



An
Bord
Pleanála

Inspector's Report ABP310173-21

Development	Construction of a 15 metre high mast and associated antenna and dishes and equipment cabinet.
Location	Carrowkeel, Murrisk, County Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	20516.
Applicant	Eircom Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	(i) Jenefer and Mark Ryan and Declan Quinn. (ii) Frank McCarrick.
Observers	An Taisce.
Date of Site Inspection	27 th July, 2021.
Inspector	Paul Caprani.

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1.0 Introduction

ABP310173-21 relates to two third party appeals against the decision of Mayo County Council to issue notification to grant planning permission for the construction of a 15 metre high freestanding telecommunication mast with associated equipment. The grounds of appeal argue that the subject site is located in a scenic area in the vicinity of Croagh Patrick and will therefore adversely impact on the visual amenities of the area.

2.0 Site Location and Description

- 2.1. The appeal site is located on the western side of a local road which runs northwards from the R355 (Westport to Louisburg Road) in West Mayo. The subject site is approximately 10 kilometres south-west of the town of Westport and 12 kilometres east of the village of Louisburg on the southern side of Clew Bay. The area in which the site is located - Murrisk accommodates large numbers of visitors most notably to visit and climb Croagh Patrick which is located to the immediate south-west of the subject site but also to visit other tourist attractions in the area including the National Famine Memorial and Murrisk Abbey both of which are located to the immediate west of the subject site.
- 2.2. The site itself fronts onto a relatively narrow third-class road which runs northwards from the R335 towards the shoreline of Clew Bay. The subject site is located less than 100 metres from the junction of the local road and the R335. A number of dwellinghouses front onto the local road in the vicinity of the subject site. Lands to the rear (west) of the site are in agricultural use. A small single storey corrugated iron Eir Exchange building is located adjacent to the proposed mast. The gable end of the nearest dwellinghouse to the south is approximately 30 metres away.
- 2.3. The area of the site is stated on the planning application form as being 0.05 hectares.

3.0 Proposed Development

- 3.1. Planning permission is sought for the erection of a telecommunication mast on a rectangular plot of land to the immediate south of the existing Eir Exchange building

on the subject site. The plinth on which the telecommunication is to be located is square shaped 3.7 metres by 3.7 metres. The plinth is to accommodate two mobile phone cabinets and a 15 metre high delmec monopole. The monopole is to accommodate seven 2.6 metre long antennas on the upper portion of the mast and one 600 millimetre diameter RT dish immediately below the antennas. The monopole structure is half a metre in width and with the incorporation of the antennae in the upper portion of the pole, the overall width of the structure increases to just less than 1 metre in width.

4.0 Planning Authority Decision

Mayo County Council in its decision dated 13th April, 2021 issued notification to grant planning permission for the proposed mast subject to seven conditions.

4.1. Documentation Submitted with the Application

- 4.1.1. A planning report submitted with the application provides details of the proposed development. It is stated that the applicants require a site in the area of Murrisk as this area currently has inadequate mobile voice and data services which leads to poor mobile coverage.
- 4.1.2. In accordance with development plan policy, the applicants are willing operate a policy of co-location at the proposed mast. In terms of visual impact, it is stated while the proposed structure is visible from certain views, these views are intermittent and are not considered to be detrimental to the overall amenity of the area. The planning report goes on to assess the proposal in the context of local and national policy in respect of telecommunications antennae. It is argued that the development will provide essential telecommunication infrastructure and will comply with all policies and objectives in terms of local and national policy.

4.2. Initial Assessment by Planning Authority

- 4.2.1. A number of letters of objection were submitted to the planning authority expressing concerns particularly in relation to the visual amenity impact arising from the proposed structure. The contents of these letters of objection have been read and noted.

4.2.2. The initial planner's report prepared in respect of the application requested additional information in relation to the following:

- The applicant to submit an assessment under Article 6 of the EU Habitats Directive having regard to the site's location in close proximity to Clew Bay SAC.
- Submit a justification for the proposed development at this particular location.
- Submit further photomontages of the proposed development from the National Famine Memorial and from Murrisk Abbey.

