



An  
Bord  
Pleanála

## Inspector's Report ABP-307695-20

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<b>Development</b>	Erect a 24m-high multi-user lattice tower telecommunications structure and associated works
<b>Location</b>	Duibhleann, An Craoslach, Contae Dhún na nGall
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	20/50287
<b>Applicant(s)</b>	Signal Infrastructure Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Signal Infrastructure Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> November 2020
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

**1.1.** The appeal site is located within a rural Gaeltacht area of northwest County Donegal, approximately 1.6km to the north of the boundary to Glenveagh National Park. It is accessed off the R256 regional road, which connects Falcarragh to the north with the R251 regional road, approximately 1.8km to the southeast of the appeal site. The site and immediate area currently comprises commercial conifer forestry understood to be operated by Coillte, served by a rectilinear layout of access tracks and forestry drains. The wider surrounding area is characterised by open peatland, mountains, valleys and lakes that are sparsely populated. According to the application details, the appeal site is situated 194m above sea level on the southeast sloping flanks of Crocknalaragagh, which rises to 471m ordnance datum.

## **2.0 Proposed Development**

**2.1.** The proposed development comprises the following:

- clearing and removal of commercial forestry;
- associated groundworks to facilitate the construction of a 25m-long access track and a compound area enclosed by a gate and a 2.4m-high palisade security fence;
- erection of a 24m-high lattice structure to accommodate mounted telecommunications antennae and the installation of associated telecommunications cabinets and equipment.

**2.2.** In addition to the standard documentation and drawings, the planning application was accompanied by a letter of consent from the subject site owner to allow submission of the application, a support letter from a telecommunications service provider, a set of photomontages and a report addressing the nature of the proposed development, the planning policy context and the rationale for the proposed development.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority decided to refuse to grant permission for the proposed development for two reasons, which can be summarised as follows:

**Reason No.1** – it is likely that significant adverse impacts on the qualifying interests of neighbouring European sites would occur and in the absence of a Natura Impact Statement (NIS) permission cannot be granted;

**Reason No.2** – policy TC-P-3 of the Donegal County Development Plan 2018-2024 requires the co-location of telecommunications antennae and precise details to militate against this have not been submitted, while policy TC-P-6 of the Plan states that telecommunications structures will not be permitted within Areas of Especially High Scenic Amenity (EHSA).

### 3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer noted the following:

- while it is a stated aim of the Council to develop a high-quality and sustainable telecommunications network for the county, the proposed development would contravene objectives and policy requirements listed in section 8.1 of the Development Plan;
- the proposed mast would constitute a visible and obtrusive structure within the landscape;
- no public health issues would arise;
- it cannot be excluded on the basis of objective scientific evidence that the proposed development would not have an effect on Cloghnagore Bog and Glenveagh National Park Special Area of Conservation (SAC) (Site Code: 002047), Derryveagh and Glendown Mountains Special Protection Area (SPA) (Site Code: 004039) and Muckish Mountain SAC (Site Code: 001179).

### 3.2.2. Other Technical Reports

- Roads – no objection;
- Chief Fire Officer – no objection;
- Building Control – advice notes to be attached.

### 3.3. Prescribed Bodies

- Irish Aviation Authority – no observations;
- An Taisce – no response;
- Department of Culture, Heritage and the Gaeltacht (National Parks & Wildlife Services) – a screening report for appropriate assessment should be undertaken.

### 3.4. Third-Party Observations

3.4.1. None received.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. I am not aware of any planning applications for development on the appeal site.

### 4.2. Surrounding Sites & Similar Applications

4.2.1. The most recent planning applications in the wider area primarily relate to one-off housing proposals on lower lands situated along the main road network. The Board recently adjudicated on the following proposals for telecommunications developments in County Donegal:

- ABP ref. 306840-20 / Donegal County Council (DCC) ref. 19/51963 – permission was refused in August 2020 for a 21.5m-high telecommunications support structure carrying antennae, dishes and associated equipment at the Eir Exchange on Main Street in Muff, approximately 47km to the east of the

appeal site. The Board decided that the proposed development would have an unacceptable visual impact;

- ABP ref. 305988-19 / DCC ref. 19/51352 – permission was granted in May 2020 for a 30m-high telecommunications mast at a Coillte forest near Ramelton, approximately 22km to the east of the appeal site.

