



An
Bord
Pleanála

Inspector's Report ABP-310898-21

Development	Construction of 18m monopole carrying antennas, associated equipment together with ground-based equipment cabinets and all associated works.
Location	Church Brae, Carrontlieve, Fahan, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	21/50868
Applicant(s)	Eircom Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party vs. Refusal
Appellant(s)	Eircom Limited
Observer(s)	None
Date of Site Inspection	5 th March 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The appeal site is located within the settlement of Fahan, at the southern end of the Inishowen Peninsula. It is approximately 5km south of the town of Buncrana and approximately 4.5km northwest of the village of Burnfoot. The eastern shore of Lough Swilly is approximately 300m to the west, and beyond that lies Inch Island. Fahan is a 'Layer 3' settlement in the Development Plan Settlement Structure. This is the lowest layer of settlements and refers to 'Rural Towns and Open Countryside'. It is a low-density dispersed settlement, mainly consisting of detached dwellings.
- 1.2. The site has a stated area of just 30.35m² and is annexed from a larger existing 'Eir' telecommunications exchange site containing a small single storey building. There is a mature stone wall boundary with a pedestrian gate access onto the adjoining road. The remainder of the site is bound by metal palisade fencing. The site is relatively flat, but the surrounding topography rises significantly from southwest to northeast.
- 1.3. The site is accessed via a county road which meets with the Regional Road R238 at a junction c. 60m to the southwest. It is surrounded by mature trees on adjoining lands to the south and east. The adjoining land to the immediate north of the site is overgrown and undeveloped. St Mura's Church and cemetery is on the opposite side of the road to the west, while further south (c. 100m) is an area containing the older St Mura's graveyard/abbey and the Church of Ireland Rectory.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of an 18m high monopole telecommunications structure to support antennae for use by Eir and another user. It is intended to provide new and improved wireless data and broadband services to the local community. In summary, the proposed development also includes the following:
 - 18m high monopole support structure (19.2m with lighting finial) with 5m x 4.5m concrete base
 - Attachment of 3 no. antennae and 3 no. Eir mobile remote radio units.

- Eir Mobile equipment cage and cabinets.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by the following:

- Planning Statement including details of technical justification, environmental considerations, and relevant policy. The Board should note that the copy on file is incomplete. A complete copy is available on the planning authority website.
- Radio Emissions Statement
- Construction Management Plan
- Photomontage and Wireline Report.

3.0 Planning Authority Decision

3.1. Decision

By order dated 1st July 2021, Donegal County Council (DCC) issued notification of the decision to refuse permission. The reasons for refusal are as follows:

1. *Having regard to the guidelines relating to telecommunication antennae and support structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July 1996 and the height, scale and location of the proposed development, it is considered that the development would have the potential to be an incongruous structure within the settlement envelope of Fahan, resulting in an unacceptable visual impact that would seriously injure the amenities of the area and property in the vicinity. The proposed development would therefore be contrary to Policy TC-P-3 of the County Development Plan 2018-2024 (as varied), by reason of the impacts that would result on the visual amenities within the area and by reason of its impacts on the existing historical environment and built heritage of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

2. *It is considered that insufficient examination of alternative sites and justification of current 'last resort' site in accordance with the 1996 National Guidelines has not been presented or demonstrated, therefore to permit the proposed development would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planner's Reports

The Planning Officer's assessment can be summarised as follows:

- The proposal to provide improved telecommunications services is acceptable in principle.
- The applicant's 'technical justification' has not demonstrated that existing structures or alternative sites have been examined. Sufficient justification or evidence has not been provided to rule out other locations.
- The 'Telecommunications Antennae and Support Structures Guidelines' outline that free-standing masts should only be located within or in the immediate vicinity of smaller towns and villages as a 'last resort'. Sufficient justification has not been presented in this regard.
- It is agreed that the existing trees will assist in screening the development. However, the trees are not all within the ownership of the applicant. If removed, the structure would be wholly visible and would result in a negative impact on the visual amenity of the surrounding area.
- Eleven buildings listed on the National Inventory of Architectural Heritage (NIAH) and one Protected Structure (Fahan House (No. 40903808)) are located within 210m of the site. Policy TC-P-3 of the Development Plan states that such structures shall not normally be favoured beside schools, protected structures, archaeological site or other monuments. The risk of visual impact (following tree removal) would have the potential for a significant negative impact on the existing historical environment and built heritage of the area. The applicant has not adequately assessed alternative sites in the area, including those which may not have such a high concentration of historical structures.

