



An
Bord
Pleanála

Inspector's Report ABP-310618-21

Development	Construction of a 24m monopole telecommunications structure and associated works.
Location	Carrick Hill, Breaghwy, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20/513
Applicant(s)	Shared Access Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party vs. Grant
Appellant(s)	John & Brigid McNamee
Observer(s)	None
Date of Site Inspection	30 th September 2021
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1.** The appeal site is located in the rural area of Carrick Hill to the east of the village of Breaghwy. It adjoins the northern side of the N60 National Secondary Road and is approximately 500m to the southeast of Breaghwy village, which includes sports/community facilities, a school, a church, and commercial uses. The Breaffy House and Breaffy Woods hotels are located to the south of the village. The site is approximately 3km to the east of Castlebar. The land immediately surrounding the site is generally undeveloped and of rural character. There are some clusters of detached dwellings in the wider surrounding area, including Roemore village to the north.
- 1.2.** The site is of an irregular shape (stated area of 191m²) and would be annexed from a larger agricultural holding. It is relatively flat and at a lower level than the adjoining road. The northeast and southeast site boundaries are notional and yet undefined. The site adjoins the existing agricultural entrance gate to the N60 road to the southwest. It is bounded to the northwest by the East Roemore stream and a dense line of mixed mature trees/hegdes. A shallow surface water pathway runs across the site in a southeast-northwest direction to the East Roemore stream.

2.0 Proposed Development

- 2.1.** The proposed development comprises the erection of a 24m high monopole telecommunications structure to support antennae for use by Eir and other operators. In summary, the proposed development also includes the following:
- Up to 9 no. antennae and 3 no. dishes for up to 3 no. operators.
 - A 2.4m high palisade fence compound will be surrounded by 1m high stockproof fencing.
 - Ground based metering/operator cabinets will be provided for the proposed and future operators.
 - A gravel access track and turning circle will be constructed and the existing N60 road entrance will be widened from 2.9m to 4m.
 - Power supply will be connected from the existing ESB lines to the east.

- 2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by a Planning Statement including details of coverage requirements and technical justification, a Landscape and Visual Impact Assessment including photomontages, a Radio Emissions Statement, a Construction Management Plan, and letters of support from Eir and Vodafone. Following the Planning Authority's further information request, an Appropriate Assessment Screening report and a Natura Impact Statement were also submitted.

3.0 Planning Authority Decision

3.1. Decision

By order dated 26th May 2021, Mayo County Council (MCC) issued notification of the decision to grant permission subject to 7 generally standard conditions. Condition no. 5 states that no material change of use of the mast shall be made without planning permission. Condition no. 6 requires the removal of the structure and reinstatement of the site when it is no longer required.

3.2. Planning Authority Reports

Planner's Reports

- 3.2.1. The initial report of the Planning Officer (16th September 2020) noted the receipt of one written submission and recommended that additional information was required in relation to the following:
- The location of the site adjacent to a watercourse that links to the River Moy SAC and the need to submit an assessment under Article 6 of the EU Habitats Directive.
 - Clarification on whether consent is needed from the OPW under the Arterial Drainage Acts 1945 and 1995 for works affecting the existing watercourse on site.
 - Clarification of the reference in the Construction Management Plan to an extension of an existing telecommunications mast.

3.2.2. The Planning Authority subsequently issued a request for further information (18th September 2020) to address the issues raised in the Planner's Report. Following the applicant's response (including a Natura Impact Statement) and readvertisement of the application as per Article 35 of the Planning and Development Regulations 2001 (as amended), the final planner's report can be summarised as follows:

- The proposed development will assimilate with the existing trees and ESB lines surrounding the site and can be accommodated without any adverse visual concerns.
- Access to the N60 road is in accordance with Section 2.6.2 'Exceptional Circumstances' as set out in the Spatial Planning and National Roads Guidelines (2012). The MCC Regional Design Office has no issues and their jurisdiction in relation to this road would supersede the concerns raised by the Area Engineer and Road Design.
- The proposed development is in accordance with the Infrastructure Strategy and Section 55 'Telecommunications' as per the Development Plan.
- An Appropriate Assessment Report is attached which concludes that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European Sites, provided that the mitigation measures contained in the NIS are implemented.
- It is recommended to grant permission subject to conditions and this forms the basis of the MCC decision.

Other Technical Reports

3.2.3. Road Design Section: There are two reports on file (both dated 14th September 2020 and countersigned on 17th September 2020). One report recommends refusal on the basis that the proposal would contravene materially CDP objectives to restrict access to national roads outside the 60km/h speed limit; that it would set a precedent for a proliferation of similar developments; and that it would be contrary to national policy to maintain the capacity and safety of national roads. The other report recommends that, if granted, conditions should apply in relation to the access road construction and surface water drainage.

- 3.2.4. Area Engineer: Email reports of 28th August and 7th September 2020 recommend refusal based on the opinion that the provision of a new opening onto a national road where the maximum speed limit applies would present a traffic hazard.
- 3.2.5. Regional Design Office: No issues from a road safety perspective and no objections to granting of this application.
- 3.2.6. Broadband Office: Although no report is on file, the Planner's report states that no concerns were raised in email correspondence.
- 3.2.7. A/Senior Planner: Having consulted with the A/Senior Executive Engineer in the Environment, Climate Change and Agriculture Section, no further analysis is required in relation to Flood Risk.

3.3. Prescribed Bodies

None.

