



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306478-20

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<b>Development</b>	To construct a 21m multi-user monopole carrying telecommunications equipment together with associated equipment cabinets within a 2.4m palisade fence compound including new access track.
<b>Location</b>	Doonbeg Td, Rhyngonnaught, Doonbeg, Co Clare.
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	19847
<b>Applicant(s)</b>	Cignal Infrastructure Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cignal Infrastructure Ltd
<b>Observations</b>	(1) Paul & Francis O'Sullivan (2) Aisling Ryan
<b>Date of Site Inspection</b>	04 <sup>th</sup> March 2020

**Inspector**

Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.019 hectares is located to the south east of the L-6098 in the townland of Rhynagonnaught approximately 850m north of Doonbeg Village. The site is accessed from a laneway with (vehicular access off the L-6908) that serves agricultural lands and a slatted shed located to the south of the site and is part of the landholding the site is taken from. Lands on all sides of the site are agricultural lands. The nearest dwelling is located to the north of the site and on the southern side of the L-6908 with sporadic rural housing located along the public road to the north.

## 2.0 Proposed Development

2.1. Permission is sought to construct a 21m multi-user monopole carrying telecommunications equipment together with associated equipment cabinets within a 2.4m palisade fence compound including new access track.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on one reasons...

1. Having regard to:

- i. the visually prominent location of the site, in an open coastal landscape where natural screening is limited;
- ii. DoEHLG 'Telecommunications Antennae and Support Structure, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012);
- iii the location of the site in an area designated as a "Heritage Landscape" in the Clare County development Plan 2017-2023, as varied, whereby it is an objective of the Plan under CDP13.5 to require *"that sites have been selected to avoid visually prominent locations"* and *"that site layouts avail of existing topography and vegetation to minimize visibility from scenic routes, walking trails, public amenities and road."*

It is considered that the proposed development by reason of its height and siting would seriously injure the visual amenities of the area. The proposed development if permitted would therefore, contravene the provisions of the Development Plan including those objectives for “Heritage Landscapes” and would thus be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planning report (16/12/19): The location of the site in a Heritage Landscape and in an open coastal area would mean the proposal would have an acceptable visual impact and be contrary Development Plan policy and the recommendations of national policy. Refusal was recommended based on the reason outlined above.

### **3.2.2 Other technical reports**

Road Design Planning (12/12/19): No objection subject to conditions.

## **3.3. Prescribed Bodies**

3.3.1 DoCEG Development Applications Unit (06/12/19): The site is within 300m of the Crowmore Dunes SAC and Mid-Clare Coast SPA. The Council must ensure that the proposed development would not impact negatively on the designated sites.

## **3.4. Third Party Observations**

3.4.1 Submission have been received from...

Mark & Jackie Wade,

Amanda Honan,

Peter O'Reilly,

Aisling Ryan,

Shaun & Angela Honan,

Christy Honan,

Michael Doyle,

Helen & Paddy Barcoe,

Paul & Frances O'Sullivan.

The issues raised can be summarised as follows...

- Impact on character/visual amenity of the area, development would be visible from dwellings in the area, would diminish existing residential amenity, lack of justification for location, lack of consultation, health issues.

## 4.0 **Planning History**

4.1 No planning history.

Adjoining sites...

4.2 P06/2141: Permission granted for a livestock slatted unit to the south of the site.

4.3 P09/534: Permission granted for an extension to existing livestock slatted unit to the south of the site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The relevant Development Plan is the Clare County Development Plan 2017-2023. The appeal site is in a rural area.

CDP8.43: It is an objective of Clare County Council:

- a) To work with the department of Communications, Climate Change and Natural resources to ensure the prompt implementation of the Rural Broadband Scheme in County Clare.
- b) To facilitate the delivery of high capacity ICT infrastructure throughout the County.

CDP8.44: It is an objective of the development plan:

To facilitate the provision of telecommunications services at appropriate locations within the County having regard to the DoEHLG 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996 (as updated by PL07/12 of 2012).