- The site lies outside the zone of notification for archaeological sites and monuments.
- An ICNIRP Declaration has been submitted by the applicant regarding compliance with radiation emissions. ComReg is the statutory body in this regard and health issues are not a matter for consideration by DCC.
- The site is located approximately 280m from Lough Swilly SPA and SAC. Having regard to the minor nature of the development and its distance/separation from any European Site, no Appropriate Assessment issues arise.
- Environmental Impact Assessment is not required.
- It is recommended to refuse permission for the reasons outlined in the DCC decision.

Other Technical Reports

Executive Engineer (Roads): No objections subject to conditions.

Building Control: No objections subject to compliance with Building Regulations.

Chief Fire Officer: No objections.

3.3. Prescribed Bodies

Irish Aviation Authority: The Authority has no requirement for obstacle lighting in this case.

3.4. Third-Party Observations

None.

4.0 Planning History

P.A. Reg. Ref. 94/1734: Permission granted for retention of perimeter fence around telephone exchange.

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.

- 5.1.5. Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, within a residential area, or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.

Circular Letter PL07/12 – Telecommunications Antennae and Support Structures

- 5.1.6. 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.

5.2. County Donegal Development Plan 2018 to 2024

Settlement Structure

- 5.2.1. The site is located within the defined Settlement Framework Boundary for Fahan, a Layer 3 settlement as designated in the County Development Plan. No particular zoning objectives apply within the boundary and Policy CS-P-4 states:

It is the policy of the Council that within the boundaries of towns identified as Strategic Towns due to their 'Special Economic Function' (Layer 2B) and in rural

towns identified as Layer 3, applications for development will be assessed in the light of all relevant material planning considerations including any identified land use zonings, availability of infrastructure, relevant policies of the Development Plan, other regional and national guidance/policy and relevant environmental designations.

Telecommunications

5.2.2. Section 5.3 of the Development Plan sets out policies and objectives in relation to telecommunications. The overall aim is to facilitate the development of high quality and sustainable telecommunications networks for the county as a critical element to support growth in all areas of the economy and increase the quality of life for the people of Donegal. The following objectives and policies apply to the proposed development:

TC-O-1: To facilitate the development and delivery of a sustainable telecommunications network across the County through a range of telecommunication systems, developed with due regard to natural and built heritage and to environmental considerations.

TC-P-1: It is a policy of the Council to facilitate the deployment of the National Broadband Plan, the national subvention plan to deliver High Speed Broadband to every rural household outside the commercially served areas as defined on the National Broadband Plan Map and similar projects, subject to any constraints arising from international/national environmental designations and the proper planning and sustainable development of the area.

TC-P-3: It is a policy of the Council to require the co-location of new or replacement antennae and dishes on existing masts and co-location and clustering of new masts on existing sites, unless a fully documented case is submitted for consideration, along with the application explaining the precise circumstances which militate against co-location and/or clustering. New telecommunications antennae and support structures shall be located in accordance with the provisions of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996, (or as may be amended) and they shall not normally be favoured within Areas of Especially High Scenic Amenity, beside schools, protected structures or archaeological sites and other monuments. Within towns and villages operators shall endeavour to locate in industrial estates/areas where possible.

