



An  
Bord  
Pleanála

## Inspector's Report 309270-21

<b>Development</b>	39 m multi-user lattice tower telecommunications structure; 2.4 m palisade fence enclosure, with associated ground equipment and site works.
<b>Location</b>	Carrownagark Td, Riverstown, Co. Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	20/372
<b>Applicant(s)</b>	Cignal Infrastructure Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Cignal Infrastructure Limited
<b>Observer(s)</b>	Cllr. Gerard Mullaney
<b>Date of Site Inspection</b>	5 <sup>th</sup> May 2021
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.01509 ha and is located at Carrownagark Townland, Riverstown, Co. Sligo. The site is adjacent and to the west of the N4 Collooney to Castlebaldwin Road Project, which will link the existing N4 dual carriageway at Collooney to the Curlews Bypass, south of Castlebaldwin village.
- 1.2. The site is accessed via an accommodation road which extends along the western side of the newly constructed dual carriageway. Once completed, the accommodation road will provide access to the agricultural lands on the western side of the N4 which have been severed by the road project.
- 1.3. The site is agricultural in nature and is set below the level of the new dual-carriageway, which extends in a north-west/south-east direction. The surrounding lands are primarily agricultural in nature, with an area of forestry located approx. 270 m to the north-west.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of a 39 m high multi-user lattice tower telecommunications structure, carrying antenna and dishes enclosed within a 2.4 m high palisade fence compound, together with associated ground equipment and associated site works.
- 2.2. Access to the proposed development will be provided via an accommodation road which is being constructed parallel to the newly constructed dual-carriageway adjacent to the site.
- 2.3. The proposed development is intended to improve voice and broadband services in the area and will allow multiple network operators to deploy 2G voice, 3G and high speed 4G broadband services.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 18<sup>th</sup> December 2020 for 1 no. reason as follows:

“It is the policy of the Planning Authority, as stated in the current Sligo County Development Plan 2017-2023 (P-NR-2) to protect the route corridors necessary for the construction of new roads or the upgrading of existing national roads in Sligo, in accordance with the DoECLG’s publication ‘Spatial Planning and National Roads – Guidelines for Planning Authorities’ (2012). The site is located within the N4 Collooney to Castlebaldwin Road Construction Project and the proposal is considered premature pending the completion of this project. The proposed development is therefore considered to be contrary to policy P-NR-2 of the county development plan and would therefore be contrary to the proper planning and sustainable development of the area”.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority’s decision.

- 3.2.3. Sligo County Council’s Planning Officer had no objection to the proposed development apart from its prematurity pending the completion of the N4 Collooney to Castlebaldwin Road Project.

#### 3.2.4. Other Technical Reports

- 3.2.5. **Area Engineer:** No objection subject to conditions.

- 3.2.6. **National Roads Project Office:** Considers that the proposed development is premature until the N4 Collooney to Castlebaldwin Road Project is completed.

### 3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland:** Objects to the proposed development on the basis of its location in an area currently under consideration as a route option for a national road improvement scheme.

3.3.2. **Department of Environment, Climate & Communications:** No report received.

3.3.3. **Irish Aviation Authority:** No objection subject to conditions.

