



An
Bord
Pleanála

Inspector's Report

ABP-309694-21

Development	Construction of a 20m high telecommunication lattice structure.
Location	Eir Exchange, Creevykeel, Cliffoney, Co. Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	20434
Applicant(s)	Eircom Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom Ltd
Observer(s)	None.
Date of Site Inspection	8 th May 2021.
Inspector	Paul Caprani

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.3. Planning Authority Reports	4
3.4. Prescribed Bodies	5
3.5. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.4. Natural Heritage Designations	9
5.5. EIA Screening	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response	10
6.3. Observations	11
7.0 Assessment.....	11
8.0 Appropriate Assessment.....	14
9.0 Conclusions and Recommendation	14
10.0 Reasons and Considerations	15

1.0 Site Location and Description

- 1.1. The site which is the subject of the current appeal is located on the western site of the N15 National Primary Route in north west County Sligo. The N15 is a heavily trafficked route linking Sligo Town with Bundoran, Ballyshannon and Donegal Town. This is located approximately 1.4km north of the village of Cliffoney. The site occupies an area of .007 ha and is wrapped around an existing EIR exchange building which fronts onto the N15. The site is currently under grass. To the immediate rear of the site there is an existing monopole which is approximately 17.5m high and is currently surrounded by Pallaside fencing. Inside of which a number of telecommunication cabinets are located.
- 1.2. The site is set back c. 9 meters back from the N15. The existing exchange building is small single storey rectangular building. The new mast is to be located on a new concrete plinth in the grass area to the immediate south of the exchange building. New equipment cabinets are to be located to the front of the mast. The site is to be surrounded by 2.4m high palisade fencing.
- 1.3. Intermittent linear development, both residential and some commercial, face onto the N15 in the vicinity of the site. The lands immediately surrounding the site are agricultural. There are a number of cattle sheds to the immediate north of the site. To the north-west of the site there is a small cross-roads, the road leading north provides access to the small picturesque village and peninsula of Mullaghmore and Classie Bawn Castle which is located on the summit of Mullaghmore peninsula. Beyond Mullaghmore views of Donegal Bay, the Rossan Point peninsula and St John's Point are visible. Lands to the south-east of the N15 rise up to form the Dartry Mountains which include the summits of Truskmore, Benwiskin and Tievebaun

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a new lattice mast on the subject site approximately 12m south of the existing mast on adjacent lands. The main structure rises to 20 m in height while the proposed lighting finials raise the total height to 21.5m. The lattice structure is approximately 2 meters in width. It is proposed to attach a number of 2m long antennae and what appear to be 0.6m diameter dishes to the upper portion of the mast.

3.0 Planning Authority Decision

3.1. Decision

3.2. Sligo County Council issued notification to refuse planning permission for a single reason which is set out in full below.

1. *It is the policy of the Planning Authority, as stated in the current Sligo County Development Plan 2017 – 2023 (CDP)*

- *to protect the physical landscape, visual and scenic character of County Sligo (Policy T-LCAP-1);*
- *to preserve the scenic views listed in Appendix F of the County Development Plan and the distinctive visual character of designated scenic routes by controlling development along such routes and other roads (P-LCAP-3, Listed View No. 7 in Appendix F);*
- *to protect areas of significant landscape importance from the visual intrusion of large-scale telecommunication infrastructure (P-TEL-1).*

Having regard to the scale and height of the proposed development and its proposed location in proximity to the national road N-59, which is a designated scenic route afforded scenic views of the Atlantic Ocean with a visually vulnerable coastlines, it is considered that the proposed development would form an obtrusive and incongruous feature on the landscape at this location, which would seriously injure the visual amenity and scenic quality of the area.

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

3.3. Planning Authority Reports

3.3.1. Planning Report

3.3.2. The planner's report sets out details of the site location and description and the proposed development before detailing the planning history of sites in the vicinity. Reference is made to the grants of permission and retention of permission of the

monopole to the north west. The report goes on to detail national planning guidance and the provisions of the development plan in respect of telecommunication infrastructure.

3.3.3. It is noted that the applicant submitted a justification report with the application highlighting the need to improve coverage in this location. It notes that the sharing of the mast at this location is not an option and the existing mast does not meet EIR's technical requirements. Sligo Co. Council are satisfied that a technical justification has been made for the proposal.

3.3.4. It is noted that the development has not been accompanied by a detailed visual appraisal and no reference has been made to the site's location along a designated scenic route. The development will be highly visible along the N15 and will have a negative impact on views from the N15 towards the Atlantic Ocean.