4.3. Further Information Response

4.3.1. Further information was submitted on 17th December, 2020.

4.3.2. The response included a separate report for the purposes of appropriate assessment screening. This report concludes that the proposed development has no potential to result in direct habitat loss, has no potential to alter the hydrological regime or result in groundwater contamination nor will the proposal result in disturbance to protected species in respect of the Clew Bay Complex SAC (Site Code: 001482). As a result significant effects on any European sites including the Clew Bay Complex SAC are ruled out in the screening exercise.

4.3.3. With regard to the justification for locating the proposed development at the subject site, coverage maps are submitted which indicate that currently the area around Murrisk has poor mobile coverage and as a result there are a large number of dropped/blocked calls on the Eir network. It is stated that if permission for this telecommunications facility is refused, Eircom will lose essential coverage. It is also stated that due to the nature of the topography of the land, it would not be possible to secure an alternative site that satisfies the requirements of Mayo County Council Development Plan. It is stated that there are no existing masts in proximity to Murrisk and therefore there is no potential for sharing opportunities. The nearest telecommunication mast is over 4 kilometres away. In terms of visual impact, it is stated that slimline monopole type structure was selected in order to reduce the visual impact. It is argued that the location and design of the structure would not be out of character or be visually obtrusive within the existing landscape. The 15 metre

height is the absolute minimum height that can be erected in order to provide requisite coverage.

- 4.3.4. An additional series of photomontages from six vantage points in the vicinity of Murrisk Abbey and the National Famine Memorial were also submitted.
- 4.3.5. On 19th January, 2021 Mayo County Council requested further photomontages of the proposed development when viewed from (a) Campbell's Bar and (b) the Reek Car Park (parking area at the foot of Croagh Patrick..
- 4.3.6. Further information was submitted on 8th February, 2021. The Board will note that the photomontages referred to in this clarification of further information submitted are not contained in a pouch to the rear of the file. However, photomontages from the vantage points requested are contained in the applicant's response to the grounds of appeal.
- 4.3.7. The applicant was also asked to readvertise the proposed development stating that significant further information was submitted.

4.4. Further Assessment by Planning Authority

- 4.4.1. A planner's report dated 7th April, 2021 noted the additional information submitted and recommended that planning permission be refused on the basis that the proposed development would be contrary to Policy Objective TC-02 where it is an objective of the Council to locate telecommunication masts in non-scenic areas having regard to the landscape appraisal of County Mayo. It is considered that the proposed development would interfere with the scenic amenities of the area and be contrary to the proper planning and sustainable development of the area. The Board will note that a memorandum from Peter Duggan Chief Executive to the Senior Executive Planner states that the Chief Executive has considered the documentation on file together with the relevant policies and objectives set out in the development plan and particular reference is made to Objective TC-01 which states that it is an objective of the Council to support and facilitate the delivery of high capacity infrastructure broadband networks and that Mayo County Council is satisfied given the relevant policies and objectives set out in the County Development Plan and the supporting documents that the development, if permitted, would not represent an

unacceptable impact on the landscape at this location and therefore instructs that a grant of planning permission be issued with appropriate conditions.

- 4.4.2. In its decision dated 13th April, 2021 Mayo County Council therefore issued a notification to grant planning permission subject seven conditions.

5.0 Planning History

- 5.1. No appeal files are attached. The planner's report makes reference to one planning application under Ref. 80/297. Planning permission was granted for an Exchange building on the subject site.

6.0 Policy Context

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

- 6.1.1. 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).

6.2. Circular Letter PL07/12

- 6.2.1. 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.

7.0 Development Plan Provision

- 7.1. The site is governed by the policies and provisions contained in the Mayo County Development Plan 2014 – 2020.
- 7.2. Section 2 of the development plan relates to economic development strategy. It seeks continued investment in telecommunications including highspeed broadband. Section 3 of the development plan relates to infrastructure strategy.
- 7.3. In terms of policies Policy, TC-01 states that it is an objective of the Council to support and facilitate the delivery of high capacity ICT infrastructure, broadband networks and digital broadcasting in the County having regard to Government Guidelines on Telecommunication Antenna and Support Structures (1996) and Circular Letter PL7/12 where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network.
- 7.4. TC-02 states it is an objective of the Council to locate telecommunication mast in non-scenic areas, having regard to the landscape appraisal for County Mayo, or in areas where they are unlikely to intrude on the setting of, or views from national monuments or protected structures.
- 7.5. TC-03 states it is an objective of the Council to set up a register of approved telecommunication structures in the county to assist the assessment of future communication developments and maximising the potential for future mast sharing and co-location.
- 7.6. Section 55 of Volume 2 of the development plan sets out additional statements in respect of telecommunications relevant statements as set out below.