#### 3.4. **Third Party Observations**

- 3.4.1. A total of 34 no. third-party observations were made on the application by: (1) Joan McLoughlin and Michael Heffernan, Carnagark, Riverstown, Co. Sligo (2) Damien Kelly, Carrowkeel, Riverstown, Co. Sligo (3) Patricia McLoughlin, Carnagark, Riverstown, Co. Sligo (4) Leonora Neary, Taunagh, Riverstown, Co. Sligo (5) Rory Willis, Carrownagark, Riverstown, Co. Sligo (6) Frank Meehan, Carrowkeel, Riverstown, Co. Sligo (7) Rene Shaw, Carrowkeel, Riverstown, Co. Sligo (8) Alec and Betty Taylor, Townagh, Riverstown, Co. Sligo (9) Patricia and Peter Evans, Cambs, Ballymote, Co. Sligo (10) Michael and Patricia Flynn, Cambs, Ballymote, Co. Sligo (11) Mary and Michael Lyons, Taunagh, Riverstown, Co. Sligo (12) Margaret Tonry, Ougham, Riverstown, Co. Sligo (13) Michael and Olive Tonry, Ougham, Riverstown, Co. Sligo (14) Fergus and Noreen McDermott, Knocklassa, Riverstown, Co. Sligo (15) Brett and Mary Bartley, Carrowkeel, Riverstown, Co. Sligo (16) Thomas Cawley, Carnaghark, Riverstown, Co. Sligo (17) Andrew and Kay Hannon, Ten Mile House, Riverstown, Co. Sligo (18) Pádraig Óg Gilligan, Cloonlurg, Riverstown, Co. Sligo (19) Mary McDermott, Knockadoo, Riverstown, Co. Sligo (20) Mark and Michele Tuohy, Carrownagark, Riverstown, Co. Sligo (21) Sarah Taylor, Knockalassa, Riverstown, Co. Sligo (22) Hugh, Loretta and Kelly Walsh, Knockalassa, Riverstown, Co. Sligo (23) Elaine and Tom Leydon, Knockadoo, Riverstown, Co. Sligo (24) Andrea Hannon, Carnagark, Riverstown, Co. Sligo (25) Catriona Feeney, Carrowkeel, Riverstown, Co. Sligo (26) Marie O'Grady, Cloonlurg, Drumfin, Riverstown, Co. Sligo (27) Anthony and Paula Willis, Carnagark, Riverstown, Co. Sligo (28) Claire Connolly and Michael Hannon, Carrowkeel, Riverstown, Co. Sligo (29) Elaine McHugh, Cloonlurg, Riverstown, Co. Sligo (30) Pádraig Gethin, Cloonlurg, Ballymote, Co. Sligo (31) Des and Anne Leonard, Carrownagark, Riverstown, Co. Sligo (32) Liam and Ceara Galvin, Townagh, Riverstown, Co. Sligo (33) Elaine Watson, Carrowkeel, Riverstown, Co. Sligo, (34) Cllr. Martin Baker, 2 Ardkeerin, Riverstown, Co. Sligo.
- 3.4.2. A petition against the proposed development from 213 no. signees was also submitted to the Planning Authority.

- 3.4.3. The issues which are raised can be summarised as follows: (1) health risks; (2) impact on property values; (3) negative visual impact; (4) noise pollution; (5) distraction to traffic; (6) impact on wildlife; (7) conflict with the Regional Spatial and Economic Strategy; (8) the development contradicts the sustainability of community development and consultation; (9) impact on population growth; (10) the development will contribute to climate change; (11) impact on Carnagark Group Water Scheme pump house.

## **4.0 Planning History**

- 4.1. None.

## **5.0 Policy and Context**

### **5.1. Sligo County Development Plan 2017-2023**

#### **5.2. Mobile Telephony Infrastructure**

- 5.2.1. Sligo County Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a successful economy. It is the aim of the Council to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and protecting residential amenity and environmental quality.

- 5.2.2. **Policy P-TEL-1:** Protect areas of significant landscape importance from the visual intrusion of large-scale telecommunications infrastructure.

- 5.2.3. **Policy P-TEL-2:** Ensure that telecommunications infrastructure is subject to compliance with the Habitats Directive and is adequately screened, integrated and/or landscaped, so as to minimise any adverse visual impacts on the environment.

#### **5.3. Development Management Standards**

- 5.3.1. Telecommunication masts, access roads and associated power lines will be assessed with regard to siting and design, safety and the mitigation of intrusive impacts. The following standards shall apply:

- Masts will not generally be permitted in designated Sensitive Rural Landscapes, Visually Vulnerable Areas, pNHAs, SPAs, SACs or adjacent to Scenic Routes.
- Masts shall be designed and located to cause minimum impact on the landscape and, where possible, should be screened by forest plantations.
- Operators should seek to co-locate their services by sharing a single mast or, if necessary, locating additional masts in cluster form.
- In the event of the discontinuance of any mast installations, the mast and associated equipment shall be removed from the site and the land restored to its original condition.

#### 5.4. **Landscape Characterisation**

- 5.4.1. The landscape of County Sligo is categorised into 4 no. categories according to visual sensitivity and capacity to absorb new development without compromising the scenic character of the area. The subject site is located in a “Normal Rural Landscape”, with these areas generally having the capacity to absorb a wide range of new development forms.
- 5.4.2. **Policy P-LCAP-1:** Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County’s landscape character.

#### 5.5. **Transport and Mobility**

- 5.5.1. **Policy SP-TRA-4:** Plan for the future traffic and transportation needs in Sligo and ensure that new development does not compromise the expansion of rail, road and cycling corridors in the County. Proposed road realignment/improvement lines, road corridors and national cycle route corridors shall be preserved free from development that would prejudice the implementation of the schemes.
- 5.5.2. **Policy P-NR-2:** Protect the route corridors necessary for the construction of new roads or the upgrading of existing national roads in Sligo, in accordance with the DoECLG’s publication Spatial Planning and National Roads - Guidelines for Planning Authorities (2012).

