



An
Bord
Pleanála

Inspector's Report ABP306840-20

Development	Construction of a new telecommunications support structure, carrying antennas, dishes and associated equipment.
Location	EIR Exchange, Main Street, Muff, County Donegal.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	19/51963.
Applicants	Eircom Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	WP Kearns.
Observers	None.
Date of Site Inspection	1 st July, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. ABP306840-20 relates to a third party appeal against the decision of Donegal County Council to issue notification to grant planning permission for the construction of a new telecommunications support structure carrying antennae, dishes and associated equipment at Main Street, Muff, County Donegal.
- 1.2. The grounds of appeal argue that the proposed development is of excessive bulk and height and will have adverse impacts on the visual amenities of the area. Concerns are also expressed that the proposal will give rise to unacceptable levels of traffic and is located within a close proximity to a creche and would be better suited in the nearby industrial park.

2.0 Site Location and Description

- 2.1. The appeal site is located in the centre of the village of Muff on the south-eastern corner of the Inishowen Peninsula in north-east Donegal. Muff is located approximately 10 kilometres north of the city of Derry.
- 2.2. The subject site is located centrally within the village on the eastern side of the Main Street and to the south of the junction of the R238 (Main Street) and the R239 which runs westwards towards the village of Burnfoot. There is an existing Eircom wooden pole accommodating antennae and telecommunications equipment on the subject site. This pole is approximately 10 metres in height with a number of antennae bringing the overall height to approximately 13 metres. An Eir Exchange facility located within an existing shed is located adjacent to the pole. The site is rectangular in shape and is located on lands to the rear of buildings fronting onto Main Street, including to the rear of the former Muff Garda Station which comprises of a two-storey structure that is currently vacant and semi-derelict and listed on the National Inventory of Architectural Heritage. The rectangular site is located approximately 50 metres from the rear of Main Street and 30 metres from the former Garda barracks. It is surrounded by mature and semi-mature deciduous woodland. A metal gate provides access between the gable ends of two buildings fronting onto Main Street. The building to the north being the former Garda barracks and the building to the

south (Bluebell Cottage) accommodating a retail unit and a Muff Credit Union. Lands contiguous to the site to the north-east and south comprise of undeveloped backlands.

3.0 Proposed Development

3.1. Planning permission is sought for the construction of a new larger 20 metre high metal monopole approximately 1.2 metres in width at its base. The pole slightly tapers towards the top. The pole is to accommodate an array of antennae and dishes on its upper section and is also to incorporate a 1.5 metre high finial at the top of the pole bringing the overall height of the structure to 21.5 metres. The monopole is to be located centrally within a rectangular plinth which is to accommodate numerous equipment cabinets as well as gantry poles. These equipment cabinets are approximately 1.59 by 0.825 metres in size and rise to a height of 1.65 metres. The existing 10 metre high wooden pole and the exchange building to the front of the site are to be retained as part of the proposal¹. It is also proposed to construct 2.4 metre high palisade fencing along the western site boundary of the site. The existing palisade fencing associated with the existing infrastructure on site is to be retained.

4.0 Planning Authority's Decision

4.1. Decision

4.1.1. Donegal County Council issued notification to grant planning permission subject to 5 conditions.

4.2. Documentation Submitted with the Application

4.2.1. The applicants Towercom provided a planning report with the application. It states that the existing structure by virtue of its lightweight design is not capable of supporting new operators. And that given the current demand for co-location at this

¹ Although the applicant in response to the grounds of appeal has indicated a willingness to omit the existing pole by way of condition should consider it necessary in any grant of planning permission.

site planning permission is sought for the proposed new support structure. The rationale for the proposed development is to improve the coverage and capacity of mobile telecommunications and broadband services in most of the surrounding area. The support letter goes on to set out details of the technical justification for the proposal. The proposed development will serve the hinterland around Muff extending north, south and west of the village. The covering letter goes on to set out details of national policy as it relates to telecommunications infrastructure and also provides a visual assessment of the proposed telecommunications installation. It also sets out details of the compliance with the International Commission for Non-Ionising Radiation Protection.