3.4. Third-Party Observations

One third-party objection was received from the appellants (John & Brigid McNamee). In summary, it raises the following concerns:

- Health concerns relation to Electro-Magnetic-Frequency-Radiation.
- The proposal does not comply with Development Plan policy to locate such infrastructure in forested areas in rural areas.
- The proposal will visually impact their surrounding view and seriously devalue their property.
- The proximity of the site to an ESB 110KV powerline has not been mentioned in the planning application.
- The location of the site on a very busy road that is poorly aligned and close to a dangerous junction.
- No development has been permitted along this road and this should not change for a commercial company.

- The site is subject to flooding on an annual basis and the development will make flooding worse.
- The applicant's details of alternative sites have not mentioned previous unsuccessful attempts to locate on their property.

4.0 Planning History

None.

5.0 Policy & Context

5.1. National & Regional Policy/Guidance

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. For rural Ireland, it states that broadband is essential enabling infrastructure that affords rural communities the same opportunities to engage with the digital economy as it does to those who live in our cities and towns. National Policy Objective 24 aims to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.

NWRA Regional Spatial & Economic Strategy 2020-2032

- 5.1.2. Section 6.5 of the RSES deals with 'Broadband Connectivity' and highlights the importance of improving coverage in rural areas. Regional Policy Objective (RPO) 6.36 supports the roll-out of the National Broadband Plan. Section 6.6 deals with the 'Smart Region' and RPO 6.52 aims to facilitate infrastructural needs, including immediate priorities for access to ultra-fast and rural broadband initiatives.

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

- 5.1.3. These guidelines, hereafter referred to as the Telecommunications Guidelines, set out the criteria for the assessment of telecommunications structures. Section 3.2 sets out that an authority should indicate in their Development Plan an acceptance of the importance of a high-quality telecommunications service, as well as 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.
- 5.1.4. Section 4.3 outlines that the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. The sharing of installations and clustering of antennae is encouraged, as co-location would reduce the visual impact on the landscape according to Section 4.5 of the Guidelines.

Circular Letter PL07/12 – Telecommunications Antennae and Support Structures

- 5.1.5. Issued in 2012, this Circular Letter revises elements of the 1996 Guidelines. In summary, the revisions are as follows:
- Temporary permissions should only be used in exceptional circumstances where particular site / environmental conditions apply.
 - Separation distances between telecommunication structures and sensitive receptors should not be incorporated into statutory plans.
 - Bonds for the removal of structures should not apply.
 - A register of approved structures should be maintained.
 - Clarification that Planning Authorities do not have competence to assess health and safety matters as these matters are regulated by other codes.

Spatial Planning and National Roads - Guidelines for planning authorities (2012)

- 5.1.6. These guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated

junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages. The guidelines aim to facilitate a well-informed, integrated and consistent approach that affords maximum support for the goal of achieving and maintaining a safe and efficient network of national roads in the broader context of sustainable development strategies, thereby facilitating continued economic growth and development.

The Planning System and Flood Risk Management Guidelines (DoEHLG, 2009)

- 5.1.7. The Guidelines require the planning system to avoid development in areas at risk of flooding unless appropriately justified and mitigated; adopt a sequential approach based on avoidance, reduction and mitigation; and incorporate flood risk assessment into the decision-making process.

5.2. Mayo County Development Plan 2014 to 2020

- 5.2.1. The operative plan for the area is the Mayo County Development Plan 2014 - 2020, the lifetime of which has been extended in accordance with the provisions of sections 11(1)(b) and 11D of the Planning and Development Act 2000 (as amended).

Economic Development

- 5.2.2. The Economic Development Strategy recognises that in order to grow a culture of enterprise in the County and to attract new enterprise into the County, it is imperative that Mayo is an attractive place to encourage people to live, work and invest in, and most importantly that the infrastructure in the County is of high standard that allows Mayo to be competitive. In this regard there needs to be an emphasis on several key issues, including continued investment in telecommunications including high speed broadband.

Infrastructure

- 5.2.3. The aim of the Infrastructure Strategy is to maintain and provide key infrastructure and to work with other agencies in the provision of infrastructure to attract new business investment and people. Objective RD-01 aims to protect the capacity and safety of the national road network and ensure compliance with the Spatial Planning and National Roads Planning Guidelines.

- 5.2.4. Relevant Information and Communications Technology policies/objectives can be summarised as follows:

TC-01 Support and facilitate the delivery of high capacity ICT infrastructure, broadband networks and digital broadcasting having regard to the Government Guidelines and 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.

TC-02 Locate telecommunication masts in non-scenic areas, having regard to the *Landscape Appraisal of County Mayo*, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures.

TC-03 To set up a register of approved telecommunication structures in the County to assist in the assessment of future developments, mast sharing and co-location

Environment, Heritage & Amenity Strategy

- 5.2.5. Section 4 of the Plan aims to ensure that the County is developed in a manner that does not compromise the value of its natural and cultural resources. Relevant policies and objectives can be summarised as follows:

FS-01 Restrict inappropriate development in areas at risk of flooding.

WQ-01 Implement the Western River Basin District Management Plan Water Matters 2009-2015 to ensure the protection, restoration and sustainable use of all waters in the County and to restrict development likely to lead to deterioration in water quality or quantity.

LP-01 & LP-02 Recognise and facilitate, through the Landscape Appraisal of County Mayo, appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.

VP-01 Ensure that development does not adversely interfere with protected views and prospects.

NH-01 Protect, enhance, conserve and, where appropriate restore designated sites, species and other features of natural heritage value.