Landscape

- 5.2.3. The county has been categorised into three layers of landscape value (Especially 'High Scenic Amenity', 'High Scenic Amenity' and 'Moderate Scenic Amenity'), which are illustrated on Map 7.1.1 of the Plan. The subject site is within an area classified as 'High Scenic Amenity', which are described as landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and are a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.
- 5.2.4. Policy NH-P-7 seeks to facilitate development in areas of 'High Scenic Amenity' and 'Moderate Scenic Amenity' of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape
- 5.2.5. Policy **NH-P-13** states that it is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

Built Heritage

- 5.2.6. The Development Plan recognises the importance of built heritage and outlines that there are 466 protected structures in the county. It also recognises the NIAH survey for Donegal and the potential for additions to the Record of Protected Structures over the plan period. Relevant policies/objectives include the following (summarised):
- BH-O-1:** To preserve, protect, enhance and record the architectural heritage of the County.
- BH-O-2:** To further consolidate and protect the built heritage of the County through a systematic programme of additions to the RPS having regard to Ministerial recommendations arising from the NIAH survey of Donegal.

BH-P-1: To conserve and protect all structures (or parts of structures) and sites contained in the Record of Protected Structures.

5.3. **Natural Heritage Designations**

The 'Old Rectory, Fahan' is a small Proposed Natural Heritage Area located c. 150m southeast of the site. The nearest Natura 2000 sites are the Lough Swilly SAC (Site Code 002287) and Lough Swilly SPA (Site Code 004075) located c. 300m to the southwest 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 DCC to refuse permission has been appealed by the applicant. The grounds of appeal can be summarised under the following headings:

Site Selection & Justification

- The site selection criteria were to be, within a short radius of the cell search area; at a relatively high point; environmentally suitable; available and reasonable on commercial terms; suitable for development; accessible; secure; and suitable for power supply.
- The cell requirement for Fahan has a c. 500m radius as it is a town location with a heavy load due to increasing use of data and broadband services, as there is on Eir's other current site in the surrounding area.
- Eir require a site at this location, without which the area will continue to have inadequate voice and data services. The proposed location would provide excellent services to Fahan and the area to the southeast, as well as improving coverage on the R238 and other roads.

- The coverage range for new technologies is limited to several hundred metres. Eir's nearest live site is too far away (6km) for newer technologies to work and the appeal site is required to improve service, including during the busy tourist season.
- Eir will always co-locate as a first choice and has already done so on their nearest site 6km away. There are no suitable structures in Fahan to locate the Eir equipment.
- The selected site is an existing utility site and is the 'last resort', and the proposed height is the lowest feasible for coverage.
- The application has demonstrated that there are no resulting significant environmental impacts resulting from the proposed development.
- Any other suitable locations identified in the Telecommunications Guidelines are not available. The proposed site is acceptable as a 'last resort' on an existing utility site that is suitably distanced from the nearest residential properties.
- No time limit should be attached to any grant of permission.
- The proposal would facilitate other operators to co-locate.

Visual Impact

- The proposal has been designed as a slender structure of minimum height and would be coloured with a typical sky colour (or green) to assimilate with the surrounding area.
- Surrounding mature trees provide screening capacity. There is also strong precedence for vertical development in the area due to several utility/telegraph poles, streetlamps, road signage etc.
- The proposal would not seriously impact on the visual or residential amenity of the area, nor would it form an obtrusive feature in the landscape. It strikes a good balance between environmental impact and operational considerations.
- Photomontages and a visual impact assessment have been completed based on 4 surrounding viewpoints. The assessment concludes that there would be no significant effects from any of these viewpoints.

- There are no serious visual impacts predicted for any cultural/heritage assets due to the extensive tree screening that exists.

Other Issues

- The proposal would provide an essential public service for residents, businesses, and commuters.
- There would be no impacts in relation to health and safety or noise.
- The proposal does not have any unacceptable overbearing impacts and the Telecommunications Guidelines do not specify any required separation distance from dwellings.
- The proposals would not impact on any ecological or landscape designations.
- The proposal would be wholly in compliance with relevant national, regional, and local policy for telecommunications infrastructure.

6.2. Observations

None received.