4.3. Planning Authority's Assessment of the Application

- 4.3.1. A conservation report states that notwithstanding the fact that the telecommunication mast is located 30 metres to the rear of the building fronting the site which is on the National Inventory of Architectural Heritage, it is considered that the height and bulk of the structure will significantly detract from the setting of the former barracks and on this basis the Conservation Officer objects to the application.
- 4.3.2. The planner's report sets out details of the site location and description of the proposed development. It notes that the Roads Department (Report does not appear to be contained on file), has no objection to the proposed development provided that a number of specific conditions are included in relation to maintenance of vision lines, the reinstatement of the public footpath and the requirement of traffic management pre-construction. The concerns of the Conservation Officer are noted. Details of the planning history and the policies and provisions of the development plan are also set out. In terms of the assessment, it is stated that principle of development is acceptable having regard to the policies and provisions contained in the development plan. Details of the siting and design of the proposed development is set out and it is noted that the site is characterised by mature broadleaf trees and the existing 13 metre pole is not visible from Main Street. It is noted that access can be made directly from the Main Road which is located within the 50 kilometre speed limit.
- 4.3.3. With regard to public health it is stated that Planning Authorities should be primarily concerned with the appropriate location and design of the telecommunication

structure and do not have competence for health and safety matters in respect of telecommunications infrastructure. Notwithstanding the concerns of the Conservation Officer the planning report recommends planning permission be granted. In its decision dated 20th February, 2020 Donegal County Council issued notification to grant planning permission subject to five conditions.

5.0 Planning History

- 5.1.1. Details of the planning history is set out in Section 7 of the planner's report. It appears from the planning report that planning permission was granted for a number of small residential developments on the subject site in 2007.

6.0 Grounds of Appeal

- 6.1. The grounds of appeal were submitted by WP Kearns Limited. It states that WP Kearns Limited are the owners of the land completely surrounding the existing Eir Exchange. It is argued that the Council did not give due consideration to the objections submitted to the Planning Authority.
- 6.2. It is noted that the Conservation Officer objected to the height and bulk of the structure. It is not appropriate to use the presence of an existing wooden monopole as justification to permit the current application before the Board. The new structure will tower above the existing buildings and will be visible to all traffic and pedestrians using the Main Street.
- 6.3. It is also noted that a pre-school nursery and creche are located in very close proximity to the application site and this is also a concern.
- 6.4. Concerns are also expressed in relation to traffic safety and that traffic will significantly increase due to plans to co-locate mast and dishes on the structure by various telecommunication providers. The planner should have requested a traffic management plan at this location as well as the reinstatement of the footpath.
- 6.5. The Planning Authority have not properly considered the negative effect that will arise on the future development of adjacent lands in the very centre of the village. Lands surrounding the site comprise of a long derelict brownfield site. It is noted that there have been previous lapsed applications surrounding the site under Reg. Ref.

07/71034, 07/71035 and 07/71036 all of which were granted planning permission for residential development.

- 6.6. It is stated that a more appropriate location for this type of application is at a nearby industrial park.

7.0 Appeal Responses

7.1. Response on behalf of the Applicant

- 7.1.1. An Bord Pleanála received a response to the grounds of appeal from Towercom on the 9th April, 2020. The main points are set out below.
- 7.1.2. As a preliminary matter it is stated that should An Bord Pleanála consider it preferable, the wooden pole which currently accommodates the telecommunications infrastructure can be removed as part of any grant of planning permission. It is stated that it was not a specific proposal to remove this pole as part of the application.
- 7.1.3. With regard to heritage concerns it is noted that the building in question is not a protected structure nor is it located within an Architectural Conservation Area. However, its listing on the National Inventory of Architectural Heritage is noted. It is noted that the heritage report submitted with the original application concludes that the potential impact arising from the monopole in the context of the barracks constitutes an indirect visual impact which is neutral and of moderate significance. It is also suggested as a mitigation measure that the monopole could be painted a darker colour and as such would present a more familiar structure in the village landscape such as a tree or a wooden pole. If An Bord Pleanála consider this appropriate it could be addressed by way of condition.
- 7.1.4. With regard to traffic considerations, it is stated that the proposed development would be accessed off Main Street and the proposed telecommunications development will not generate a significant level of traffic. Traffic movements to and from the site would primarily for maintenance purposes which would occur approximately four times a year once the installation is operational. It is stated that the minor nature of construction activities for telecommunication installations at an existing compound will not result in any significant adverse impacts on the

surrounding environment. As such, it is not considered that the proposal would constitute a traffic hazard.