## **5.0 Policy & Context**

### **5.1. National Guidance**

#### National Planning Framework – Project Ireland 2040

- 5.1.1. The National Planning Framework (NPF) acknowledges that telecommunications networks play a crucial role in enabling social and economic activity and the delivery of improved connectivity and broadband is critical to strengthening the rural economy and communities.

#### Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

- 5.1.2. These Guidelines set out the criteria for the assessment of telecommunications structures. Section 3.2 of the Guidelines sets out that an authority should indicate in their Development Plan any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools.
- 5.1.3. The Guidelines state that in rural areas towers and masts can be placed in forestry plantations provided that the antennae are clear of obstructions. This would involve clearing of the site but overall would 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 a backdrop. The sharing of installations and clustering of antennae is encouraged, as co-location would reduce the visual impact of such infrastructures on the landscape according to Section 4.5 of the Guidelines.

#### Circular Letter PL07/12

- 5.1.4. Issued in 2012, this Circular Letter revises elements of the 1996 Guidelines. Section 2.3 of the Circular Letter sets out that separation distances between

telecommunication structures and sensitive sites should not be incorporated into statutory plans. The Circular Letter clarifies that Planning Authorities do not have competence to assess health and safety matters in respect of telecommunications infrastructure, as these matters are regulated by other codes.

## **5.2. Local Planning Policy**

### Donegal County Development Plan 2018-2024

5.2.1. The policies and objectives of the Donegal County Development Plan 2018-2024 are relevant, including the overall aim ‘to facilitate the development of a high quality and sustainable telecommunications network for the County’. Section 5.3 of the Development Plan sets out policies and objectives in relation to telecommunications, while section 7.1 addresses the natural heritage of the County. The following telecommunications policies are of specific relevance to this appeal:

- Policy TC-P-3 states that it is the policy of the Council to require the co-location or the replacement of 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 provisions 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;
- 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.

## **5.3. Natural Heritage Designations**

5.3.1. The nearest designated sites to the appeal site, including SACs and SPAs, are listed in the table below.

**Table 1.** Natural Heritage Designations

Site Code	Site Name	Distance	Direction
001179	Muckish Mountain SAC	300m	north
004039	Derryveagh and Glendowan Mountains SPA	500m	southwest
002047	Cloghernagore Bog and Glenveagh National Park SAC	500m	southwest
001190	Sheephaven SAC	7km	northeast
000140	Fawnboy Bog/Lough Nacung SAC	8.5km	west
000147	Horn Head and Rinclevan SAC	8.6km	northeast
002176	Leannan River SAC	9.4km	southwest

#### **5.4. Environmental Impact Assessment - Preliminary Examination**

- 5.4.1. Having regard to the nature and scale of the proposed development, it is considered that the issues arising from the proximity and connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment), as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

### **6.0 The Appeal**

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

- 6.1.1. The first-party appeal was accompanied by a NIS for the proposed development, thereby requiring revised notices to be displayed and published, and the issues raised by the appellant can be summarised as follows:

##### Principle & Development Rationale

- the proposed development would reduce the need for more telecommunications support infrastructures in the area and is supported by objective TC-O-1 of the Development Plan, which looks to facilitate the development and the delivery of a sustainable telecommunications network across the County;



- there are specific technical justifications supporting the provision of the proposed mast in this location, including the difficulty in providing coverage within this expansive mountainous terrain;
- the additional coverage would provide in-car voice and data services along the R251 and R256 regional roads, the north side of Glenveagh National Park and the surrounding rural area. The area has very weak or no mobile phone coverage in sections. This site would provide an important addition to the eir network and would help to provide a continuous layer of both voice and data mobile services to the area;
- the proposed mast would facilitate multiple users in providing voice and broadband telecommunications, including 3G and 4G broadband services, in a co-location format;
- suitable existing sites for co-location have been investigated, but were found not to be suitable due to the expansiveness of the area and the need to address the poor network connectivity;
- the operator requires a site within a focussed area based on technical justifications;

### Visual Impact

- the appellant accepts the need to protect the scenic amenity of the area, but this needs to be considered with respect to provision of an adequate telecommunications service;
- the planning authority has previously granted planning permission for telecommunications developments within areas of EHSA;
- precedent for allowing the subject development is provided for by permissions dating from 2004 to 2016 for telecommunication masts and monopole structures ranging in height from 12m to 30m within areas of high scenic amenity and 12m-high monopoles in areas of EHSA;
- further analysis of the photomontages submitted with the visual impact assessment reveals how the proposals would have only a slight to moderate impact from limited viewpoints;