CDP13.5: It is an objective of the development plan:

To require that all proposed developments in Heritage Landscape demonstrate that every effort has been made to reduce visual impact. This must be demonstrated for all aspects of the proposal-from site selection thorough to details of siting and design. All other relevant provisions of the development plan must be complied with. All proposed developments in these area will be required to demonstrate:

- That sites have been selected to avoid visually prominent locations;
- That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads;
- That design for buildings and structures minimise height and visual contrast through careful choice of forms, finishes and colour and that any site work seek to reduce the visual impact of the development.

## 5.2 National Policy:

### 5.2.1 Telecommunications Antennae and Support Structures Guidelines for Planning Authorities

#### Section 4.2 Design and Siting

“The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced

by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

### Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect
- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider

landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

### **5.3 Natural Heritage Designations**

- 5.3.1 Crowmore Dunes SAC (Site Code 002250) c350m west of the site.  
Mid-Clare Coast SPA (Site Code 004182) c350m west of the site.

## **6.0 The Appeal**

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

- 6.1.1 A first party appeal has been lodged by Cignal Infrastructure Ltd. The grounds of appeal are as follows...

- The appellants disagree with the reason for refusal regarding visual impact. A visual impact assessment including photomontages illustrating the impact of the proposal in the surrounding area was submitted (12 viewpoints). It is noted that the visual impact of the proposal would be acceptable based on the monopole style design proposed, the distances from certain locations including Doonbeg Village, the N67, intervening vegetation and structures. It is noted that even where visible the overall impact of such is acceptable.
- In the context of national policy it is noted that the site is not within designated area including an SAC, SPA or National Park or near any archaeological site or protected structures. It is considered that visual impact of the proposal would be satisfactory in the context of national policy.
- It is noted that there is a technical justification for the location of the proposed development with a deficiency in coverage at this location. The appellant includes details of other sites and existing telecommunications structures in the area and a reasoning why such are not viable options to deal with the coverage deficiency.

- The appellant note that the appeal site is outside of the area designated as heritage landscape under the County Development Plan. In term of visual interconnectivity the appellant refers to the visual impact assessment and also notes that there a number of permitted telecommunications structure within or close to heritage landscapes at present.

## 6.2. Planning Authority Response

### 6.2.1 Response by Clare County Council.

- There was a lack of assessment of alternative technologies or an assessment of alternative locations.
- The site is in an open coastal area and the development would be visible over a wider area. The proposal would be prominent and tree planting would be an incongruous feature.

## 6.3 Observations:

### 6.3.1 An observation has been received from Paul & Frances O'Sullivan, 49/50 Moore Street, Kilrush, Co. Clare.

- The proposal is located in close proximity to the observers dwelling (170m) with the applicants information incorrectly identifying the nearest dwelling as 220m from the site. The proposal would be highly visible form the observers' dwelling.
- The proposal would be detrimental to the visual amenities of the area and the observers' residential amenities due to its proximity to the observers' dwelling.
- The proposal is lacking in a consideration of alternative sites and no pre-planning discussions were held with the Planning Authority as encouraged by the national guidelines.
- No consideration was taken regarding impact on the Carrowmore Dunes SAC or Mid-Clare Coast SPA.

6.3.2 An observation has been received from Aisling Ryan, Cois Cuain, Rhynagoonaught, Doonbeg, Co. Clare on behalf of Rhynagoonaught residents.

- Development plan policy is to seek to encourage co-location of masts and antennae on existing structures with it noted there are no existing structures in Rhynagoonaught.
- The Doonbeg Area is designated an Area of Special Control and the site is adjacent a designated Special Area of Conservation and the area does not lend itself to the proposed development.
- There are two houses in close proximity to the site, which were not included in the applicants' information from which visual impact would be significant and detrimental to property value.
- The height of the proposal (noted as 30m) is excessive and would have a significant and adverse visual impact. And be out of character in this rural area.