NH-03 Implement the appropriate assessment provisions of the Habitats Directive.

5.2.6. Volume 2 of the Plan sets out planning guidance and standards for development in the county. Relevant sections can be summarised as follows:

- Section 38 'Access' outlines that road infrastructure shall allow for the safe and efficient movement of vehicles and pedestrians. National Road access points shall be kept to a minimum and shall provide safe ingress/egress for vehicles and pedestrians/cyclists. The provisions of Sections 2.5 and 2.6 of the Spatial Planning and National Roads Guidelines will be applied and access visibility requirements are also outlined.
- Section 55 recognises the importance of telecommunications structure and outlines the criteria for assessment of such proposals. In general, developments will only be permitted where it can be demonstrated that it will not adversely impact on residential amenities, populated community facilities, or the environment.

5.3. Natural Heritage Designations

The nearest Natura 2000 site is the River Moy SAC (Site Code 002298) located c. 2km to the east of the appeal site. There are no other Natura 2000 sites within 5km of the appeal site.

5.4. Environmental Impact Assessment

The development is not of a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Accordingly, I am satisfied that EIA or EIA screening is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of MCC to grant permission has been appealed by John & Brigid McNamee of Roemore, Breaffy. The grounds of appeal can be summarised under the following headings:

Coverage and Sharing/Co-location

- Both Eir and Vodafone operated on a site 700m from the appeal site at Breaffy House Hotel.

Flooding

- The OPW Past Flood Event Summary Report indicates that the site is subject to previous flooding.
- The MCC interactive map on zoning and flooding clearly identifies the site in Flood Zone A and B. According to the County Mayo SFRA (2020), this indicates a high/moderate probability of flooding.
- The OPW Drainage Map identifies the site beside an Arterial Drainage Scheme Channel and that the site is Arterial Drainage Scheme Embankments, Arterial Drainage Scheme Benefited Land and bog land.
- The appellants' experience is that the stream overflows on a yearly basis and flooding has increased with surrounding development over the years. The proposed development will further add to this flooding.
- The preliminary flood risk assessment report by MCC refers to the appeal site being within the Charlestown AFA. This is incorrect and therefore the planning process is flawed.

Surrounding development

- The application documents have understated the extent of development in the surrounding area. The appellants' homestead is the nearest dwelling and has living/sitting room windows facing the appeal site. The existing vegetation will not block the view of the proposed structure.
- The site is within the village of Breaghwy and close to its various facilities. The proposal goes against the government guidelines for telecommunications structures (1996) which state in section 4.3 that '*only as last resort should a free standing mast be located within or in the immediate surrounds of a smaller towns or villages*' (sic).
- Contrary to the applicant's statements, there is a pedestrian pavement along the N60 road.

Roads

- Objective RD-01 and section 16.1.2 of the Development Plan seek to protect the capacity and safety of national roads and to apply the provisions of the Spatial Planning and National Roads Guidelines.
- The appeal highlights concerns raised in MCC reports and contends that the proposal does not merit 'exceptional circumstances' under the Spatial Planning and National Roads Guidelines.
- A photograph is included showing the location of the access and the alignment of the N60 road.

Appropriate Assessment Screening

- Screening was carried out in December 2020 which is not the optimal time of the year.
- The River Moy SAC site is important for the presence of four other species listed on Annex II of the Habitats Directive, namely Sea Lamprey, Brook Lamprey, Otter, and Whiteclawed Crayfish. The sea Lamprey is regularly encountered around Ballina, while the Otter and Whiteclawed Crayfish are widespread throughout the system.
- The appeal also highlights other notable species and habitats (including 'lowland hay meadow') found within the River Moy SAC site.
- December is not the correct time of year to assess invasive species and the AA screening only took cognisance of the NBDC database and not the MCC database in relation to invasive species.

Other Issues

- The submission highlights the ICT provisions of the Development Plan including section 55 of Volume 2 and objectives TC-01 and TC-03.
- The appeal highlights objectives WQ-01 and NH-01 of the Development Plan relating to water quality and natural heritage.
- The Construction Management Plan incorrectly refers to the extension of an existing telecommunications mast.

- Breaghwy is a beautiful village where there are heavily wooded areas away from residences that are ideal for this type of development, similar to current masts in Breaffy house hotel and in accordance with the recommendations of national guidelines.

6.2. Observations

None received.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The operator is currently utilising the rooftop of the Breaffy House Hotel site and is looking to vacate for increased height and improved coverage/technologies for the target area. Paragraph 6.20 of the applicant's Planning Statement has already addressed the reasons for discounting this and other sites, and it is reconfirmed that the upgrade of the existing Breaffy House Hotel site is not feasible on structural and visual grounds.
- The MCC assessment makes it clear that no further flood risk analysis is required and condition no. 3 of the MCC decision ensures that surface water drainage will be adequately addressed.
- The site is not within a substantial settlement by any practical measure.
- The applicant has comprehensively assessed the visual impact of the development and this has been deemed acceptable by the planning authority.
- MCC highways engineers raise no objection to the alterations to the existing entrance and a condition has been attached to secure safe access arrangements. The construction phase (4-6 weeks) will be governed by a CMP and the operational phase would involve only 2-3 maintenance visits per year.

- The CMP reference to an existing telecommunications mast is a typographical error.
- The AA Screening report sets out a detailed methodology and there is no suggestion that the carrying out of an assessment in the winter months is sub optimal.
- The applicant agrees with the appellant's preferred means of The Board considering the appeal and that an oral hearing is not required.