6.3. Planning Authority Response

The Planning Authority response to the grounds of appeal can be summarised as follows:

- Based on the applicant's demonstration of service deficiencies and alternative options, the planning authority now considers that there is technical justification for the development. It would be consistent with the provisions of the Development Plan and the Telecommunications Guidelines.
- It is acknowledged that a balance must be struck between the visual impact of the development and coverage requirements for the area, and it is accepted that the existing mature trees provide substantial screening.
- However, the trees are not within the ownership/control of the applicant. Their potential removal would result in the development being wholly visible from both the adjoining road and the R238 and would result in a negative impact on the visual amenity of the area. This risk of visual impact would also have

potential for significant negative impacts on the historical environment and built heritage.

- It is requested that the Board upholds the decision to refuse permission. In the event of a grant of permission, conditions are suggested in relation to future site reinstatement, obstacle lighting, and other clarifying matters.

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 Amenity and Built Heritage
- Traffic

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 wireless data and broadband network coverage and capacity along in the area. 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. The appeal addresses the need and justification for the proposed development, including details of alternative locations and mast-sharing options. It outlines the site selection criteria and the deficiencies that exist in the area, as well as the absence of other existing telecommunications structures within reasonable proximity of the site.

7.2.3. I have reviewed ComReg's online Outside Coverage Map for the area and I note that the rating for Eir 4G coverage ranges from only 'fair' to 'fringe'. A review of other operator's coverage also shows that the standard in the area and along the R238

road could generally be described as only 'fair'. I would also highlight that these maps do not account for indoor coverage, which is likely to be of a lower standard, 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) to potentially improve their coverage and capacity at this location.

- 7.2.4. The appeal also includes maps comparing indoor coverage for the area with and without the proposed development. 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

- 7.2.5. 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 a Vodafone site (ID DL012) c. 5km to the east, while the nearest Eir site is a co-located installation (ID 4080) c. 6km to the east. I would accept the applicant's contentions that these sites are too far distanced from the cell search area.
- 7.2.6. In addition to existing structures, the applicant has also assessed other recommended options as per the Telecommunications Guidelines, including other tall buildings and industrial/commercial/retail areas. The subject site has been proposed as an existing utility site and a 'last resort' under the circumstances. Accordingly, I am satisfied that the applicant has assessed suitable alternative locations and that there are no suitable existing structures for sharing within the 'cell search' area. 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 separate structures in the future.

Location

- 7.2.7. I note that the Development Plan outlines policy (TC-P-3) for the location of telecommunication antennae. In this regard, I consider that the appeal site is not within an Area of Especially High Scenic Amenity, and is not beside a school, protected structure, archaeological site and other monument. And while TC-P-3 encourages proposals within towns and villages to locate in industrial estates/areas where possible, I note that there are no such industrial areas in Fahan to facilitate this approach.
- 7.2.8. 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. If such a location should become necessary, sites already developed for utilities should be considered. Fahan is a quite dispersed and fragmented settlement, but I note that the site is within the Settlement Framework Boundary as per the Development Plan. However, having regard to the established utility use of the site and the absence of substantive residential development in the immediate surrounding area, together with the significant extent of ecclesiastical uses on lands to the west and south of the site, I do not consider that the appeal site is within a 'residential area'. In any case, given the absence of alternative sites in the area, I am satisfied that the use of a utility site would be consistent with the provisions of the Telecommunications Guidelines for such scenarios.

Conclusion

- 7.2.9. 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 there are no reasonable opportunities to share or co-locate the proposed development with other structures. In the absence of other suitable alternative locations, I consider that the proposal for a new structure on an existing utility site is acceptable in principle within this dispersed rural settlement.