- the proposed infrastructure would have low impact and would not be visible from neighbouring housing or from several viewpoints along the R256 regional road, due to natural screening by forestry, the upland topography and the separation distances involved;
- the 'Telecommunications Guidelines' allow for masts in scenic areas in certain circumstances such as this, where views of the mast would be intermittent and where they would not be overly intrusive;

### Natural Heritage

- policies and objectives of the Development Plan with respect to natural heritage would not be contravened by the subject proposals, including those relating to the conservation of European and National sites, landscapes, species such as the Freshwater Pearl Mussel, areas of EHSA and peatlands;
- proposals do not have an impact on Glenveagh National Park,
- the NIS submitted concludes that having considered the nature and type of development, including the mitigation measures incorporated into the construction phase, it is not expected that the proposed development would have any adverse impact on the conservation objectives of designated natural heritage sites;

### Access & Traffic

- there is an existing access track that would be used for access and the proposed development would only require two to eight visits per annum by maintenance engineers, while the construction phase would be limited to two to four weeks.

## **6.2. Observations**

6.2.1. None received.

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response to the grounds of appeal was not received within the appropriate period.

## **6.4. Further Submissions**

- 6.4.1. Following consultation by An Bord Pleanála with The Heritage Council, the Minister for Culture, Heritage and the Gaeltacht and An Taisce, no further submissions were received.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The appeal site is located approximately 200m west of the nearest residential property and would involve limited operational traffic and temporary construction-related traffic using an existing forestry access and track. Consequently, I am satisfied that the proposed development would not have a substantial or undue impact on the residential amenities of the area or on traffic safety. I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Planning Policy;
- Landscape, Siting & Visual Impact;
- Appropriate Assessment.

### **7.2. Planning Policy**

- 7.2.1. Reason for refusal no.2 of the Planning Authority's decision refers to policy TC-P-3 of the Donegal County Development Plan 2018-2024, which requires the clustering of new telecommunications masts on existing sites, unless the applicant can provide a comprehensive case to explain why clustering would not be possible, while also stipulating that new telecommunications support structures shall not normally be favoured within areas of Especially High Scenic Amenity (EHSA). This reason for refusal also refers to policy TC-P-6 of the Development Plan, which states that telecommunications structures will not be permitted within areas of EHSA. The appellant acknowledges that the site is located in an area of EHSA. While there is a lack of consistency in these policies regarding new telecommunications masts in areas of EHSA, with policy TC-P-3 stating that they are not normally favoured and

policy TC-P-6 stating that they will not be permitted, based on the guidance contained within the 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities' (1996), I am satisfied that special conditions would need to apply to permit a new telecommunication mast in this location. In attempting to address compliance with planning policies, the appellant has offered rationale to justify the proposed development based primarily on strategic planning policy supporting the provision and improvement of telecommunications services throughout the county, the poor availability of telecommunications coverage existing in the immediate area of the appeal site, the need to address coverage based on an operators' specific technical requirements and the suitability of the site based on a visual impact assessment of the proposed development. The visual impact of the proposed development is discussed further below under section 7.3 of this report.

- 7.2.2. I acknowledge the challenge of addressing the strategic aims of the Development Plan and the National Planning Framework in developing and improving telecommunications services in this area. The appellant has stated that the subject proposed development is specifically intended to provide additional coverage for in-car voice and data services along the R251 and R256 regional roads and in the surrounding rural area featuring a sparsity of housing. Based on ComReg maps it is clear that there is a sparse distribution of telecom infrastructure sites in the surrounding area, which is probably reflective of the low density of housing within this mountainous upland area.
- 7.2.3. The appellant has referred to five other permissions for telecommunications masts within Donegal, as providing precedent for the proposed development in an area of EHSA. Only two of these permissions relate to masts within areas of EHSA, including a 15m-high mast 13km to the northeast of the site at High Glen and retention of a 36m-high mast over Barnesmore Gap along the N56 national road, 42km to the south of the site. These permissions were not assessed against the current Development Plan policy provisions, including the restrictions under policy TC-P-6. While I recognise that there is likely to be some deficit in telecommunications coverage within the area, services are at least intermittently available in the area and dependent on a variety of technical constraints. The appellant has indicated that other existing mast sites in the wider area would not be suitable for the purposes of providing coverage in this area. However, evidence of

consideration of other sites within the focussed coverage area recommended by a telecoms operator has not been provided and specific justification for the subject site within this area has not been provided, other than it being situated amongst commercial forestry. Furthermore, specific justification for the scale and height of the mast structure has not been provided.