7.0. Assessment

7.1. Introduction

7.1.1. Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- The principle of the development
- Visual Impact
- Traffic
- Flooding
- Appropriate Assessment

7.2. The principle of the development

7.2.1. The proposal is for a multi-user telecommunications structure that would host antennae and dishes to improve the 2G, 3G and 4G network coverage and capacity along the N60 road corridor and surrounding areas. This is clearly supported by national, regional and local planning policies which seek to improve telecommunications infrastructure in rural areas in the interests of improved connectivity and economic development.

Need and Justification

7.2.2. Section 6 of the applicant's Planning Statement addresses the need and justification for the proposed development, including details of alternative locations and mast-sharing options. In summary, it outlines the following:

- The scheme will provide improved coverage and capacity to an area that has identified deficits in coverage and digital connectivity.
- ComReg Outdoor Mobile Coverage Maps for 4G for both Eir and Vodafone show that coverage around the site is generally poor (particularly for Eir) and is inadequate for indoor users and road users.
- Eir radio planners have provided proposed coverage plots and a technical justification to show the benefits of the planned coverage expansion.
- In addition to physical coverage, the proposal would provide much-needed improved capacity and throughput.
- The cell search area has been defined taking into account the need to improve coverage in surrounding areas and along transport corridors, and centres around the Breaffy House Resort where an installation already provides coverage for the operators.
- Details are provided of alternative locations considered and the reasoned justification for not progressing these options. It acknowledges that the operator is currently using the rooftop of Breaffy House Resort but outlines that they are looking to vacate to provide increased height and improved coverage of the target area. Options to for an increased rooftop height or standalone feature at this location were deemed unsuitable.

7.2.3. I have reviewed ComReg's online Outside Coverage Map for the area and I note that the rating for Vodafone 4G coverage ranges from 'very good' to 'good', while those for Eir are described as only 'fair' or 'fringe'. I accept the applicant's points that these maps do not account for indoor coverage and that network capacity is another important consideration in addition to coverage. Furthermore, I note that the proposed development would enable other operators (other than Eir and Vodafone) to potentially improve their coverage and capacity at this location. Some parts of the applicant's Planning Statement relating to predicted coverage and technical

justification (i.e. Appendix 3 and 4) appear to be missing from the file documents. However, the maps comparing indoor coverage for the area with and without the proposed development are included and this demonstrates that the proposed development would result in significant coverage improvements. Accordingly, having regard to the existing network deficiencies and the increasing demands for mobile and internet data services, I am satisfied that a justification has been established for improved services in the area.

Mast-Sharing and Alternatives

- 7.2.4. I note that the Development Plan and the Telecommunications Guidelines encourage the co-location of antennae on existing support structures and masts. They acknowledge that sites will be chosen in the interests of good quality coverage taking into account topography, population, and other criteria, and accept that in some instances may not be technically possible to share facilities. I have reviewed the ComReg Site Viewer, which shows the location of existing masts in the area, and I note that the nearest site is the existing installation at Breaffy House Resort. There are no other sites within c. 2.5km of the appeal site. The applicant acknowledges that the operator is currently using the Breaffy House site but outlines that increased height is required to improve coverage. The applicant contends that the required height increase would have dangerous structural implications for the existing rooftop location and that the provision of a new standalone mast structure would introduce a stark and strident feature within the wider hotel complex. I have visited the existing Breaffy House site, and I would agree that a structure of the scale required would be inappropriate having regard to the heritage of the site and its current tourism use.
- 7.2.5. In addition to existing structures, the applicant has also outlined details of 6 other potential sites that were investigated. The report outlines that attempts were unsuccessful due to a variety of reasons including local objection, lack of interest, lack of space, and overhead obstructions. Accordingly, I am satisfied that the applicant has been proactive in assessing suitable alternative locations and that there are no suitable existing structures for sharing within the 'cell search' area surrounding the appeal site. I consider that the applicant's motivation for the construction of a new mast is reasonable and that it provides for future co-location of other operators, thus reducing the need for further separate structures in the future.

Location

- 7.2.6. I note that the Development Plan (Section 55.3) outlines general criteria for the location of telecommunication antennae, including the proximity to residential areas, schools, rural houses and smaller towns and villages, and the potential for location in forested areas in rural areas. The Telecommunications Guidelines states that only as a last resort should masts be located within or in the immediate surrounds of smaller towns or villages, or in a residential area or beside schools.
- 7.2.7. While I note that Breaghwy is quite a dispersed settlement and that there are clusters of housing in the surrounding area, including 'Roemore Village' to the north of the appeal site, I am satisfied that the proposed location is not within or in the immediate surrounds of Breaghwy village. The site is c. 500 metres from the identifiable village settlement and is adequately distanced from the surrounding community facilities. And despite the sporadic concentrations of houses in the wider surrounding area, I consider that the appeal site is in a rural location and not a 'residential area'.

Conclusion

- 7.2.8. Having regard to the above, I consider that the proposed development would be consistent with national, regional and local planning policy to support telecommunications infrastructure in this rural area. I have considered the applicant's justification for the proposed development and I am satisfied that reasonable attempts have been made to share or co-locate the proposed development with other structures. In the absence of a suitable site for sharing and the particular coverage deficiencies that exist, I would have no objection to the principle of the proposed development at this location.