- 7.1.5. The response to the grounds of appeal outlines the various policies and provisions contained in the Donegal County Development Plan in respect of telecommunications and it is stated that the proposal fully accords with each of the policies contained in the Plan.
- 7.1.6. In terms of the technical justification for the proposed development, it is stated that the existing Eir Exchange in Muff has been designed as a single operator and therefore does not have the structural capacity for co-location. The proposed development represents clustering of infrastructure which is fully in accordance with national policy. The proposal will ultimately avoid the proliferation of telecommunication masts and antennae in the area.
- 7.1.7. It is acknowledged that proposals for new telecommunications support infrastructure and dishes will not be permitted within areas of Especially High Scenic Amenity. However, it is submitted that the subject site, although within an area of especially high scenic amenity does not fully meet the definition of the designation and does not meet the characteristics of the landscape in which it is situated, as it is located within the Main Street and forms part of the general visual clutter of a mixed-use village centre. The mature trees in the area would also act as natural screening. Furthermore, any visual impact needs to be balanced against the need to improve communication networks.
- 7.1.8. Furthermore in relation to visual impact, it is stated that the overall structure is relatively modest in scale and is located on a relatively modest sized site at 85.1 square metres). The proposal includes the minimum height necessary to ensure sufficient radio coverage. It is also stated that the presence of an existing Eir Exchange means that there is a precedent for infrastructure and utilities in this area. A photomontage of the proposed development depicting the visual impact was submitted with the planning application.
- 7.1.9. With regard to the proximity to the pre-school and creche, it is stated that the proposed telecommunications site is located within Muff Town Centre as this is the area requiring coverage. It is also noted that there is an extant Eir Exchange building and telecommunication equipment on the subject site.

- 7.1.10. With regard to the future development of adjacent lands it is stated that the area that needs to be augmented with regard to coverage includes the village area and therefore it is inevitable that the telecommunications mast would be located in proximity to houses. Furthermore, the telecommunications guidelines provide no restriction in terms of distances between telecommunication structures and dwellings and the main requirement is compliance with standards in regard to non-ionising radiation. It is not uncommon for telecommunication structures to be located contiguous to residential areas and there is no requirement for a setback distance. The increase in residential development in the Muff area increases the justification for the proposed infrastructure as there is an increased demand for services in this area.
- 7.1.11. With regard to the suggested location in an industrial area, the documentation submitted with the original application clearly indicated that there was a lack of Eir mobile coverage in the local area surrounding the subject site specifically in the northern, southern and western parts of the village. The subject site was considered to be the most appropriate location giving the existing telecommunications infrastructure on the site and the proximity to the required coverage area.
- 7.1.12. It is argued that the proposed development represents an appropriate balance between facilitating the delivery of an improved telecommunications infrastructure and the protection of the built and natural environment.

7.2. Planning Authority's Response to the Grounds of Appeal

- 7.2.1. A response from Donegal County Council received by the Board on the 25th May, 2020 appears to specifically address issues raised in the submission from Towercom on behalf of Eircom and does not address the issues raised in the grounds of the third party appeal. It is summarised below:
- The Council is not convinced that the painting of the mast a dark brown colour would assist in mitigating against the visual impact and such a measure could actually increase the visual impact.
 - It is noted that the old wooden mast on site could be removed as part of the permitted development and the Council asks that the Board gives consideration to conditioning such provision in the event of a grant of planning permission.

- It is noted that it has been stated that co-location would be facilitated and in this regard it is asked of the Board that consideration be given to excluding conditions which would prohibit future exempted development in the event of a grant.

7.2.2. Finally, it is stated that Donegal County Council is satisfied and relies on the report and recommendation of the Executive Planner in determining the application and requests that the decision of the Planning Authority be upheld in this instance.

7.3. Further Submission on behalf of the Third Party Appellant

7.3.1. A further submission was received on 29th May, 2020. It is summarised below:

It is stated that the proposed mitigation measures will do little to help the visibility of the structure. In the case if the monopole was painted brown the rectangular areas and dishes cannot be painted and would still be visually incongruous.

7.3.2. It is also suggested the photomontage is misleading on the basis that some of the trees depicted in the photomontage have been removed. Furthermore, it is suggested that the trees will provide less than adequate screening during the Autumn and Winter months. The structure will have a huge impact on the main street as indicated on a number of photographs attached to the submission.