- 7.2.4. I am satisfied that special conditions have not been provided to overcome the planning policy and Guideline constraints, particularly given the lack of evidence to show whether or not there would be more suitable alternative sites within the coverage area. In conclusion, the proposed development would not be in compliance with planning policies TC-P-3 and TC-P-6 of the Development Plan and the provisions of the Telecommunications Guidelines and permission should be refused for this reason.

### **7.3. Landscape, Siting & Visual Impact**

- 7.3.1. In rural areas such as this, the 'Telecommunications Guidelines' state that masts can be situated in forestry plantations, following clearance works, as this can reduce visual intrusion of these infrastructures. The Development Plan outlines that the landscape of County Donegal is distinctive, unique and synonymous with the identity of the county, and an important contributory draw to the economy. The proposed 24m-high mast would be positioned at 194m above sea level according to the application details, which would be approximately 80m above the R251 regional road in the valley to the south.
- 7.3.2. In deciding to refuse planning permission for the proposed development, the planning authority did not specifically refer to the visual impact of the proposed development within their reasons for refusal. From the outset, I recognise that the natural qualities of the landscape have largely remained unmodified, with the exception of the commercial forestry operations on the mid-mountain slopes and electrical pylon and pole transmission lines in the lower valley. The site is within the 'Derryveagh Mountains Gaeltacht' (LCA 25) based on the Landscape Character Assessment (LCA) for Donegal, which are stated to comprise iconic images and unique landscapes that are instantly recognisable and having a strong association with the Donegal image. Policy NH-P-13 of the Development Plan requires consideration of proposals in the context of landscape classifications, views and

prospects. The proposed development would not be visible from protected views or prospects. The Development Plan states that areas of EHSA have extremely limited capacity to assimilate additional development into the receiving landscape.

- 7.3.3. The visual impact assessment does not identify the zone of visibility of the telecommunication mast, however, it is clear that views would be available from an expansive area, including along the regional roads proximate and passing through the area. Distance would play a role in abating the visual impact.
- 7.3.4. The appellant provided a visual impact assessment of the proposed development with 11 photomontages. These viewpoints portray the predicted views from the local environment and the main transport and scenic routes. While the appellant has referred to the proposed development having only a slight to moderate visual impact, I am satisfied that from many viewpoints along the public roads, particularly the southern approach along the lower stretch of the R256 regional road, the proposed development would form a substantive and obtrusive new element within this elevated and sensitive landscape. The appearance of the structure would be obtrusive and prominent when viewed against the natural form and characteristics of the surrounding landscape.
- 7.3.5. The 'Telecommunications Guidelines' refer to the potential for softening the visual impact of masts via the planting of shrubs and trees as a screen or a backdrop. The application details reveal that the proposed compound would be surrounded by and abutting commercial forestry, which is currently in a semi-mature condition featuring coniferous trees. There is scope for further screening to be provided by the maturing forestry trees as they mature and increase in height. However, given the rotational nature of this commercial forestry, it is clear that the proposed telecommunications compound and mast would be highly visible when the forestry is clear-felled and this would be for a considerable period of time. The appellant has not provided any alternative permanent means to screen the development and they appear restricted in doing so based on the details submitted with the compound area abutting the site boundaries. Furthermore, it is unclear whether or not a natural screen would alleviate the issue given the elevated position and the openness of this vast landscape.

7.3.6. In conclusion, the proposed development would introduce a substantive new and obtrusive element onto an elevated and prominent site within a landscape with extremely limited capacity to accommodate this type of development, particularly given the absence of permanent suitable screening for the proposed development. Accordingly, I am satisfied that permission should be refused for the proposed development for reasons relating to the siting of the telecom infrastructure and its visual impact on the area.

## **8.0 Appropriate Assessment**

### **8.1. Appropriate Assessment Stage 1 Screening**

8.1.1. Reason number one of the planning authority's decision to refuse permission stated that the proposed development would be likely to have significant adverse impacts on the qualifying interests of neighbouring European sites. The proposed development is described in section 2 of this report. Neither a screening report for Appropriate Assessment nor a NIS had initially been submitted with the application, however, a NIS was submitted with the appeal and I refer to this below where relevant.

8.1.2. There are open drains running through the forestry plantation, including along the forestry track accessing the subject site. These drains flow northeast towards a tributary of the Calabber River, which in turn drains to the Owencarrow, which ultimately discharges to Sheephaven bay via Glen Lough. Water quality for the Calabber River is indicated as being of high ecological status in the River Basin Management Plan.