3.3.5. The scenic landscape qualities in the development plan are noted and it is considered that the proposed development would have a significant impact on designated scenic routes in a landscape that has very limited capacity to absorb development. On this basis planning permission for the proposed telecommunication mast was refused

3.3.6. Other Technical Reports

- A report from the Environmental Services Department stated that subject to conditions relation to the submission of a CEMP, details of storage of any fuels or chemicals etc. and the protection of surface and groundwaters there is no objection to the granting of planning permission.
- A report of the Area Engineer requests that the applicant submit details of sightlines on the N15 and sets out a number of standard conditions in the event of a grant of planning permission.

3.4. **Prescribed Bodies**

- A report from TII states that the proposal is at variance with official policy to control development on or affecting national roads.

3.5. **Third Party Observations**

- No third- party observations were submitted to the planning authority in respect of the development.

4.0 **Planning History**

The is no planning history associated with the appeal site. Reference is made in the planner's report to two applications on the adjacent site to the north west where planning permission and subsequently retention of planning permission was granted under PL06/942 and PL 13/291 respectively.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The site is governed by the policies and provisions contained in the Sligo Development Plan 2017 – 2023. The site is located in a rural area on un-zoned lands. Section 11 of the said Plan sets out policies and objectives in relation to energy and telecommunications. In relation to telecommunications (Section 11.2), it notes the National Broadband Plan for Ireland 2012 and notes that in County Sligo, the entire rural area (outside towns and larger villages) represents the target for the National Broadband Plan and its updated strategy.
- 5.1.2. Section 11.2.2 relates to mobile telephony infrastructure. The importance of such infrastructure is noted. It is also noted that due to their design and scale, telecommunication structures can have a significant visual impact on the landscape both in urban and rural areas. The Council will ensure that all new support structures meet co-location or clustering requirements of the Guidelines.
- 5.1.3. In terms of policies, P-TEL-1 seeks to protect areas of significant landscape importance from the visual intrusion of large-scale telecommunications infrastructure.
- 5.1.4. P-TEL-2 seeks to ensure that telecommunications infrastructure is subject to compliance with the Habitats Directive and is adequately screened, integrated and landscaped so as to minimise any adverse visual impacts.

- 5.1.5. Section 13.9.4 sets out development management objectives in relation to telecommunication structures. It is stated that telecommunication masts, access roads and associated powerlines will be assessed with regard to siting and design, safety and the mitigation of intrusive impacts. The following standards will apply.
- (a) Masts will not generally be permitted in designated sensitive rural landscapes, visually vulnerable areas, pNHAs, SPAs, SACs or adjacent to scenic routes.
 - (b) Masts shall be designed and located so as to cause minimum impact on the landscape and where possible should be screened by forest plantations.
 - (c) Operators should seek to co-locate their services by sharing a single mast or if necessary, locating additional mast in a cluster form.
 - (d) 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 in its original condition.
- 5.1.6. Section 7 of the development plan relates to Heritage and Section 7.4 specifically relates to landscape character.
- 5.1.7. P-LCAP-1 seeks to protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character. Planning applications that have the potential to impact significantly and adversely upon landscape character, especially in sensitive rural landscapes, visually vulnerable areas and along scenic routes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment.
- 5.1.8. P-LCAP-2 - discourage any developments that would be detrimental to the unique visual character of designated visually vulnerable areas.
- 5.1.9. P-LCAP-3 - preserve the scenic views listed in Appendix F and the distinctive visual character of scenic routes by controlling development along such routes and other roads while facilitating developments that may be tied to a specific location or to the demonstrated needs of applicants to reside in a particular area. In all cases strict location siting and design criteria shall apply.
- 5.1.10. Appendix E lists scenic routes. In terms of national roads, the N15 in the vicinity of the subject site is listed as a scenic route. The two approach roads to the village of

Mullaghmore to the north east and the south west of the subject site are also included as scenic views.

5.1.11. The site is located in an area designated as 'normal rural landscape'. However, the upland areas incorporating the Dartry Mountains to the south west of the site are designated as 'sensitive rural landscape'. The Atlantic Coast in the vicinity of Mullaghmore Head is designated as a 'Visually Vulnerable Area'.

5.1.12. The Landscape Characterisation Map also notes that scenic routes or public roads from which the views and prospects to visually vulnerable features are to be preserved and that the environs of archaeological and historical sites are considered visually vulnerable areas.

5.2. **Telecommunications Antenna and Support Structure – Guidelines for Planning Authorities (1996)**

These guidelines set out the criteria for the assessment of telecommunications structures and relevant points as summarised below:

- An Authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations may include high amenity lands or sites beside schools (Section 3.2).
- In rural areas towers and masts can be placed in forestry plantations providing of course that the antennae are clear from obstructions (Section 4.3).
- Only as a last resort should freestanding masts be located within or the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utility should be considered and masts and antenna should be designed and adopted for this specific location (Section 4.3).
- The sharing of installations and clustering of antenna is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.3. Circular Letter PL07/12

- 5.3.1. This circular letter revises elements of the 1996 Guidelines. In particular Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications mast except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and advises that a condition be included stating that when the structure is no longer required, it should be demolished and removed from site and the site be reinstated at the operator's expense.