## **5.6. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996)**

- 5.6.1. These Guidelines established a policy framework and provide general guidance on relevant planning issues for planning authorities, telecommunications providers and the general public.
- 5.6.2. The Guidelines confirm that visual impact is one of the more important considerations in assessing applications for these structures, with the impact varying according to location. A number of considerations are identified, including that masts may be visible along major roads but are not terminating views. In this context, it may be decided that the impact is not seriously detrimental. The view of the mast may also be intermittent or incidental, and as such, may not intrude overly on the general view or prospect. Local factors to be considered in determining the extent to which an object is noticeable or intrusive include, intermediate objects, 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, lighting conditions, etc.

## **5.7. Circular Letter: PL07/12**

- 5.7.1. Circular PL07/12 updates sections 2.2 – 2.7 of the 1996 Guidelines. In summary, the Circular confirms that the granting of temporary permissions for telecommunication masts and antennae is not appropriate; the inclusion in development plans of minimum separation distances from such developments and the lodgement of a bond or cash deposit to remove obsolete structures is not appropriate; health and safety matters in respect of telecommunications infrastructure are regulated by other codes; and, waivers in respect of such development should be provided in Development Contribution Schemes.

## **5.8. Spatial Planning and National Roads Guidelines for Planning Authorities (2012)**

- 5.8.1. Section 2.9 of these Guidelines states that a development plan or local area plan should identify any land required for future national road projects, including objectives that retain required lands free from development. Development objectives must not compromise the route selection process, particularly in circumstances

where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the Planning Authority.

## **5.9. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020 – 2032**

- 5.9.1. Section 6.5 of the RSES notes that there are wide swathes of the region with little or no access to broadband, with businesses and SME's being hindered in their operations and expansion opportunities as a result. The solution to the inadequacy of a resilient and accessible high-speed broadband is noted to be contained within the National Broadband Plan, which aims to ensure that every home, school and business in the country has access to highspeed broadband. The Guidelines confirm that consideration also needs to be given to identifying mobile blackspots and developing initiatives to address these.

## **5.10. Natural Heritage Designations**

- 5.10.1. None.

# **6.0 The Appeal**

## **6.1. Grounds of Appeal**

- 6.1.1. A first-party appeal has been lodged by 4Site on behalf of the applicant, the grounds of which can be summarised as follows:
- Sligo County Council's Planning Officer considered that the proposed development was acceptable in principle, with the prematurity of the development pending the completion of the N4 Collooney to Castlebaldwin Road Construction Project being the central issue.
  - The refusal of planning permission on this basis is unwarranted given that a planning condition could be attached which restricts the commencement of construction works pending the completion of the road project.
  - The proposed development will make a positive contribution to the area by enhancing social and economic life for the local residential, civic and business



communities through the provision of mobile and broadband services infrastructure.

- The development is in accordance with Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996).
- The site is justified on technical grounds as there are no existing telecommunications sites in the area which are suitable for co-location.
- The proposed development will result in general coverage enhancement in the surrounding areas and customers will benefit from greater choice of network operators for high-speed broadband and mobile data services.
- The proposed development is in line with national, regional and local planning policy, actively assisting in achieving aims and objectives of the development plan by delivering telecommunications infrastructure services to Carrownagark and the surrounding area.

## **6.2. Planning Authority Response**

- 6.2.1. A response was received from the Planning Authority on 19<sup>th</sup> February 2021. It is considered that the appellant has not submitted any additional information as part of the appeal which would alter the Planning Authority's decision. It is requested that An Bord Pleanála uphold Sligo County Council's decision to refuse planning permission for the proposed development.

## **6.3. Observations**

- 6.3.1. One observation has been made on the appeal by Cllr. Gerard Mullaney of Moytura East, Kilmastranny, Boyle, Co. Sligo. No new issues have been raised (refer to section 3.4.3 of this report for issues raised by third parties).