7.3.3. It is not accepted that the traffic will be negligible. It is stated that currently Eir and their subcontractors have been observed attending the site from four to six times daily often with two vehicles which is much more than the quarterly visits suggested by the applicant.

7.3.4. It is also stated that there is limited visibility at the proposed entrance due to the former Garda barracks. Furthermore, vehicles will need to reverse in and out of the narrow entrance which would constitute a traffic hazard.

7.3.5. The proposal contravenes policies TCP-1 to TCP-7. It is again reiterated that the photomontages are misleading and do not adequately represent the size and scale of the proposed structure.

7.3.6. The appellant stands by his concerns that the telecommunication structure will have negative health concerns on the pre-school and creche in the vicinity. It is also stated that if the proposal goes ahead it will prevent development of the surrounding site for

housing which was previously granted. This will result in a valuable village centre site remaining undeveloped.

- 7.3.7. It is reiterated that the nearby Kilderry Business Park or Red Cross Centre both of which are located 200 to 300 metres from the site would be more suitable. Either of these locations would provide similar coverage without the negative impacts. The Board are therefore recommended to overturn the decision of the Planning Authority and refuse planning permission for the proposed telecommunications mast.

8.0 Natural Heritage Designations

- 8.1. The nearest Natura 2000 site is the Lough Foyle SPA (Site Code: 004087) which is located approximately 650 metres to the east of the appeal site. Other Natura 2000 sites within the vicinity are located over 8 kilometres from the subject site.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Donegal County Development Plan 2018 to 2024.
- 9.2. The site is located within the defined town centre area within the village of Muff, a Tier 3 settlement as designated in the County Development Plan. Section 5.3 of the Development Plan sets out policies and objectives in relation to telecommunications. The overall aim is to facilitate the development of high quality and sustainable telecommunications networks for the county as a critical element to support growth in all areas of the economy and increase the quality of life for the people of Donegal.
- 9.3. Policy TC-P-1 states it is the policy of the Council to facilitate the deployment of the National Broadband Plan, the National Subvention Plan to deliver high speed broadband to every rural household outside the commercially served areas as defined on the National Broadband Plan Map and similar projects, subject to any constraints arising from international/national environmental designations and the proper planning and sustainable development of the area.
- 9.4. Policy TC-P-2 states it is the policy of the Council to protect the major ICT wireless network. Development proposals falling within the network shall be considered in consultation with Donegal County Council Information Systems Department where

the development proposal is considered to have negative impacts on the network, the developer will be required to modify and implement measures to overcome this obstruction. The network is set out on Map 5.3.2.

- 9.5. Policy TC-P-3 states it is the policy of the Council to require the co-location or replacement antennae and dishes on existing masts and co-location and clustering of new masts on existing sites, unless a fully documented case is submitted for consideration along with the application explaining the precise circumstances which militate against co-location and/or clustering. New telecommunications antennae and support structures shall be located in accordance with the provision of the Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities 1996 (or as may be amended) and they shall not normally be favoured within areas of especially high scenic amenity, beside schools, protected structures or archaeological sites or other monuments. Within towns and villages operators shall endeavour to locate in industrial estates where possible.
- 9.6. Policy TC-P-4 states it is the policy of the Council to consider proposals for replacement telecommunication antennae and dishes where any proposed new antennae/dish can be sited and located in a manner that does not negatively impact on the visual amenities, built natural and archaeological heritage or qualifying interests of any such area. Any proposal for replacement dishes/antennae shall be the subject of all material considerations including environmental designations and amenity considerations.
- 9.7. Policy TC-P-5 states it is the policy of the Council to consider proposals for replacement telecommunication support structures where any proposed new support structure can be sited and located in a manner that does not negatively impact on the visual amenities, built or archaeological heritage or qualifying interests of any such area. Any proposal for replacement telecommunication support structures shall be subject to all material considerations including environmental designations and amenity considerations.
- 9.8. Policy TC-P-6 states it is the policy of the Council that proposals for new telecommunications support structures, antennae and dishes will not be permitted within areas of especially high scenic amenity.

9.9. Policy TC-P-7 states it is the policy of the Council that access roads associated with telecommunications development must be designed and landscaped to avoid visual and environmental disruption of the landscape, comply with Article 6 of the Habitats Directive and have regard to any conservation objectives, qualifying interests and threats to the integrity of Natura 2000 sites.