7.3. Visual Amenity

- 7.3.1. CDP Objective TC-02 seeks to locate telecommunication masts in non-scenic areas, having regard to the *Landscape Appraisal of County Mayo*, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures. The CDP Landscape Appraisal of County Mayo sets out four Principal Policy Areas (shown on Map 3A Landscape Protection Policy Areas) and a Landscape Sensitivity Matrix (Figure 3), which outlines the suitability of certain

classes of development within each policy area. The appeal site is in Policy Area 4 – Drumlins and Inland Lowland, the area of lowest landscape sensitivity. The landscape sensitivity matrix indicates that “Communication Masts” have low potential to create adverse impacts on the existing landscape character and that such development is likely to be widely conceived as normal and appropriate unless siting and design are poor. The adjoining road is not a designated ‘Scenic Route’ and the site is not affected by any views to be preserved as identified in ‘Map 4’ of the Development Plan. There are no protected structures or national monuments in the vicinity of the site.

- 7.3.2. The application includes computer generated images of the visual impact of the proposed development. On this basis, the applicant’s Planning Statement contends that the landscape has the capacity to absorb large infrastructural development as evidenced by the N60 and associated structures, and that the existing trees to the northwest (8-10m high) will screen the lower parts of the development. It states that no residential properties would experience high levels of visual impact and that the distance between the development and any CDP designated views would ensure that the impact would be ‘imperceptible’.
- 7.3.3. Following a site visit and examination of the appeal drawings and images, I would acknowledge that the proposed c.24m high structure would be visible from several points in the local vicinity, including on the N60 approach road. However, having regard to the relatively slimline monopole design of the structure, the presence of existing ESB poles adjoining the site, and the tree screening provided to the northwest and in the wider surrounding area, I would consider that these factors mitigate any significant visual impacts. The surrounding area, being of an undulating terrain with intermittent vegetation, is fairly typical of the type of landscape in Policy 4 area. The site is not a designated scenic area, and I would consider that it reasonably falls within the category of a ‘non-scenic’ area where masts should be accommodated in accordance with objective TC-02 of the CDP. While I accept that the mast will be visible in near distance views, I consider that, in the context of its strategic role in the provision of infrastructure and the local and national policies that support such development, the proposed development would not have an unreasonable or unacceptable impact on the local landscape.

- 7.3.4. I note that the appellants' house would be located c. 100m to the northwest of the proposed structure and that other dwellings would be located slightly greater distances to the north, south and southeast. However, having regard to the significant separation distances involved and the presence of significant vegetative screening, I do not consider that the scale and height of the proposed development would result in any unacceptable overbearing visual impacts for any of the surrounding dwellings.

7.4. Traffic

- 7.4.1. It is proposed to widen the existing field entrance to provide a new access track to the proposed development from the N60 National Secondary Road. The existing entrance consists of an agricultural gate and there is a grass verge between the gate and the edge of the road carriageway. The N60 consists of a single carriageway road with no 'hard shoulder', although there is a gravelled pedestrian path along its southern side. The 100km/h speed limit applies along this section of the road.
- 7.4.2. Section 38 (Vol. 2) of the CDP states that no new non-residential accesses or development that generates increased traffic from existing accesses onto National Roads outside the 60km/hr speed limits shall be permitted in accordance with Section 2.5 of the Spatial Planning and National Roads Guidelines. It goes on to support the less restrictive approach that may be applied to development of national or regional strategic importance in accordance with Section 2.6 of the Guidelines, which acknowledges that the nature of some developments may be most appropriately located outside urban areas. Such proposals must be in accordance with national and regional policy/guidance. Having regard to the aims to improve digital connectivity as outlined in the NPF and the Regional and Spatial Strategy for the NWRA area, I consider the proposal to contribute to improved telecommunications coverage comes under the scope of national and regional importance.
- 7.4.3. In considering the further criteria outlined in Section 2.6 of the Guidelines, I consider that the proposed development would support the aims and objectives of the NPF and the Regional and Spatial Strategy for the NWRA area regarding improved telecommunications infrastructure, and would be in accordance with the Telecommunications Guidelines which discourage the location of masts within

smaller towns and villages (i.e. within the 60km/hr speed limit). I would accept the applicant's contention that the proposed development would generate minimal volumes of traffic and I consider that there would be negligible implications for the safety, capacity and efficient operation of this national road. Furthermore, I do not consider that a precedent would be set that would have significant implications for the national road network and any future proposals would be dealt with on their merits. Accordingly, I consider that the 'exceptional circumstances' principles of Section 2.6 of the Guidelines should be applied in this case and I would have no objection in principle to an access for the proposed development at this location.

- 7.4.4. I note that there were no observations from the TII. And while some internal reports within MCC recommended refusal of the development on road capacity/safety grounds, the Planning Authority ultimately decided that this national road is under the 'jurisdiction' of the 'Regional Design Office' and accepted their opinion that there was no objection to the proposal. Having inspected the site, I consider that there are relatively good sight distances from the proposed entrance for approximately 150m in both directions. I would accept the applicant's argument about the limited extent and duration of construction traffic, and that operational traffic would be limited to a negligible number of maintenance visits. Accordingly, I do not consider that the proposed development would adversely impact on the capacity or safety of the adjoining N60 National Road and that the proposed development should be accommodated in accordance with the Spatial Planning and National Road Guidelines.

7.5 Flooding

- 7.5.1. As per the MCC A/Senior Planner report of 1st September 2020, it is clear that the Planning Authority reviewed several planning applications and decided that no further flood risk analysis was required in this case. I acknowledge that the report refers to the Charlestown AFA and the appellant contends that this forms an incorrect basis for the analysis. However, it is clear to me that the Charlestown AFA reference relates to an entirely different application and has not compromised the Planning Authority's assessment in this respect.