### **8.2. Is the project necessary to the management of European sites?**

8.2.1. The proposed development is not necessary to the management of a European site.

### **8.3. Direct, Indirect or Secondary impacts**

8.3.1. According to the NIS submitted, the potential direct, indirect and secondary impacts that could arise as a result of the proposed works, which could have a negative effect on the qualifying interests of European sites, include the following:

- Loss of habitat;
- Noise and disturbance;
- Water quality and aquatic ecology;
- Bird collision;
- Spread of invasive species.

#### 8.4. Connectivity & Likely Significant Effects

- 8.4.1. To identify European sites for the purposes of the initial screening I refer to the information available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, as well as the source-pathway-receptor model and the sensitivities of the ecological receptors. Neighbouring European sites are listed in table 1 of Section 5.3 to this report.
- 8.4.2. There is a proximate and downstream hydrological connectivity via surface water drains between the proposed works site and Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047), Muckish Mountain SAC (Site Code: 001179) and Derryveagh and Glendowan Mountains SPA (Site Code: 004039).
- 8.4.3. The Cloghernagore Bog and Glenveagh National Park SAC is an expansive designated site featuring a rich diversity of habitats and landscape features, including mountains, exposed rock and scree, blanket bogs, dry, wet and alpine heath, upland grassland, wet grassland, rivers, lakes, scrub and woodland.

**Table 2.** Qualifying Interests & Conservation Objectives for Cloghernagore Bog and Glenveagh National Park SAC

Qualifying Interests	Conservation Objectives
3110 – Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> )	To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ).
3260 - Water courses of plain to montane levels with the	To maintain the favourable conservation condition of Water courses of plain to montane levels with the



Ranunculion fluitantis and Callitricho-Batrachion vegetation	Ranunculion fluitantis and Callitricho-Batrachion vegetation
4010 Northern Atlantic wet heaths with Erica tetralix	To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix
4030 European dry heaths	To restore the favourable conservation condition of European dry heaths
4060 Alpine and Boreal heaths	To restore the favourable conservation condition of Alpine and Boreal heaths
6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)
7130 Blanket bogs (* if active bog)	To restore the favourable conservation condition of Blanket bogs (* if active bog)
7150 Depressions on peat substrates of the Rhynchosporion	To restore the favourable conservation condition of Depressions on peat substrates of the Rhynchosporion
91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles
1029 Freshwater Pearl Mussel Margaritifera	To restore the favourable conservation condition of Freshwater Pearl Mussel
1106 Salmon Salmo salar	To maintain the favourable conservation condition of Atlantic Salmon
1355 Otter Lutra	To maintain the favourable conservation condition of Otter
1421 Killarney Fern Trichomanes speciosum	To maintain the favourable conservation condition of Killarney Fern

8.4.4. Review of Map 5 accompanying the National Parks and Wildlife Service (NPWS) Site Conservation Objectives for the Cloghernagore Bog and Glenveagh National Park SAC confirms the appeal site as being over 7km upstream of the habitat for the Freshwater Pearl Mussel (*Margaritifera margaritifera*).

8.4.5. The Muckish Mountain SAC (Site Code: 001179) covers the flat-topped quartzite mountain to the north of the appeal site, featuring rocky slopes and surrounding sandy deposits.

**Table 4.** Qualifying Interests & Conservation Objectives for Muckish Mountain SAC

Qualifying Interests	Conservation Objectives
4060 Alpine and Boreal heaths	To maintain the favourable conservation condition of Alpine and Boreal heaths
8220 Siliceous rocky slopes with chasmophytic vegetation	To maintain the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation

8.4.6. The Derryveagh and Glendowan Mountains SPA (Site Code: 004039) is an expansive upland site of conservation interest for five bird species.

**Table 5.** Qualifying Interests & Conservation Objectives for Derryveagh and Glendowan Mountains SPA

Qualifying Interests	Conservation Objectives
A001 Red-throated Diver A098 Merlin A103 Peregrine A140 Golden Plover A466 Dunlin	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

8.4.7. With an on-site pathway via drainage from the appeal site to these receptor sites and the location of the site within the range of qualifying interests bird species, indirect effects on supporting habitat of Cloghernagore Bog and Glenveagh National Park SAC, Muckish Mountain SAC and Derryveagh and Glendowan Mountains SPA cannot be excluded. I am satisfied that the other neighbouring European sites can be screened out on the basis that significant effects on these European sites from the proposed development can be ruled out as a result of the separation distance from the appeal site to these European sites or the absence of a downstream hydrological connection with the appeal site.