7.7. The Council recognises the importance of telecommunication infrastructure which is important in removing the peripheral barrier that the county experiences. It is also recognised that the location of telecommunications infrastructure is dictated by service provision and hence each application will be determined on its own merits.

7.8. The Council shall consider the following factors when assessing applications for telecommunication antennae.

- The visual impact of masts and ancillary works including access roads.
- The potential for co-location of antennae or sharing of sites.
- Proximity to residential areas, schools, rural housing and smaller towns and villages.
- Impact on conservation areas, protected structures and recorded monuments and established walking routes.
- Potential to locate in industrial or commercial areas, in urban areas or in forested areas in rural areas.
- The design of the structure.
- The potential positive effect on telecommunication services including broadband in the area.

7.9. In general telecommunications infrastructure will only be permitted where it can be demonstrated that the development will not have an adverse impact on residential amenities or populated community facilities (e.g. schools) in the vicinity of the proposed site and on the environment.

7.10. Antennae compounds shall be securely fenced with anti-climbing devices landscaping around compounds may be required.

7.11. Following decommissioning of the antenna and associated structures, all equipment shall be removed and the site shall be reinstated at the operator's expense.

7.12. The site is located in Policy Area 2 – lowland coastal zone as designated in the development plan. In terms of development impact – landscape sensitivity matrix the development plan indicates that communication masts in Policy Area 2 have a high potential to create adverse impacts on the existing landscape character.

7.13. **Natural Heritage Designations**

At its closest point the Clew Bay Complex SAC (Site Code: 001482) is located c.340 metres to the north-west of the subject site. It is also located just over half a kilometre to the east of the subject site.

8.0 EIAR Preliminary Screening Assessment

- 8.1. Telecommunications structure is not a class of development for which EIAR is required.

9.0 Grounds of Appeal

- 9.1. The decision was the subject of two separate third party appeals. An appeal on behalf of Frank McCarrick and a separate appeal by Jenefer Ryan, Mark Ryan and Declan Quin. The issues raised in both appeals are similar in content and are set out below.
- 9.2. It is stated that the Murrisk area boasts a stunning landscape quality located at the foot of Croagh Patrick which rises dramatically to the south of where the mast is to be located. The area is of cultural, religious and scenic importance. The R335 forms part of the Wild Atlantic Way.
- 9.3. It is also stated that there is a high concentration of recorded monuments in the area including Murrisk Abbey and Graveyard, the National Famine Memorial and Campbell's Public House and Restaurant which is a protected structure directly to the south of the site.
- 9.4. It is argued that the proposed development is contrary to landscape policies contained in the Regional Planning Guidelines, and contrary to numerous landscape protection policies contained in the Mayo County Development Plan.
- 9.5. The proposed communications mast therefore would contravene the objectives set out in the plan in respect of Landscape Policy Area 2. As the proposed mast would adversely affect the character and sensitivity of the fragile local landscape. It is also noted that the subject site is located along a designated scenic route in the development plan. The proposal would also contravene Policy TC-02 of the County development plan where it is an objective to locate telecommunications masts in non-scenic areas. If the proposed development were to proceed, the adverse impact

from the proposed development would be exacerbated by the addition of multiple dishes /antennae appended to the structure.