- 7.5.2. I have reviewed the OPW flood mapping for the area (www.floodinfo.ie) and I note that it does not indicate any past flood events for the site. However, the National Indicative Fluvial Mapping does indicate that the site is partially within the 'medium probability' flood area and wholly within the 'low probability' flood area. This data shows the modelled extent that might be flooded by rivers during a theoretical event, rather than information for actual floods that have occurred in the past. It is based on the 'Present Day Scenario' which was generated using methodologies based on historic flood data, without taking account of potential climate change effects. The data has been produced for catchments greater than 5km² in areas for which flood maps were not produced under the National CFRAM Programme.
- 7.5.3. I note the flood information sources referenced by the appellant and that the Strategic Flood Risk Assessment included in the Draft Mayo County Development Plan 2021-2027 shows that the appeal site is within the indicative Flood Zones A and B, the extents of which largely coincide with the OPW flood mapping discussed in the previous paragraph. I also note that, according to OPW drainage mapping, the adjoining stream to the northwest was included in the Arterial Drainage Schemes/Drainage Districts and that the site is located within the 'Benefited land' that was drained as part of these schemes.
- 7.5.4. Section 3.5 of the applicant's Planning Statement contends that the site is not shown to be at risk of flood events according to OPW mapping and that existing drainage arrangements will not be affected by the proposed development. The applicant's response to the appeal simply points to the MCC opinion that no further flood risk analysis is required and states that condition no. 3 of the MCC decision ensures that surface water drainage will be adequately addressed.
- 7.5.5. Having regard to the evidence of historical drainage/flooding issues on these lands and the low-lying nature of the lands in close proximity to the East Roemore stream, together with the OPW Indicative Fluvial Mapping, I am satisfied that a 'medium probability' (i.e. 1-in-100 or 1% AEP) and 'low probability' (i.e. 1-in-1000 or 0.1% AEP) flood risk applies to the appeal site. The Flood Risk Guidelines define 'Flood Zone B' as being where the probability of flooding from rivers is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100) and, accordingly, I am satisfied that the appeal site is within this moderate zone (i.e. Flood Zone B).

- 7.5.6. In addition to considering flood zones, the Flood Risk Guidelines outline that the nature and vulnerability of the proposed development must also be considered. In this respect Table 3.1 of the Guidelines outlines the 'Vulnerability Class' which applies to various uses and types of development. Telecommunications infrastructure is not specifically mentioned in this section and therefore its vulnerability rating cannot be easily categorised. I note that the 'Highly Vulnerable' class includes *'essential infrastructure such as primary transport and utilities distribution, including electricity generating power stations and sub-stations, water and sewage treatment, and potential significant sources of pollution (SEVESO sites, IPPC sites, etc.) in the event of flooding'*. While the proposed development has an acknowledged importance as part of the wider telecommunications coverage network, I do not consider that the nature of the development fits within the description of 'essential infrastructure' as described in the guidelines. It is not of an 'essential' nature such as water and power infrastructure, and it must also be acknowledged that the scope of the development involves only localised impacts. Accordingly, I consider that the proposed development should be considered as a 'less vulnerable development' such as the 'secondary' utilities infrastructure described in section 3.5 of the Guidelines.
- 7.5.7. In terms of design and layout, I would also highlight that the critical services associated with the proposed development (i.e. antennae and dishes etc) will be elevated above ground level and unaffected by flooding. And while I acknowledge that the development includes ground level electricity and operator facilities/cabinets, I would say that such electrical services would be common to most development types and should not alone render the proposed development 'highly vulnerable'. I am satisfied that appropriate measures could be installed to satisfactorily address the risk of electrical damage during a flooding event and that this could be agreed by condition in the event of a grant of permission.
- 7.5.8. Having established that the proposed development would constitute a 'less vulnerable use' within 'Flood Zone B', the application of Table 3.2 of the Guidelines would confirm that the proposed development would be 'Appropriate' from a flood risk perspective. The site area is quite limited (191m²), and the majority of the site will be surfaced as a permeable gravel track. The concrete foundation for the

monopole structure is even more limited in area (c. 36m²). Therefore, having regard to the limited scale of the development, I am satisfied that suitable surface water measures can be installed to ensure that the risk of flooding is not increased elsewhere. Accordingly, I would have no objection to the proposed development from a flood-risk perspective.

8.0 Appropriate Assessment

The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.

8.1. Background to the application

8.1.1. The applicant has submitted an Appropriate Assessment Screening report and a Natura Impact Statement (including an updated Screening report) as part of the planning application. They have been prepared by JBA Consulting. The AA Screening Report provides a brief description of the proposed development and identifies European Sites within a possible zone of influence (in this case 5km radius) of the development. It identifies only one Natura 2000 site within the zone of influence (River Moy SAC) and concludes that the works are likely to have significant effects, either alone or in combination with other plans/projects on the River Moy SAC. The following potential impacts have been identified:

- Impacts via surface water pathway due to sediment and pollutant run-off entering the East Roemore stream, a tributary of the River Moy, and
- Impacts via land pathway due to visual and noise disturbance upon Otter. If works are delayed and enter the Autumn/Winter months, artificial lighting may be required during the construction phase and could cause visual disturbance to Otter.