7.3. Visual Amenity & Built Heritage

- 7.3.1. Where new structures are proposed within smaller villages, the Guidelines advise that masts and antennae should be designed and adapted for the specific location, should be kept to a minimum height consistent with effective operation, and should be monopole in design. Given the need to achieve clearance over the mature trees to the south and east of the site, I am satisfied that the proposed development has been suitably designed in accordance with the Guidelines.
- 7.3.2. CDP Policy TC-P-6 outlines that new structures shall not be located within 'Areas of Especially High Scenic Amenity', but does not have any similar preclusion for the 'Areas of High Scenic Amenity', which applies to the appeal site. I acknowledge that the coastal area to the south is designated as an 'Area of Especially High Scenic Amenity', but I am satisfied that the appeal site is sufficiently distanced so that it will not significantly impact on that landscape. Furthermore, the site is not affected by any views to be preserved as identified in the Development Plan.
- 7.3.3. The nearest Protected Structure is 'Fahan House', located c. 200m southwest of the appeal site. I also acknowledge that there are several structures in the surrounding area which are included in the NIAH. These include St Mura's Church to the west; the earlier graveyard complex to the south; the rectory to the southeast; and several ancillary buildings/structures within the curtilage of those main host structures. The NIAH appraisal of those main structures can be summarised as follows:
- St Mura's Church – Handsome early 19th century church which retains its early form, character and fabric, and is a landmark feature. One of the most attractive examples of its type and date in Donegal and is an integral element to the built heritage and social history of the local area. The simple boundary walls and gateways to site add to the setting and context, and complete this composition.
 - Graveyard – Primarily an archaeological site of national significance containing an interesting collection of upstanding gravemarkers and the remains of a former church. Occupies the site of one of the most important early (6th century) ecclesiastical foundations in Donegal, including the celebrated St Mura's cross slab. This important site, with many layers of history spanning the centuries from the Early Medieval period into the

nineteenth century, is significant on a national level. The simple enclosing boundary walls and gateways to site add to the setting.

- The Rectory - Well-proportioned former Church of Ireland rectory, of early nineteenth-century dates, retains its early character and form, as well as much of its fabric. An example of the language of classical architecture stripped to its barest fundamental elements, which creates a fine dwelling in a subtle style.
- The NIAH appraisal also sets out the important historical associations of the above sites.

7.3.4. The application includes a Photomontage Report which examines the visual impact of the development from 4 surrounding viewpoints. The assessment considers the magnitude of visual change and the sensitivity of the location and rates the level of visual effects on this basis. No effects are predicted at more than a 'moderate' level and the assessment therefore concludes that there would be no significant visual impacts.

7.3.5. Having reviewed the file details and inspected the site, I acknowledge that the surrounding area to the south and west is of significant heritage interest, containing several structures of archaeological, architectural, and historical interest. I consider that Fahan House and the Rectory buildings are significantly distanced from the appeal site by c. 200m and these structures are largely screened by mature trees. Accordingly, I do not consider that there would be a significant visual impact between these structures and the proposed development. I would also acknowledge that the old graveyard complex is primarily of archaeological interest and does not contain large upstanding structures that would have a significant visual relationship with the proposed development. Accordingly, I am satisfied that the potential for significant impacts are limited to those on St Mura's Church to the west of the appeal site.

7.3.6. Having regard to the existing baseline environment, I would acknowledge that the proposed structure would be largely screened by the dense mature trees on adjoining lands to the south and east. Only the top of the structure would be visible when viewed from the surrounding area to the south, east, and west. And while the majority of the structure would be visible on the approach from higher ground to the north, I consider that the trees to the rear (south) of the structure would provide a

suitable backdrop to this view. On this basis, it is clear that the proposed development would have only a limited visual impact on the landscape and built heritage of the area.