- 9.6. The proposal is also contrary to objectives contained in the Telecommunication Guidelines (1996) as these guidelines note that the visual impact is among the more important considerations which must be taken into account when determining a planning application.
- 9.7. It is stated that there are a number of looped walkways in the area centring around Croagh Patrick, Murrisk Pier, Murrisk Abbey and other amenities in the area and the proposal will have a detrimental impact on the visual amenities when viewed from these vantage points along this walkway (see Figure 8 of Grounds of Appeal submitted by James O'Donnell on behalf of Frank McCarrick).
- 9.8. It is noted that both the Assistant Planner and the Senior Executive Planner recommended that the proposed telecommunication mast be refused, and this recommendation was overturned by the interim Chief Executive of Mayo County Council.
- 9.9. The proposed development is located in close proximity to family homes and concern is expressed that the proposed development would adversely affect the residential amenities and depreciate the value of property in the vicinity. It is noted that other developments including developments for housing were refused planning permission in the area on the basis that the proposals would have an unacceptable impact on the visual amenities of the area.
- 9.10. The height, scale and appearance of the proposed structure would have a detrimental impact on the local environment and create a serious negative impact on the village of Murrisk which is steeped in historical importance.
- 9.11. While the schedule of conditions make reference to a landscaping scheme around the perimeter of the compound, it is contended that no amount of screening will disguise the height of the proposed mast in terms of its impact on the local environment. The Mayo County Development Plan seeks to ensure that development would not have a disproportionate effect on the character of the landscape in terms of location, design and visual prominence.
- 9.12. The proposed structure will be visible from parts of the Bertra Beach (a Blue Flag Beach) and multiple locations along the Clew Bay coastline.

- 9.13. The height and location of the structure could cause an obstruction to the landing site for rescue helicopter using emergency air evacuation which is located at the National Famine Memorial ground.
- 9.14. It is argued that the photomontages submitted with the application does not constitute a true reflection of the visual impact arising from the proposed development. The photomontages have been taken from strategic vantage points which downplay the visual impact arising from the proposed development. It is also noted that the photomontages have been taken during the summer season with trees in full bloom and therefore is not a true representation of the negative visual impact.
- 9.15. While the planning application indicates that the proposed mast is to be accessed via an existing vehicular entrance onto the road, the Board are asked to note that there is no such entrance currently in existence. It is also suggested that the site is currently used 2 or 3 times a day and therefore it is not plausible to suggest in the planning application form that the proposal be used 2 or 3 times a year.
- 9.16. The applicant acknowledges that Murrisk is a very popular destination and attracts a large number of people each year. For this very reason an alternative solution should be considered. It is also suggested that the area currently experiences a high level of broadband and mobile telecommunication coverage.
- 9.17. It is also argued that the proposal is frequented by bats which are roosting and nesting within Murrisk Abbey. It is suggested that the masts could impact on the bats natural environment.
- 9.18. It is also noted that there are 10 existing masts within a 20 kilometre radius and the current mast would lead to an unnecessary proliferation of such masts in the area.
- 9.19. It is noted that Mayo County Council refused planning permission for a mast in Kilnane due to the impact of the proposal on the landscape.

10.0 Appeal Responses

10.1. Planning Authority's Response

10.2. Mayo County Council have not submitted a response to the grounds of appeal.

10.3. Applicants Response

10.4. A response was received on behalf of the applicants Eircom Limited by Focus Plus. The response is summarised below.

10.5. It is reiterated that without a site for a telecommunications mast located in Murrisk, this area will have inadequate mobile voice and data services and will result in a large number of dropped/blocked calls on the Eircom network and this coverage is necessary as Murrisk is a very popular destination. Due to the nature and topography of the area it would not be possible to secure alternative sites that satisfies the broadband requirements of the area.

10.6. It is also stated that existing masts in proximity to Murrisk were investigated to ensure that there was no potential site for sharing opportunities. There are no existing communication structures within 2 kilometres of the proposed site that could accommodate coverage needs. The nearest installation is located 4.1 kilometres away.

10.7. A search area radius of 500 metres from the centre of Murrisk was examined to see if there was any commercial structure that could accommodate the proposed Eircom equipment that would provide the required coverage. It was found that there is no existing commercial structures in the area that can accommodate the required height and space for the Eircom equipment. The subject site is the only viable commercial site within the search area and the mast would be able to connect directly into the Exchange building which will provide fast speed broadband and mobile connectivity to the Eircom network. The application also facilitates co-location with other licensed mobile telecommunication operators. This will avoid the proliferation of such telecommunication infrastructures.

