

An
Bord
Pleanála

Board Order
ABP-318334-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/51220

Appeal by Michael and Edel McMenamín of Donaghmore Glebe, Castlefin, County Donegal, and by the Board of Management of St. Mary's National School, Castlefin, County Donegal against the decision made on the 5th day of October, 2023 by Donegal County Council to grant, subject to conditions, a permission to On Tower Ireland Limited care of Indigo, Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Erection of a 24-metre multi-user lattice type telecommunications support structure, carrying antenna and dishes enclosed within a 2.4-metre-high palisade fenced compound together with associated ground equipment cabinets, new access and gate, post and rail fencing and associated site works, all at Grahamsland, Castlefin, County Donegal.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the County Donegal Development Plan 2018 - 2024, to the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and the associated Circular Letter PL 07/12, to the existing pattern and character of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area including heritage, property, and facilities, would not seriously interfere with infrastructural services, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the development is a project for the purposes of the EIA Directive. However, the Board concluded that 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 EIA or EIA is required.

Appropriate Assessment Screening

In completing the Appropriate Assessment Screening, the Board accepted and adopted the screening assessment and conclusions both of its Inspector and the planning authority in respect of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these sites in view of these sites' conservation objectives. The Board considered that there would be limited potential for impacts at construction stage as a result of the release of sediment and other pollutants to watercourses/groundwater that may be

hydrologically linked with the Natura 2000 network. At operational stage, any potential for effects is limited to impacts on the quantity/quality of surface water to the surrounding drainage network and the water quality of Natura 2000 sites.

The nearest Natura 2000 site is the River Finn Special Area of Conservation (Site Code: 002301) located circa one kilometre to the south. There are no surface water features on or immediately adjoining the site that would provide a direct pathway between the development and the Natura 2000 site. In addition, having regard to the distance of the site from any potential hydrological links, the limited extent of the proposed works, and the significant hydrological buffer and assimilative capacity between the appeal site and the Natura 2000 network, the Board did not consider that there is any likelihood of significant effects in this case. Having regard to this screening determination, the Board concluded, therefore, that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site. No mitigation measures have been relied upon in reaching this conclusion.

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. 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.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the proposed mast.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of the proposed colour scheme for the telecommunications structure and 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.

6. The proposed structure and all associated antennae, equipment and fencing shall be demolished and removed from the site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

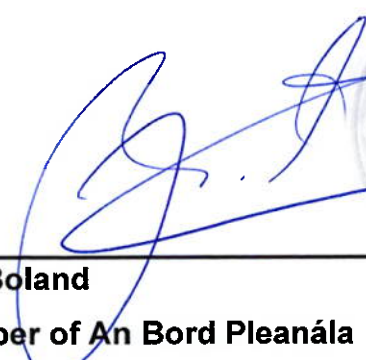

Reason: In the interest of orderly development.

7. The construction of the development shall be managed in accordance with a Construction Traffic 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 the timing and routing of construction traffic to and from the construction site, associated directional signage, proposals to facilitate the delivery of abnormal loads to the site, and to measures to obviate queuing of construction traffic on the adjoining road network.

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

8. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.

Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *26TH* day of *April* 2024.