## 7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Appropriateness of the location, technical justification

Visual Impact

Appropriate Assessment.

7.2 Appropriateness of the location, technical justification:

7.2.1 One of the main reasons for refusal relates to location of the proposal in an open coastal landscape designated as a Heritage Landscape. The appellants have correctly pointed out that the appeal site is not located within the area designated as a Heritage Landscape and is located a short distance from the area designated as such which is the lands immediately adjoining the coast. I would note that the appeal

site is not located within any area of special amenity. Notwithstanding this fact the overall visual impact is an important factor in assessing the proposal and such is to be dealt with in a later section of this report.

7.2.2 I would note that the application includes a detailed technical justification for the proposed development indicating that there are service/coverage deficiencies in the area the proposal is set to address. The information on file also provides a detail of existing support structures examined as an alternative to the provision of new support structure in the area. It is indicated that these structure do not facilitate the provision of the necessary coverage for the area in question due to issues such as proximity, physical obstruction and the fact that the provider in question already has infrastructure at these locations and additional infrastructure will not deal with the coverage issue. I am satisfied based on the information submitted that there is sufficient technical for the proposal and for the siting of the proposal at this location. I would consider that the proposal meets the requirements of the national guidelines in terms of location of telecommunication structures.

7.2.3 I would note that subject to the proposed infrastructure being installed, operated and maintained so that there is compliance with the international standards relating to emission of non-ionising radiation, the safety standards under COMReg and relevant guidance, standards and legislation no issues with regard to risk to public health from a planning perspective should arise.

7.3. Visual Impact:

7.3.1 One of the main aspects of the decision to refuse relates to visual impact at this location due to its location in an open coastal landscape. The landscape at this location is open in nature and low lying. The proposal is for a 21m multi-user monopole carrying telecommunications equipment together with associated equipment cabinets within a 2.4m palisade fence compound including new access track. The structure is located approximately 280m from the public road (L-6908), which is located to the north of site. The site is accessed over a laneway that serves agricultural lands and a slatted shed.

7.3.2 The applicant submitted a visual impact assessment including photomontages from 12 points in the surrounding area including from the public road to the north of the site, from the N67 to the south, from Trump International Golf Links and Hotel to the east of the site and Doonbeg Village itself to the south west. I would note that there are no designated scenic routes in close proximity to the site. I would consider that the visual impact of the proposal in the wider area is negligible, given the height and slender nature of the support structure proposed in addition to intervening topography, vegetation and structures. In the intervening area the public road (L-6908) is located to the north of the site and there are existing dwellings located along the public road. The nearest dwelling to the site is located to the north of the site (currently vacant but subject to development proposals). I would consider that the overall visual impact of the proposed structure in the immediate area is also acceptable. As noted the structure although taller than existing development in the vicinity does not have significant physical girth. The proposed structure is sufficient distance from the nearest dwellings so as to have no significant or adverse visual impact. I would consider that the photomontages submitted demonstrate that the proposal would have an acceptable visual impact at this location. I would acknowledge that the structure is going to be visible from some dwellings in the vicinity and note that this does not mean such would be a significant or adverse visual impact due to level of separation and overall scale and physical girth of the support structure.

#### 7.4 Appropriate Assessment:

7.4.1 The site is not located within any designated Natura 2000 site with the nearest designated site being the following...

The Carrowmore Dunes SAC (Site Code 002250) c350m west of the site.

Mid Clare Coast SPA (Site Code 004182) c350m west of the site.

There is no source pathway link between the appeal site and the designated sites. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and

it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Clare County Development Plan, 2017-2023 and the DOEHLG Section 28 Statutory Guidelines; “*Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 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. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) 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 removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

**Reason:** In the interest of orderly 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. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

5. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

6. Details of the proposed colour scheme for the telecommunications structure, ancillary structures 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.

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 developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

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

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Colin McBride  
Planning Inspector

26<sup>th</sup> March 2020