10.8. In terms of visual impact, it is argued that the slimline monopole structure was selected for this site in order to reduce the visual impact. The structure is of a design

and scale that would not be out of character or visually obtrusive within the village. It is argued that the proposal is not dissimilar in design to a lamp standard or traffic light pole which are commonplace throughout the area. It is argued that while the proposed structure would be visible from certain views, these views are intermittent and would not be detrimental to the overall amenity of the area. It is argued that the height and scale is consistent with the Telecommunications Guidelines of 1996.

- 10.9. A series of photomontages have been provided to demonstrate the visual impact arising from the proposal. The response makes reference to ABP308491-20 where the Board concluded that the proposed telecommunication mast in County Limerick would not be detrimental to the visual amenities of the area. Furthermore in the case of ABP307962-20, An Bord Pleanála granted planning permission for a telecommunication mast in close proximity to residential dwellings.
- 10.10. There is no evidence to suggest that the proposed development will in any way lead to a devaluation of property in the area. It is argued that telecommunications connectivity is regarded as an important utility service similar to water, electricity and gas and the provision of this valuable service may enhance property valuation.
- 10.11. Finally, it is argued that an appropriate assessment has been carried out in respect of the application and it is considered that the proposal will not have any significant adverse impacts on qualifying interests associated with the adjoining Clew Bay SAC.
- 10.12. On the basis of the above, An Bord Pleanála is respectfully requested to uphold the decision of Mayo County Council and grant planning permission for the proposed development.
- 10.13. Also submitted with the response was a series of photomontages depicting the visual impact arising from the proposed development and the Stage 1 Appropriate Assessment Screening Report originally submitted to the Planning Authority.

11.0 **Observation**

- 11.1. One observation was submitted by An Taisce. It states that the subject site is located in a highly scenic area in close proximity to Croagh Patrick, Clew Bay and the Wild Atlantic Way. There are several important heritage sites in the immediate vicinity including Murrisk Abbey and Graveyard, the National Famine Memorial and

Campbell's Public House a protected structure. For these reasons it is considered that the proposed development would be detrimental to the landscape amenity of the area. The Telecommunications Antenna Guidelines recommend clustering new masts where feasible.

- 11.2. It is therefore submitted that an alternative site should be sought in a less visually sensitive and prominent location and that clustering the proposed mast with existing masts in the wider area should be considered if possible.

12.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal and the applicant's rebuttal of the arguments put forward by the third-party appellants. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Visual Impact Issues
- Alternative Locations
- Other Issues

12.1. Visual Impact Issues

- 12.1.1. The Board are requested to agree that the subject site and its surroundings is located in an area that is visually sensitive. The site is located along a flat expanse of land on the southern side of Clew Bay which rises dramatically towards Croagh Patrick a very important cultural, religious and tourist destination nationally. It is noted that the Coast Road (R335) forms part of the Wild Atlantic Way. The R335 is also designated in the development plan as a scenic route and views northwards from the R335 towards Westport Bay (Clew Bay) in the vicinity of the site is designated as a highly scenic view. The sensitivity of the site and the surrounding area is therefore recognised in the designations contained in the development plan. The site is located in Policy Area 2 – lowland coastal zone. The landscape appraisal for County Mayo which forms part of the development plan notes in paragraph 2.16.1 *'that the vista of Croagh Patrick from Clew Bay and the north-west is a highly distinctive vista within County Mayo'*. With regard to Mayo County Council's policy in

respect of scenic routes, it is noted that the onus should be on the applicant when applying for planning permission to develop in the environs of a scenic route to demonstrate that there would be no obstruction or degradation of views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas. The R335 from the west of Kilsallagh and Lekanvey to Westport looking towards both Croagh Patrick and Clew Bay is designated as a highly scenic vista. It is noted that development in this area between the public road and the seashore should be subject to strict visual criteria. The Development plan notes that new development should only be considered where it can be demonstrated that it does not obstruct designated highly scenic vistas or alters or degrades the character of the surrounding landscape.