## **7.0 Assessment**

- 7.1. I am satisfied that the main issues for consideration in this case include:

- Prematurity of the Proposed Development
- Compliance with Development Management Standards

- Appropriate Assessment

7.2. Each of these issues is considered in turn below.

**7.3. Prematurity of the Proposed Development**

- 7.3.1. Sligo County Council refused planning permission for the proposed development on the basis it would be premature pending the completion of the N4 Collooney to Castlebaldwin Road Construction Project. Transport Infrastructure Ireland submits that the proposed development is located in an area which is currently under consideration as a route option for a national road improvement scheme and that the application is premature pending the determination of this route. Sligo County Council National Roads Project Office also considers the development to be premature pending the completion of the N4 road project.
- 7.3.2. The accommodation road which will provide access to the site had not been completed at the time of my inspection and was comprised of compacted stone and earth material. Significant works had been completed on the main dual-carriageway route adjacent to the site. The appellant's agent submits that the overall road project is due for completion in October 2021 but acknowledges this may be subject to change. The applicant's agent confirms that consultations regarding the proposed development were held with Sligo County Council National Road Projects Office and has included layout drawings of the proposed accommodation road. It is acknowledged these may be subject to change.
- 7.3.3. In the event planning permission is granted for the proposed development, the applicant has confirmed their willingness to postpone the commencement of development pending the completion of the N4 Collooney to Castlebaldwin Road Construction Project. The applicant's agent has invited the Board to attach an appropriate condition in this regard.
- 7.3.4. In considering the matter at hand, I note that the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) confirm that any land which is required for future national road projects should be retained free from development. While Transportation Infrastructure Ireland submits that the development is located in an area which is under consideration as a route option for a national road improvement scheme, I note that the route corridor has been determined, with works on the N4 Collooney to Castlebaldwin Road Construction Project anticipated to be

completed later this year. Having regard to the foregoing, I consider it would be unreasonable to refuse planning permission on the basis of prematurity.

- 7.3.5. In my opinion, postponing the commencement of development until such time as the road project is completed would be reasonable in this instance, having regard to the likely construction timeframe involved. This matter could be addressed by planning condition in the event the Board decides to grant planning permission for the proposed development.

#### **7.4. Compliance with Development Management Standards**

- 7.4.1. The Sligo County Development Plan 2017-2023 identifies a number of development management standards which will be used in the assessment of telecommunication masts. In summary, masts will not generally be permitted in sensitive landscapes, European sites or adjacent to scenic routes, they should be designed and located to cause minimum impact on the environment and operators should co-locate services by sharing a single mast.
- 7.4.2. In considering the compliance of the proposed development with the above standards, I note that the subject site is located in an area which is categorised as a “Normal Rural Landscape”. These areas generally have the capacity to absorb a wide variety of development forms. The site is not located within or adjacent to any European site or Scenic Route.
- 7.4.3. The nearest residential dwellings are located approx. 225 m to the east of the site on the opposite side of the N4 national route and approx. 460 m to the south-west, with the lands surrounding the site being primarily agricultural in nature. As such, I consider that the proposed development would have no undue impact on any neighbouring residential property, including any impact on property values.
- 7.4.4. While I note that the third-party submissions raised health concerns in relation to the proposed development, Circular Letter PL07/12 confirms that Planning Authorities should primarily be concerned with issues relating to site location and design and that they do not have competence for health and safety matters. These are regulated by other codes and should not be subject to additional regulation by the planning process.
- 7.4.5. The planning application includes a visual impact assessment of the proposed structure from 12 no. viewpoints surrounding the site. In my opinion, these images

demonstrate that the proposed development would not have an unacceptable impact on the landscape at this location. I further note that the telecommunications structure will be galvanised, which will assist with its assimilation into the skyline in more distant views of the site. The structure is also proposed to be located below the level of the newly constructed dual-carriageway adjoining the site, which in my opinion, will further reduce its visual impact.

7.4.6. I note that the proposed development will facilitate the co-location of a number of operators, in compliance with development plan policy. In the event the Board grants planning permission for the proposed development, the restoration of the subject site in the event of the discontinuance of the structure can be addressed by planning condition.

7.4.7. In conclusion, I consider that the proposed development complies with the relevant development management standards of the Sligo County Development Plan 2017 – 2023, and as such, would be in accordance with the proper planning and sustainable development of the area.

## **7.5. Appropriate Assessment**

7.5.1. The proposed development comprises telecommunications infrastructure which will have no pathway or functional connection to any Natura 2000 site. Thus, having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, 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.

## **8.0 Recommendation**

8.1. I recommend that planning permission be granted subject to conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development hereby permitted shall not be commenced pending the completion of the N4 Collooney to Castlebaldwin Road Construction Project. Written notification shall be submitted to the Planning Authority at least 4 weeks prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
3.	<p>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 prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
4.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p>

	<b>Reason:</b> In the interest of the visual amenities of the area.
5.	<p>A fixed red obstacle light shall be fitted as close to the top of the structure 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 and the Irish Aviation Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public and aviation safety.</p>

---

Louise Treacy  
Planning Inspector

19<sup>th</sup> May 2021