9.10. Policy TC-P-8 states it is the policy of the Council to require where appropriate (by planning condition if necessary), the installation of broadband ducting in association with road, sewer, watermain, commercial and residential schemes including one-off rural dwellings.

9.11. **Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996**

The guidelines suggest that specific design measures should be undertaken to eliminate the visual impact of telecommunication structures. Sharing and clustering of telecommunication facilities is encouraged. All applicants will be encouraged to share and will have to satisfy the Authority that they have made a reasonable effort to share the use of the same structure or building by competing operators.

9.12. **Circular Letter PL07/12**

This circular advises Planning Authorities that attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease.

Furthermore, Planning Authorities should cease to specify distance requirements in the development plan. The Circular states that without allowing for flexibility on a case by case basis, this can make identification of a site for new infrastructure very difficult. Planning Authorities should therefore not include such separation distance as they can inadvertently have a major impact on the roll-out of viable and effective telecommunications network.

In relation to health and safety aspects it is stated that Planning Authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the competence for health and safety matters in respect of telecommunication infrastructure. These are regulated by other codes and such matters should not be additionally regulated in the planning process.

In relation to Development Contribution Schemes such schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

10.0 EIAR Screening Assessment

10.1. The application does not constitute a class of development for which EIAR is required.

11.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the third party appeal. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Visual Impact
- Heritage Concerns
- Proximity to Childcare Facilities
- Impact on Development Potential of Residential Lands in the Vicinity

11.1. Visual Impact

11.1.1. I would share the appellant's concerns in relation to the overall size and appearance of the telecommunication structure proposed. The monopole is somewhat squat and bulky in appearance in my opinion and the applicant does not appear to have investigated the possibility of mounting antennae and dishes on a structure that is less visually prominent and less bulky in appearance. While it may be necessary to construct a support structure of the height proposed in order to provide the coverage necessary. The provision of a large wide metal solid mounting structure has not been justified in this instance and in my view results in a visually dominant structure which will have a significant and profound visual impact within the village. The fact that the structure is located at a visually prominent location within the village would exacerbate and accentuate the visual impact. The structure is located adjacent to the Main Street at a point opposite the R329 (Muff – Burnfoot) Regional Route

contributes to the visual prominence of the site. The telecommunications support structure would for all intents and purposes provide a terminal vista at the end of the R329 on entering the village.

- 11.1.2. While the existing mature vegetation and woodland conceals the extant telegraph pole which accommodates telecommunications equipment the size and scale of the proposed structure would ensure that the existing natural screening would be less effective in mitigating the visual impact.
- 11.1.3. Finally, in relation to this matter I note that the subject site is located in an area designated as an area of Especially High Scenic amenity (EHSA). Policy TC-P-6 states that it is a policy of the Council that proposals for new telecommunications support structures antennae and dishes will not be permitted within areas of Especially High Scenic Amenity. The proposed development in my view therefore contravenes this policy statement contained in the development plan.
- 11.1.4. The applicant in my view has not adequately demonstrated that alternative sites, that are less prominent within the village have been investigated, where such sites might prove equally effective in providing sufficient coverage.
- 11.1.5. Thus, having regard to the size and scale of the proposed telecommunication structure particularly the bulky and squat nature of the solid metal monopole, in a visually prominent area of the village and its location within a designated area of Especially High Scenic Amenity, It is my considered opinion that the proposed development would have an unacceptable impact on the visual amenities of the area.

11.2. **Heritage Concerns**

- 11.2.1. It is noted that the appellant in the grounds of appeal, and the Conservation Officer's in his/her report argued that the proposed development should be refused on the basis that the proposal would have an unacceptable impact on the setting and context of the former Garda barracks within the village which is included on the list of National Inventory of Architectural Heritage. The applicant submitted an Architectural Heritage Impact Statement with the response to the grounds of appeal which concludes that the monopole would not negatively impact on the historic setting of the building when certain mitigation measures are incorporated into the design. The Garda barracks comprises of a two-storey five-bay structure dating from the mid to

late 19th century. The National Inventory of Architectural Heritage notes that the building was used as a Garda station from c.1923 to 2006 and incorporates pitched natural slate roofs and timber sliding sash windows. The Board will note from the photographs attached that the building is currently in a sorry state of disrepair and currently constitutes an eyesore within the village. While on the one hand it could be argued that the proposed telecommunications structure would detract from a building which in itself constitutes an eyesore within the village it could in my view be reasonably argued that the provision of a largescale telecommunications structure to the rear of the building would exacerbate the already poor visual environment along this section of the Main Street.