- 12.1.2. With regard to the landscape sensitivity, the matrix for visual sensitivity in the development plan notes that in Policy Area 2, communication masts have a 'high potential' to create an adverse impact on the existing landscape character. Having regard to the intrinsic physical and visual characteristics of the landscape area *'it is unlikely that such impacts can be reduced to a widely acceptable level'*, according to the sensitivity matrix. The sensitivity of the subject site is clearly recognised in the policies and provisions contained in the current Mayo County Council Development Plan.
- 12.1.3. The applicant in its response to the grounds of appeal acknowledges that the subject site is sensitive but argues that only intermittent views of the telecommunication mast would be apparent from the most visually sensitive receptors in the vicinity including Murrisk Abbey and the Famine Memorial both of which are located to the immediate west of the subject site. While this may be the case, it was apparent from my site inspection that the mast will be readily visible from certain vantage points in the vicinity of these locations. A more critical impact in my opinion would be the views northwards across Clew Bay from the ascent up Croagh Patrick. While the proposed mast is to be located amongst a cluster of residential buildings interspersed with mature woodland, the proposed telecommunication mast despite being only 15 metres in height would rise above the predominantly single storey dwelling and the canopy of the surrounding trees. There would in my opinion be uninterrupted views of the proposed telecommunication masts from vantage points along the Reek Passage northwards across Clew Bay. The proposed

telecommunication mast would therefore have a disproportionate effect on the existing character of the landscape in terms of its visual prominence over such a sensitive area. The proposed mast would in my view result in a degradation of views northwards towards Clew Bay from Croagh Patrick which is listed as a “highly scenic view”.

12.1.4. I acknowledge the applicant’s argument that the overall height of the mast in this instance at 15 metres is relatively modest. It is nevertheless a relatively large structure in the context of its immediate surroundings which primarily comprises of single storey and dormer building dwellings. Even the mature trees in the vicinity would not adequately screen the structure to any significant extent. The fact that the proposed mast comprises of a solid monopole structure and is somewhat squat and top heavy in appearance will in my view accentuate the adverse visual impact of the structure. I refer the Board to the photomontages submitted which in my view illustrate the bulky top heavy nature of the structure proposed. A slimmer and somewhat more elegant lattice type structure may assist in reducing the visual presence of the mast.

12.2. Alternative Locations

12.2.1. The applicant suggests that the subject site is the most appropriate location to provide the required coverage in the Murrisk area. It also has the added advantage of being located adjacent to an existing Eircom Exchange building. While it may be the most optimal location in order to serve technical requirements, I am not entirely satisfied that the applicant has explored other locations in the vicinity where the presence of a mast may not be so prominent. As already mentioned, the proposed telecommunication mast in such close proximity to the Reek Ascent up Croagh Patrick will result in a structure that will have a disproportionate effect on such a sensitive receiving environment. The proposed mast will be visible and prominent when looking northwards across Clew Bay from the more elevated vantage points on both the ascent and descent from Croagh Patrick. Views across Clew Bay and the associated islands within the Bay from elevated vantage points on Croagh Patrick are spectacular and there is no doubt that the panoramic views in question would be somewhat diminished by the presence of a 15 metre tall monopole in amongst predominantly single storey dwellings. Alternative sites in more extensive woodland areas on the southern side of the R335 both further west and further east may prove

to be somewhat less sensitive in visual terms while providing the area with sufficient broadband and mobile telephony coverage.

12.3. Other Issues

- 12.3.1. A number of other issues were raised in the grounds of appeal which in my view are not critical issues in determining the application and appeal were raised by the third party appellants and these are briefly commented on below.
- 12.3.2. While it is acknowledged that both the Assistant Planner and Senior Executive Planner sought to refuse planning permission for the proposed development. It is noted that this recommendation was overruled by the interim Chief Executive as the Chief Executive came to a different opinion based on a number of policy statements contained in the development plan which seek to encourage and improve telecommunications infrastructure within the county. The fact that the interim Chief Executive formed a different view based on policy statements contained in the development plan is in my view entirely appropriate.
- 12.3.3. Both third party appeals make reference to perceived inconsistencies in planning decisions. One third party appeal makes reference to the fact that planning permission was refused for a dwellinghouse in the vicinity which it is argued would have a lesser impact in visual terms than the proposed 15 metre high mast while the other third party appeal makes reference to other Board decisions in other counties where planning permission was refused for a similar type telecommunication infrastructure. References to other applications and decisions are in my view not strictly relevant to the current application before the Board. Decisions in relation to other applications have been determined on the basis of different development plan policy and a different nature and context relating to the receiving environment. Any decisions in respect of other applications in other areas are therefore not strictly relevant, germane or applicable to the unique set of circumstances relating to the subject application and appeal.
- 12.3.4. One of the third-party appellants also argues that the height and location of the structure could be deemed to cause an obstruction to a landing site for rescue helicopter in the adjacent National Famine Memorial grounds. It is not envisaged that a 15 metre high structure would cause an obstruction to the adjacent landing site.