- 7.3.7. The planning authority appears to largely concur with this analysis. However, the planning authority concerns are based on the fact that surrounding trees are not within the ownership and control of the applicant. DCC contends that the potential future removal of the trees presents an unacceptable risk of visual impact.
- 7.3.8. In this regard, I note that the Telecommunications Guidelines highlight the need to consider local factors in determining the extent to which an object is noticeable or intrusive, including intermediate objects such as trees. The Guidelines also acknowledge the value of location within forestry plantations to reduce visual intrusion. And while I acknowledge that the site is not within a 'forestry plantation', I consider that this supports the general principle that surrounding trees should be considered when assessing visual impact, irrespective of whether they would be within the control of the applicant. In this case, the surrounding trees are not part of a commercial plantation and there would be no reasonable expectation that they would be removed.
- 7.3.9. In conclusion, I do not consider that the proposed structure would form a significant visual presence. I accept that it would be marginally visible above the level of the existing trees and that it would be visible in the context of the surrounding built heritage, including St Mura's Church to the west. However, given the limited visual presence of the development, I do not consider that it would seriously detract from the visual amenity of the area or the built heritage value of the surrounding structures. In particular, I am satisfied that St Mura's Church would remain the dominant visual feature at this location and that the proposed development would not significantly detract from its setting or character. I acknowledge that the surrounding trees are a significant factor in this assessment, but I consider that, consistent with the Telecommunications Guidelines, it would be unreasonable to disregard this significant intermediate screening in the baseline environment.

7.4. Traffic

- 7.4.1. There is no existing vehicular entrance or parking facilities associated with the existing utility site and it is not proposed to provide such facilities as part of the proposed development. Having regard to the nature of the development, I am satisfied that traffic generation would be limited to servicing requirements. I do not consider that this would be significant, or that it would be a significant intensification on the existing use of the site. The site is located along a straight stretch of road with good visibility and limited traffic volumes, and a 60km/hr speed limit applies. The Construction Management Plan also includes proposals to manage traffic during the construction stage. Accordingly, I do not consider that the proposed development would compromise safety or convenience for motorists or other vulnerable road users at this location.

8.0 Appropriate Assessment

- 8.1. The nearest Natura 2000 sites are the Lough Swilly SAC (Site Code 002287) and Lough Swilly SPA (Site Code 004075) located c. 300m to the southwest of the appeal site. The appeal site is mainly separated from these sites by undeveloped lands and a significant number of residential properties with surrounding artificial surfaces.
- 8.2. There are no surface water features on or immediately adjoining the site that would provide a direct pathway between the development and the Natura 2000 sites. There is an existing stream located c. 20 metres to the southeast of the site, which drains southwards to the Natura 2000 sites. While this would be a potential pathway, it does not establish the potential for significant effects on a Natura 2000 site.
- 8.3. In terms of potential impacts, I consider that the construction stage has the potential to result in the release of sediment and other pollutants to watercourses/groundwater that may be hydrologically linked with the Natura 2000 network. There is also the potential for the emission of dust etc, which could be linked via an air pathway. However, the applicant has included a Construction Management Plan which outlines the limited extent of the construction works and includes suitable measures

to protect the nearby water course. Having regard to the limited extent and duration of the proposed works, together with the significant separation distance and hydrological buffer that exists between the appeal site and the Natura 2000 network, I do not consider that there is any likelihood of significant effects in this case.

- 8.4. At operational stage, I consider that any potential for effects is limited to any impact on the quantity and quality of surface water to the surrounding drainage network and the water quality of the Natura 2000 sites. However, having regard to the existing developed nature of the site, the limited extent of the proposed works, and the significant hydrological buffer and assimilative capacity between the appeal site and the Natura 2000 network, I do not consider that there is any likelihood of significant effects in this case.
- 8.5. Having regard to the above preliminary examination, it is concluded that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site. I consider that any measures to prevent run-off from the site constitute standard practice and no mitigation measures have been relied upon in reaching this conclusion.

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 County Donegal Development Plan 2018-2024, 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 existing pattern and character 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 or built heritage of the area, would not seriously injure the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. The construction of the development shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the timing and routing of construction traffic to and from the construction site, associated directional signage, proposals to facilitate the delivery of abnormal loads to the site, and to measures to obviate queuing of construction traffic on the adjoining road network.

Reason: In the interests of public safety and residential amenity.

Stephen Ward
Senior Planning Inspector

6th March 2022