8.1.2. Given that the applicant concluded that an Appropriate Assessment (Stage 2) was required, a Natura Impact Statement was submitted to the Planning Authority. The NIS concludes that, provided the avoidance and mitigation measures suggested are implemented in full, it is not expected that the proposed development will have a

significant adverse impact on the River Moy SAC or any other Natura 2000 site. The following mitigation measures are proposed in the NIS:

- A Construction Environmental Management Plan (CEMP) should be prepared to address any artificial lighting and to define the project-specific environmental measures that will be followed to prevent negative impacts on the SAC.
- Pollution Control and Spill Prevention measures will be implemented

8.1.3. The Planning Authority has noted the submission of an NIS and proceeded to make a decision to grant permission subject to conditions.

8.1.4. Having reviewed the documents, drawings and submissions included in the appeal file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.1.5. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

8.2 Brief description of the development

As previously outlined, the proposed development includes the installation of the telecommunications structure and associated antennae, the erection of fencing and equipment cabinets, and the construction of a vehicular access track. The site is within an undeveloped agricultural field and the applicant's reports indicate that there are no records of protected or invasive non-native species within the site. I have no objection to the timing of the applicants surveys and reports.

8.3 Submissions and observations

The third-party appeal raises issues in relation to Appropriate Assessment as follows:

- The applicant's assessments (December 2020) were not carried out in the optimal time of the year and did not take account of the MCC database of invasive species.

- The River Moy SAC site is important for the presence of four species listed on Annex II of the Habitats Directive, namely Sea Lamprey, Brook Lamprey, Otter, and Whiteclawed Crayfish. The sea Lamprey is regularly encountered around Ballina, while the Otter and Whiteclawed Crayfish are widespread throughout the system.
- Other notable species and habitats (including 'lowland hay meadow') are found within the River Moy SAC site.

8.4 European Sites

8.4.1 The development site is not located in or immediately adjacent to a European site. The applicant's scoping exercise defines a zone of influence comprising a radius of 5km from the application site. A summary of the only European Site that occurs within the screening zone of influence is presented in the table below.

European Site (Code)	List of Qualifying Interests / Special conservation interest	Distance from proposed development (km)	Connections (source, pathway, receptor)
River Moy SAC (002298)	Raised Bog (Active), Degraded Raised Bog, Rhynchosporion Vegetation, Alkaline Fens, Old Oak Woodlands, Alluvial Forests, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, Atlantic Salmon, Otter (<i>Lutra lutra</i>)	c. 2km	Potential pathway via the adjoining East Roemore stream.

8.4.2 I note that the appeal refers to the 'lowland hay meadow' habitat and that the NPWS website includes this habitat as a QI of the River Moy SAC. However, it is not included as a QI in the Conservation Objectives Series document for the site prepared by the NPWS and Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (2016). Therefore, I am satisfied that the conservation objectives for the site do not include the 'lowland hay meadow' habitat.

8.4.3 Having regard to the limited scale of the proposed development and the significant separation distances involved, I do not consider that any other European Sites outside the 5km radius would fall within the possible zone of influence.

8.5 Identification of likely effects

8.5.1 Regarding the Qualifying Interests (QIs) for the River Moy SAC, the applicant's AA Screening report 'screens out' the potential for impacts on the QI habitats (i.e. Raised Bog (Active), Degraded Raised Bog, Rhynchosporion Vegetation, Alkaline Fens, Old Oak Woodlands, Alluvial Forests) based on the location of the appeal site outside the SAC site and over 5km from these habitats, together with the absence of pathways. Having reviewed the Conservation Objectives Series document for the site, I am satisfied that these habitats are adequately distanced from the appeal site so as to ensure that there will be no significant direct effects or indirect effects via any pathways. Potential effects are therefore limited to the QI species (i.e. White-clawed Crayfish, Sea Lamprey, Brook Lamprey, Atlantic Salmon, Otter).

8.5.2 Section 7.2 of the applicant's AA Screening report assesses the potential effects of the identified risks to the River Moy SAC, which can be summarised as follows:

- The construction phase could cause pollution and/or release of suspended sediments to the East Roemore stream and suitable pollution prevention mitigation measures will be needed. The proposed concrete foundation could increase surface water run-off to the East Roemore stream and a drainage plan is needed. The stream is a tributary of the River Moy SAC and could support qualifying interest species. Therefore, adverse impacts on the River Moy SAC via surface water pathways cannot be screened out.
- Given the limited depth of proposed excavation, no groundwater pathways are present to impact on the River Moy SAC.
- The East Roemore stream may support qualifying interests (Otter) which may be affected by visual and noise impacts. Therefore, adverse impact via land pathways cannot be screened out.
- The scale of construction and dust generation is expected to be minimal and no adverse impacts via air pathways will occur.
- Other plans and projects in the area have been considered and no cumulative impacts on the River Moy SAC are anticipated

8.5.3 In response to the potential effects identified above, I would acknowledge that the appeal site is in close proximity to the East Roemore stream, which links to the River

Moy SAC. Construction works in the vicinity of such watercourses always have theoretical potential for the release of sediments and/or pollutants. However, there are well-established standard construction practices to ensure that such pollution events do not occur. The applicant has submitted a Draft Construction Environmental Management Plan outlining the measures and practice envisaged to protect environmental resources during construction. I consider such plans to be 'best practice' measures for works near all watercourses, which would not amount to 'mitigation measures' in the context of AA Screening.