The development would not result in a loss of habitat, as the site is currently only formed of commercial forestry and grasslands of very limited ecological quality.

Invasive species were not recorded during surveys of the site and bird collision would be unlikely, particularly given the height and fixed nature of the proposed infrastructure.

## **8.5. Stage 1 - Screening Conclusion**

- 8.5.1. Potential for significant indirect effects on the features of interest of the Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047), Muckish Mountain SAC (Site Code: 001179) and Derryveagh and Glendowan Mountains SPA (Site Code: 004039) arising from impacts on water quality and disturbance of bird species in surrounding habitat within the range of the appeal site during the construction phase cannot be screened out.
- 8.5.2. It is reasonable to conclude on the basis of information on the file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on other European sites, including Sheephaven SAC (Site Code: 001190), Fawnboy Bog/Lough Nacung SAC (Site Code: 000140), Horn Head and Rinclevan SAC (Site Code: 000147) and Leannan River SAC (Site Code: 002176).
- 8.5.3. Accordingly a Stage 2 Appropriate Assessment is required to determine the potential of the proposed development to adversely affect the integrity of Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047), Muckish Mountain SAC (Site Code: 001179) and Derryveagh and Glendowan Mountains SPA (Site Code: 004039).

## **8.6. Stage 2 – Appropriate Assessment**

- 8.6.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the aforementioned screened-in European sites using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed in the NIS submitted and mitigation measures designed by the appellant to avoid or reduce any adverse effects are both considered and assessed.

## **8.7. Test of Effects & Mitigation Measures**

- 8.7.1. As the site is at a remove from each of the European sites, no direct impacts would occur. In terms of indirect effects the key elements are the potential for emissions to surface water and the downstream potential for water pollution principally from sediment run-off from the construction phase.
- 8.7.2. Theoretical significant disturbance of bird species during the construction phase would be unlikely given the scale of works involved, standard construction and environmental management as listed in section 9 of the NIS, the existing working nature of the site and the stated short timeframe for the construction phase (two to four weeks). Site drainage would integrate with the existing forestry drainage network. The protective and integral design elements, as outlined in the NIS include a comprehensive suite of proposals to avoid and reduce impacts on the hydrological regime and to prevent excess release of suspended solids, accidental spills or release of contaminants from made ground into the receiving watercourses, in accordance with best construction practice.
- 8.7.3. The evidence available provides certainty that the project would not result in pollution of the pathways or significant adverse impacts for qualifying interest bird species, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on European sites, subject of this Stage 2 AA, in view of the sites' conservation objectives.

## **8.8. Cumulative and In-Combination Effects**

- 8.8.1. I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects, including those listed within the NIS.

## **8.9. Appropriate Assessment - Conclusion**

- 8.9.1. On the basis of the information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above, I am satisfied that the proposed development, individually or in combination with other plans or projects

would not adversely affect the integrity of Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047), Muckish Mountain SAC (Site Code: 001179) and Derryveagh and Glendowan Mountains SPA (Site Code: 004039), or any other European site, in view of the site's Conservation Objectives.

## **9.0 Recommendation**

**9.1.** Having regard to the documentation on file, the submissions received, the site inspection and the assessment above, I recommend that permission for the above described development be refused, for the following reasons and considerations.

## **10.0 Reasons and Considerations**

1. Having regard to the provisions of the Donegal County Development Plan 2018-2024, including the location of the site in an area identified as being of especially high scenic amenity, it is considered that the proposed development would fail to comply with policy TC-P-3 of the Donegal County Development Plan 2018-2024, which outlines that new telecommunications masts within areas of especially high scenic amenity are not normally favouring and policy TC-P-6, which does not permit new telecommunications masts within areas of EHSA. Furthermore, based on the guidance contained within the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), it has not been sufficiently demonstrated that special conditions apply to permit a new telecommunication mast at this location. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the Donegal County Development Plan 2018-2024, the existing pattern of development in the area, including the rotational nature of the surrounding commercial forestry, and the nature and scale of the proposed development on an elevated site, it is considered that the proposed telecommunications mast by virtue of its appearance scale and height on a visually prominent site within a landscape of especially high scenic amenity, would have an unacceptable impact and would adversely affect the

visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

22<sup>nd</sup> December 2020