5.4. Natural Heritage Designations

The subject site is not located with or adjacent to a Natura 2000 site. The nearest Natura 2000 site is located 0.7m to the north west of the site. It is the Bunduff Lough and Machair/ Trawalia / Mullaghmore SAC (Site Code 000625).

5.5. EIA Screening

A Telecommunications mast is not a class of development for which EIA is required.

6.0 The Appeal

The decision was the subject of a first-party appeal.

6.1. Grounds of Appeal

- The Board are requested to consider this appeal under the provisions of Section 37(2)(iii).
- There is justification for the proposed new structure on the basis that Cliffoney is a known weak spot for coverage. The existing pole in the area is 'light and low' and lacks the space and robustness to provide comprehensive 2G and 4G coverage locally. The existing pole does not allow for sharing with other mobile communication operators or the rollout and upgrade of their facilities locally.

- Maps are incorporated into the grounds of appeal which, according to the appellant, indicate that the 2G and 4G coverage in the area is poor.
- The Wardtown lattice tower in County Leitrim, c.6.75 km to the Northwest of the site, is too remote from the subject site to resolve the coverage issues.
- In relation to the various policies in the development plan, the following is stated:
 - The proposal cannot be considered to be large scale so as to contravene policy P-TEL-1
 - The proposal would comply with various policy statements which seek to provide high speed broadband in Co. Sligo.
 - The site is not located within a sensitive rural landscape or within or adjacent to a European Site.
- The subject site was chosen after careful consideration of the National Guidelines and the various visual constraints set out in the County Development Plan. Any impact on visual amenities should be counter-balanced against the benefits of high-speed broadband.
- More preferable areas such as industrial estates, commercial/retail areas, or tall buildings are not available.
- The site is considered to be most suitable as it is located adjacent to an existing mast, where Sligo County Council in previous decisions, deemed the area to be suitable for a telecommunications mast. The height difference between the existing and proposed mast at 2 metres is considered to be negligible.
- The need for good broadband and telecommunications is more crucial than ever to facilitate working from home during the current covid pandemic.

6.2. Planning Authority Response

- The Planning Authority's assessment of the visual impact has been set out in the planner's report.

- The coverage maps in the grounds of appeal were not submitted with the original application. Notwithstanding this, the planners report has acknowledged the technical justification for the proposed development.
- While the proposed development may be located within a landscape designated as “Normal Rural Character” it is designated as a Scenic Route due to its views of the visually vulnerable Atlantic Ocean as such, the correct assessment has been made in the planning report.

6.3. Observations

- No observations were submitted.

7.0 Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the Planning Authority’s reason for refusal, and the applicant’s rebuttal of this reason, I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Visual Impact
- Other Issues

7.1. Visual Impact

- 7.1.1. Sligo County Council issued notification to refuse planning permission for a single reason on the basis that the proposed development would form an obtrusive and incongruous feature on the landscape and would therefore seriously injure the visual amenity and scenic qualities of the area. The applicant in the appeal stated that there is inherent need for improved broadband telecommunications infrastructure in the general area and this is supported by the justification test submitted, which the Planning Authority acknowledged to be the case. The applicant also argued that the presence of an extant mast in the immediate vicinity supports the arguments for a new mast at this location.

- 7.1.2. A critical issue in determining the current application and appeal before the Board relates to the nature of the receiving environment, and particularly its sensitivity or robustness to assimilate a telecommunication mast of the nature proposed. While the subject site is located in an area identified as “Normal Rural Landscape” within the Landscape Characterisation Map of the Sligo County Development Plan, the proposed development is located contiguous to a designated scenic route and is located to the immediate north of a designated sensitive rural landscape, namely the Dartry Mountains. In addition, there are vast and expansive views towards the Atlantic Ocean from the N15 in the vicinity of the site. The N15 National Primary Route is designated as scenic route. That section of the N15 in the vicinity of the subject site is in my opinion particularly sensitive being located in the vicinity of Mullaghmore Head to the north west and the Dartry Mountains to the south. The area is characterised by flat open fields which gently undulate towards the coast to the north. Lands on the southern side of the N59 are more dramatic rising abruptly to the immediate south of the site towards the summit of Truskmore, Beniskwin Tievaluan which all form part of the Dartry Mountains. The area is characterised by flat open fields with relatively low hedgerows. There are few stands of trees in the vicinity and the area on the whole comprises of open agricultural grasslands with a limited capacity to absorb large development.
- 7.1.3. While it is acknowledged that a site in the immediate vicinity accommodates a mast of the similar size and height, the proposal in this instance does not seek to replace the existing mast, but rather it will provide an additional structure which in my view will add to the visual clutter of the area when viewed both along the N15 on the north and south approaches and viewed from vantage points along the N15 towards the Atlantic Ocean. This section of coastline around Mullaghmore also forms part of the Wild Atlantic Way. I refer to photo. No. 2 attached, it clearly illustrates that views towards Mullaghmore head (including Classie Bawn Castle – Protected Structure) and Mullaghmore Village are very evident in the vicinity of the site. The provision of a larger and somewhat squatter and bulkier structure which will be top heavy with antennae and dishes will have a profound effect on the scenic route and views west and northwest toward a designated visually vulnerable area.