- 8.5.4 The scale of the proposed construction works would be quite limited in magnitude and duration (estimated by the applicant to be 4-6 weeks). Furthermore, I note that the hydrological pathway between the appeal site and the River Moy SAC extends to a distance of c. 2.6km. It starts via the adjoining East Roemore stream, which flows to the southwest and joins several other watercourses before eventually meeting the Manulla river (within the SAC) to the southeast of the appeal site. Therefore, there is a significant hydrological buffer between the appeal site and the SAC.
- 8.5.5 Having regard to the limited scale/duration of the proposed works and the application of best-practice construction techniques, together with the significant hydrological buffer and assimilative capacity of the surrounding drainage network, I do not consider it likely that any sediment or pollutants associated with the construction stage of the proposed development would have significant effects on the water quality or water dependant species/habitats associated with the River Moy SAC.
- 8.5.6 The applicant's AA Screening report raises similar concerns in relation to the potential for increased surface water from the site impacting on the East Roemore stream and its connection to the River Moy SAC. Again, I would highlight that the site area is quite limited in area (191m²), and that the majority of the site will be surfaced as a permeable gravel track. The concrete foundation for the monopole structure is also limited in area (c. 36m²) and I am satisfied that standard surface water measures would be installed to ensure that surface water run-off to the stream would not be significantly increased. I consider that surface water run-off amounts associated with the development would be negligible in the context of the surrounding drainage network and that there would be no significant effects on the River Moy SAC.

- 8.5.7 The applicant's AA Screening report also raises the potential for impacts on QI species (Otter) as a result of visual and noise impacts during the construction period. Concerns have been raised that construction works may be delayed and enter the Autumn/Winter months, when artificial lighting may be required and could cause visual disturbance to Otter. An ecology survey was carried out in December 2020 and identified Otter field signs along the East Roemore stream within 250m of the proposed works.
- 8.5.8 While I acknowledge that construction works have the potential to impact on QI species, it must again be highlighted that the pathway (via the stream) between the appeal site and the River Moy SAC extends to 2.6km. And while the applicant has identified potential Otter presence at a distance of 250m from the appeal site, I would highlight that any such commuting/foraging activity is at a significant distance from the River Moy SAC (c.2.6km) and is unlikely to be a common occurrence. Similarly, given the limited scale and duration of the proposed works, I consider it unlikely that the proposed works would coincide with Otter activity in the vicinity of the site such as would have significant noise impacts. I consider it more unlikely still that the proposed works would necessitate the use of construction lighting during the winter months to the extent that it would have a significant effect on otter activity in the area. Accordingly, I consider it unlikely that the construction works would interfere with any QI species and I do not consider that any such interaction between the construction works and QI species would lead to significant effects.
- 8.5.9 The applicant's AA Screening report contends that the limited depth of the proposed excavation works would not lead to groundwater pathway impacts on the River Moy SAC, and that the minimal scale of construction and dust generation is not expected to lead to adverse impacts via air pathways. I would concur with the applicant's conclusions in this regard.
- 8.5.10 In terms of *cumulative effects*, the development must be considered in the context of various other projects in the surrounding area. I have reviewed the planning history of the surrounding area and note that permitted projects have generally been limited to small-scale agricultural and residential development, which themselves have been subject to AA Screening as appropriate. I have previously outlined that the construction and operation stages of the proposed development would not be likely to have a significant effect on the River Moy SAC and, similarly, I do not consider

that there is potential for a significant cumulative impact from the proposed development in combination with other projects in the area.

8.5.11 In relation to cumulative impacts with plans for the area, I note that the Mayo County Development Plan and the River Moy Arterial Drainage Scheme have been subject to an Appropriate Assessment and that they incorporate suitable mitigation measures to prevent any adverse impacts on the integrity of the Natura 2000 network. The River Basin Management Plan for Ireland 2018-2021 aims to protect and improve water quality and is not anticipated to have a cumulative negative impact on the River Moy SAC. Accordingly, I am satisfied that the proposed development would not be likely to result in significant cumulative effects on the River Moy SAC when considered in combination with other plans for the area.

8.6 Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise. I consider that any measures included within the Draft CEMP are standard best-practice measures.

8.7 Screening Determination

8.7.1 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 Screening for Appropriate Assessment of the project, and notwithstanding the submission of a Natura Impact Statement by the applicant, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of a Natura Impact Statement is not, therefore, required.

8.7.2 This determination is based on the following:

- Having regard to the limited scale of the proposed works and the separation distance and hydrological buffer between the appeal site and the River Moy SAC, it is not considered likely that any sediment, run-off or pollutants associated with the proposed development would have a significant effect on water quality or the Qualifying Interests of the River Moy SAC;

- Having regard to the limited scale and duration of the proposed works and the separation distance between the appeal site and the River Moy SAC, it is not considered likely that any noise, visual or other impacts associated with the proposed development would have a significant effect on the Qualifying Interests of the River Moy SAC by reason of disturbance or otherwise.

9.0 Recommendation

I recommend that permission should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Mayo County Development Plan 2014-2020, the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and the associated Circular Letter PL 07/12, the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012, The Planning System and Flood Risk Management Guidelines issued by the Department of Environment, Heritage and Local Government in 2009, the existing pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not compromise the capacity and safety of the national road network, would not result in an unacceptable flood risk within the site or elsewhere, and would not be likely to cause significant effects on the River Moy SAC or any other Natura 2000 sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Measures shall be incorporated into the development to ensure that the ground-level equipment is adequately protected from flood-risk associated with the adjoining East Roemore stream. Proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of flood risk management.

3. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

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

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

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

Reason: In the interest of public health.

6. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

Reason: In the interest of orderly development.

Stephen Ward
Senior Planning Inspector

19th October 2021