11.3. Proximity to Childcare Facilities

- 11.3.1. Concerns were expressed in the grounds of appeal that the proposed development could have adverse health implications, being located in such close proximity to a pre-school and creche facility.
- 11.3.2. 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 the Commission and subject to a separate license. As such, 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. As such this is a matter for ComReg and not An Bord Pleanála.
- 11.3.3. Finally, in relation to this matter I would refer the Board to Circular PL07/12. It specifically states that Planning Authorities should primarily be concerned with the appropriate location and design of telecommunication structures that do not fall within the competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and as such matters should not be additionally regulated by the planning process.

11.4. Impact on Development Potential of Residential Lands in the Vicinity

11.4.1. The grounds of appeal suggest that the presence of a telecommunication mast on the subject site could adversely impact on the development potential on adjoining lands within the town boundary which are suitable for residential development. I have argued above that An Bord Pleanála is not the regulatory authority in relation to any potential health impacts arising from the proximity of telecommunication structures to sensitive receptors. Notwithstanding this there is little doubt that the provision of a large and prominent telecommunications structure could have adverse amenity impacts for any proximate residential development, particularly in visual terms. There can be little doubt that the absence of a telecommunications structure in the immediate vicinity of potential residential development would be more beneficial in amenity terms. In this regard the applicant suggests that the telecommunications structure may be more suitable in an industrial estate such as the Kilderry Industrial Estate less than half a kilometre away. Again, the applicant in his response to the grounds of appeal suggests that the existing Eir Exchange is the most appropriate location in terms of providing coverage. I would refer the Board to Figure 2 on Page 9 of applicant's response to the grounds of appeal. It would appear to me that there are more suitable sites within the village which would be more centrally located in the area that is currently experiencing a deficiency in coverage. I consider that the applicant has not demonstrated that alternative sites within the area would not offer the same if not better levels of coverage as the subject site. Other areas within the village may also have the added benefit of being located outside an area designated as Especially High Scenic Amenity and therefore would not contravene Policy TC-P-6 of the Donegal County Development Plan. The location of the telecommunications structure on an alternative site within the village of Muff would also improve the development potential of appropriate infill development within the village which would consolidate the existing built-up area in accordance with the policies and provisions in the Donegal Development Plan and also the National Strategic Objectives set out in the National Planning Framework which seeks to consolidate and provide for more compact development within existing built-up areas by concentrating future development within existing urban footprints.

12.0 Conclusions and Recommendation

Arising from my assessment above I consider that the proposed development would have an unacceptable visual impact by virtue of its overall bulk and scale within the village of Muff and would also be contrary to Policy TC-P-6 of the Donegal County Development Plan which states that proposals for new telecommunications support structures antennae and dishes will not be permitted within areas of especially high scenic amenity. I therefore recommend that An Bord Pleanála overturn the decision of the planning authority and refuse planning permission for the proposed development.

13.0 Appropriate Assessment

- 13.1. The subject site is located over half a kilometre from the nearest Natura 2000 site the Lough Foyle SPA (Site Code: 004087). This is the only Natura 2000 site within the immediate vicinity that has the potential to be affected by the proposed development. All other Natura 2000 sites are located in excess of 8 kilometres from the subject site and due to the separation distance and the modest nature of the development proposed there is no potential to adversely impact on Natura 2000 sites in the wider area.
- 13.2. With regard to the Lough Foyle SPA, I note that the subject site is not hydrologically connected with the SPA. Therefore, having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site which is located over 600 metres away 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.

14.0 Decision

Refuse planning permission for the proposed development based on the reasons and considerations set out below.

15.0 Reasons and Considerations

It is considered that the proposed telecommunications structure and associated equipment by virtue of its size and design on a visually prominent site within the centre of the village of Muff would have an unacceptable visual impact and would adversely affect the visual amenities of the area. Furthermore, it is considered that the proposed telecommunications mast located in an area designated as being of Especially High Scenic Amenity where it is the policy of Donegal County Council under Policy Ref. TC-P-6 that proposals for new telecommunications support structures antennae and dishes will not be permitted in such areas. It is considered therefore that the proposed development would materially contravene the above policy and would be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

20th July, 2020.