environment beyond the site to the north is the built up footprint of Ballyclerihan village. The proposed location is on the outskirts of the village and will not detract from the streetscape qualities of the village. In terms of telecommunications structures, the proposal is modest on scale. The support structure has been kept to a minimum height of 20metres to ensure adequate coverage in the area, and the antennae are discreetly bracketed to the top of the pole, they wrap around it as opposed to large antennae normally viewed on co-locating towers. On balance, I do not consider the proposal will detract from the visual qualities of the area.

8.4 The Convenience and Safety of Road Users including Pedestrians

8.4.1 The second reason the planning authority refused the license stated the proposed monopole lies within a sightline triangle serving an agricultural entrance permitted planning reference 05/1633.

8.4.2 I refer to Plate 2 of the Photographs taken on my site inspection. The R688, the public footpath, the agricultural entrance referred to in the reason for refusal, the public lighting and an estimate on the location of the proposed monopole are provided in the photograph. There is adequate setback provided from the location of the proposed development to ensure the visibility splay at the agricultural entrance will not be obstructed or interfered with when viewing south while exiting the entrance. The subject site and agricultural entrance are both located inside the 50 kmph speed limit. The horizontal and vertical alignment of the R688 on approach to the entrance is not an issue. Having examined the sightlines at the entrance in a

southerly direction, there is a sightline in excess of 100metres which will not be affected by the proposed development which is set back against the boundary wall, over 2.5metres from the edge of the regional road where a speed limit of 50kmphour applies.

8.4 **AA Screening**

8.4.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located on the edge of a rural village Ballyclerihan, Co. Tipperary alongside the R688. The proposal comprises of a telecommunications pole, cabinet and associated works. The subject site is located over 7.5km from the River Suir SAC. There is no connection to any European (Natura 2000) sites and no pathways.

8.4.2 Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale of the proposal; and
- The absence of connectivity to any European site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 **Recommendation**

The license sought is a temporary permission, and that section 254(4) of the Planning and Development Act 2000, as amended, provides for the withdrawal by the planning authority of the licence, and for the removal by the licensee of the structure at the licensee's own expense, by notice in writing from the planning authority where the

planning authority is of the opinion that, inter alia, the structure causes an obstruction in relation to the widening of a road or of any improvement of, or relating to, a road.

10.0 Reasons & Considerations

Having regard to the nature, scale and design of the proposed development, comprising a 20-metre-high monopole telecommunications streetwork structure, with ground cabinet at a grass verge along the R688, the provisions of Section 254 of the Planning and Development Act 2000, as amended, (in particular section 254(4) which provides for the withdrawal of the licence where the planning authority is of the opinion, inter alia, that the structure causes an obstruction in relation to the widening of a road or of any improvement of or relating to a road), Policy 6-6 of the Tipperary Development Plan 2022-2028 which supports the delivery and implementation of the National Broadband Plan and any subsequent plans, the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020 respectively) and the Climate Action Plan 2025, in particular Section 10.1.8 "Digital Transformation", which supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets, it is considered that, subject to compliance with the conditions set out below, the proposed development would not cause adverse impacts on visual amenities, would not impact on the character of the setting, and would not inconvenience the safety of road users, including pedestrians and cyclists. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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

Reason: in the interest of clarity

2. This licence shall apply for a period of three years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of the visual amenities of the area.

4. Transmitter power output, antennae 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.

5. 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.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including tree protection measures, traffic and pedestrian safety measures, hours of working, noise management measures and off-site disposal of construction waste.

Reason: In the interests of public safety and residential amenity.

Always include the following paragraph at the end:

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Caryn Coogan

Planning Inspector

27/01/2026