Furthermore, the structure could be fitted with an appropriate warning light if deemed appropriate or necessary.

- 12.3.5. With regard to trip generation to and from the site it is acknowledged that there is currently no vehicular entrance serving the subject site. However, any reference to an existing vehicular entrance should not in my view be considered fatal to the overall application. Furthermore, I am generally satisfied that the level of trip generation to and from the proposed telecommunications structure would not be so significant as to give rise to traffic problems on the contiguous road network.
- 12.3.6. Having regard to the modest nature of the proposed development and the separation distance between it and Murrisk Abbey which is located over 300 metres away, it is not considered that the proposed development will impact on bat habitats in the area.
- 12.3.7. One of the third-party appellants and the observation contained on file suggests that the applicant in this instance could possibly co-locate with existing telecommunication structures in the wider area. The applicant has indicated that there are no telecommunication masts in the vicinity which would adequately serve the area required. The nearest telecommunication mast is located at Leckanvy which is c.4 kilometres away. Having inspected the subject site and its immediate surrounds, I did not observe any other mast structure in the area that might be suitable for co-location.

13.0 Appropriate Assessment

- 13.1. I note that by way of additional information Mayo County Council requested the applicant to provide a screening for appropriate assessment. This document was submitted with the further information on 17th December, 2020.
- 13.2. The document correctly identified in my view that the only Natura 2000 site in the vicinity that could potentially be affected by the proposed development is the Clew Bay Complex SAC (Site Code: 001482). At its closest point this Natura 2000 site is located approximately 340 metres from the subject site. The qualifying interests associated with the SAC which are located in close proximity to the subject site (i.e. within 340 metres) include:

- Mudflats and sandflats not covered by sea water at low tide, (1140).
- Large shallow inlets and bays (1160).
- Atlantic Salt Meadows (1330). The area around the shoreline in the vicinity of the site is also a commuting area for otters.

13.3. Having regard to the modest nature of the proposed development which involves the erection of a mast on a concrete plinth 3.4 metres by 3.4 metres together with the separation distance between the subject site and the SAC it is reasonable to conclude that the proposed structure will have no adverse impacts on the designated habitats in closest proximity to the site nor will it in any way adversely affect the shoreline habitat associated with the otter. I would therefore agree with the conclusions reached in the AA screening report that there will be no direct, indirect or cumulative impacts arising from the proposed development on the Galway Bay Complex SAC (Site Code: 001482).

13.4. Therefore, the proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). Having carried out a screening for appropriate assessment it is being concluded that the proposed development individually or in combination with other plans and projects would not be likely to have a significant effect on European Site (Site No. 001482) or any other European site in view of the site's conservation objectives, and an appropriate assessment is therefore not required. This determination is based having regard to the modest nature of the proposed development and the distance of the proposed development from European sites and the lack of meaningful connections between the subject site and the designated Natura 2000 site. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects on the project on a European site.

14.0 **Conclusions and Recommendation**

Arising from my assessment above therefore I recommend that the Board overturn the decision of Mayo County Council and refuse planning permission for the proposed development based on the reasons and considerations set out below.

15.0 Reasons and Considerations

The proposed development being located in a sensitive location on a designated scenic route with designated highly scenic views northward towards Clew Bay would be contrary Policy Objective TC-02 of the current Mayo County Council Development Plan where it is an objective of the Council to locate telecommunication masts in non-scenic areas, having regard to the Landscape Appraisal of County Mayo, the proposed development would therefore degrade the character of the surrounding landscape and seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

1st September, 2021.