- 7.1.4. The applicant does not propose any mitigation measure to alleviate the visual impact. I do however acknowledge that it would be very difficult to visually mitigate the adverse visual impact through landscaping.
- 7.1.5. The proposed telecommunication mast is located between vantage points associated with both the Wild Atlantic Way to the north in and around Mullaghmore Village (and the approach roads to the Village), and the upland area to the southwest which is designated as a Sensitive Rural Landscape. Views from in and around Mullaghmore Village and Strand back towards the Dartry Mountains are in my opinion as equally spectacular as the views from the N15 towards the Atlantic Coast (See photograph 9 attached to this report). Having inspected the site I note that the existing mast is discernible from vantage points along the southern environs of the village¹. The cumulative impact from both structures would in my view be material from vantage points between Mullaghmore Village and the N15 looking southwest towards the Dartry Mountains.
- 7.1.6. On this basis of the assessment above I would agree with the Planning Authority that the visual impact arising from the proposed structure would be unacceptable and contrary to the landscape policies contained in Chapter 7 of the County Development Plan in particular Policies P-LCAP-1 and P-LCAP-3 and would result in a development that would seriously injure the visual amenities and scenic qualities of the area. It would also be contrary to Policy P-TEL-1 which seeks to protect areas of significant landscape importance from the visual intrusion of large-scale telecommunications infrastructure. On this basis I consider that the decision of Sligo County Council in this instance should be upheld.

7.2. Other Issues

- 7.3. In relation to the reference to S37(2)(b)(iii), I fully acknowledge national and regional policy to roll-out telecommunications and broadband infrastructure on a national basis and that this represents an important requirement for both regional and economic development. But this in itself provides little justification to permit a mast on the subject site. While the applicant has argued that the existing mast proximate to the subject site and the mast at Wardtown 6.75km away are not suitable to co-

¹ This is not clear from photograph 9 attached, however I can confirm that it was visible during my site inspection. The zoom-in in photo no.10 indicates that the mast was discernible from this vantage point.

location, this does not preclude the applicant from investigating alternative site in the vicinity, perhaps on other routes that are not designated as scenic routes that may offer requisite coverage. In the absence of a more robust evaluation and assessment of alternative sites, I don't consider that the Board can be convinced on granting permission for an additional mast in a scenic route under the provisions of S37(b)(iii).

- 7.4. Finally in relation to the technical justification for the proposal, I would refer the Board to S4.1 of the grounds of appeal. It purports to depict the existing coverage across the area for 2G and 4G. According to the information contained in the appeal the darker areas provide the best 2G and 4G coverage currently. If this is the case, the subject site would appear to experience very good coverage².

8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development in terms of construction works and land disturbance during the construction phase together with the separation distance of c.0.7 km and absence of any direct pathway to any of the Natura 2000 sites located in the vicinity, it is considered that 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.

9.0 **Conclusions and Recommendation**

Arising from my assessment above I consider that the Board should uphold the decision of Sligo County Council in this instance and refuse planning permission for the reasons set out below.

² The Board should note that the Dropped Red pin on the map does not relate to the application site. The application site is actually further northwest along the N15 due south of Bunduff Lough.

10.0 Reasons and Considerations

The proposed development is located within an area surrounded by sensitive rural landscapes and is located within the vicinity of designated scenic routes, most notably the N15 as identified in the Landscape Characterisation Map of the Sligo County Development Plan 2017 – 2023. It is the policy of Sligo County Council as per Policy P-TEL-1 to protect areas of significant landscape importance from the visual intrusion of largescale telecommunications infrastructure. This policy is considered reasonable. The proposed development by virtue of its siting in the vicinity of the N15 National Secondary Route which is a designated scenic route, visually vulnerable areas associated with the Atlantic Coast in the vicinity of Mullaghmore to the west and northwest of the site, and its location to the immediate north-west of a designated sensitive rural landscape associated with the Dartry Mountains, it is considered that the proposed structure would constitute an obtrusive and incongruous form of development which would seriously injure the visual amenity of the area and would therefore be contrary to the proper planning and sustainable development of the area.

Paul Caprani
Senior Planning Inspector

May 8th 2021