



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311200-21

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<b>Development</b>	Erection of a 21m high monopole telecommunications support structure together with antennas, dishes and associated telecommunications equipment.
<b>Location</b>	Eir Exchange, Balla Garda Station, Main Street, Balla, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	20779
<b>Applicant</b>	Eircom Limited (t/a eir)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Eircom Limited (t/a eir)
<b>Observer</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> April 2022

**Inspector**

Ian Campbell

## 1.0 Site Location and Description

- 1.1 The appeal site has a stated site area of 0.0017 ha. and is located on the eastern side of Main Street (L1705), at the southern edge of Balla village.
- 1.2 The appeal site comprises an area within an existing telecommunications exchange compound, located to the rear/east of Balla Garda Station. Within the existing compound there is a single storey exchange building and a 12 metre high wooden telecommunications structure. The compound is bound by a stone wall.
- 1.3 A playground and a recreational area are located to the immediate north of the appeal site. This area is bound by a c. 2 metre high paladin fence. To the east of the appeal site is a graveyard and the curtilage of St. Cronan's Church. St. Cronan's Church is located to the south of Balla Garda Station.
- 1.4 The closest residences to the appeal site are located on Main Street, c. 75 metres west of the appeal site and off the N60, c. 80 metres east of the appeal site. Churchview housing estate is c.100 metres west of the appeal site.
- 1.5 There are a number of tall, mature trees in the vicinity of the appeal site. The existing telecommunications structure is partially screened by mature trees and by the two storey Garda Station building.

## 2.0 Proposed Development

- 2.1 The proposed development comprises;
  - The construction/erection of a 21-metre-high monopole telecommunications support structure, antennas, dishes and associated telecommunications equipment (including 2 no. ground cabinets).
  - Drawing No. 01 indicates a 2.4 metre high palisade fence however this is not referred to in the development description contained in the public notices and is not depicted on the proposed site layout drawing or on the proposed contextual elevations.
- 2.2 The planning application is accompanied by a Technical Justification report. This report notes;

- Balla suffers from weak coverage for Eir. The existing telecommunication structure at Balla Garda Station does not currently transmit and cannot support Eir in achieving its coverage objectives. Marginal coverage to Balla is currently provided from a lattice tower located at Cloonboy, c. 8 km from Balla. There is no existing telecommunications infrastructure within Balla which would support Eir in improving its local coverage.
- The existing timber telecommunication structure is inadequate in terms of its height, robustness and lack of fixing points, and is outdated and limited in functionality. Coverage reach from the existing telecommunication structure is extremely limited and the structure does not allow for site sharing.
- Developing the appeal site will benefit Eir by allowing over ground and underground telecoms infrastructure within a single compound.

2.3 Architectural Assessment, undertaken by Southgate Associates, Heritage Conservation Specialists, notes;

- The site is located at the edge of Balla, away from the 18<sup>th</sup> Century core and the appeal site is preferable, compared to a site within the centre of Balla.
- The existing structure is already a feature of the townscape.
- The proposed structure is not likely to be seen from the majority of Balla, or approaches to Balla.
- The use of a structure with the appearance of a tree (as suggested by the Planning Authority) would ultimately result in a bulkier structure than a monopole.
- The proposed monopole will have a minimal/slender silhouette, will be finished in a muted colour and will be absorbed into surrounding tree cover.
- St. Cronan's Church is best viewed from the front and the proposal will not dominate or draw from the landscape or nearby architectural or archaeological heritage.
- The assessment concludes that the proposed structure will have a significant impact on the churchyard and graveyard, being visible where there are gaps in the trees. Mitigation is proposed, in the form of fast growing trees (tree planting outside the site boundary would however require the agreement of adjoining landowners).

- The assessment also examines the potential impact of the proposed development on the former Bank of Ireland within the town, which is on the National Inventory of Architectural Heritage and a Round Tower, which is a National Monument. Both locations are remote from the appeal site and impacts are deemed negligible.

## 3.0 Planning Authority Decision

### 3.1 Request for Further Information

Prior to the decision of the Planning Authority to REFUSE permission for the proposed development, the Planning Authority requested Further Information.

#### 3.1.1 Further Information was requested as follows:

- Submit photomontages of the proposed development from specified locations.
- Submit an Architectural Assessment assessing the impact of the proposed development on St. Cronan's Church.

#### 3.1.2 Further Information (Significant) submitted on 31/05/2021:

- Additional photomontages submitted as requested.
- Architectural Assessment undertaken by Southgate Associates submitted (summarised above see paragraph 2.3).

The Planning Authority issued a Notification of Decision to REFUSE Permission on the 28<sup>th</sup> July 2021 for the following single reason;

The proposed development would have a negative impact on the setting of St. Cronan's Church, listed on the National Inventory of Architectural Heritage Reg. No. 31309022 and would be contrary to Objective LP-01 of the Mayo County Development Plan 2014-2020, which requires that regard is had to the character and sensitivity of the landscape.

I note that the Notification of Decision to Refuse Permission does not make reference to material contravention of the County Development Plan and as such the provisions

of s.37(2)(b) of the Planning and Development Act 2000, as amended, are therefore not applicable in this case.

## 3.2 Planning Authority Reports

### 3.2.1 Planning Reports:

3.2.2 The first report of the Planning Officer (dated 24<sup>th</sup> June 2021) includes the following comments;

- Serious concerns noted in respect of the negative visual impact of the proposed development in the context of the established religious, recreational and urban sylvan setting of the site.
- Applicant advised to consider disguising the mast as a tree to assist with its visual integration.

Further Information recommended.

3.2.3 The second report of the Planning Officer (dated 27<sup>th</sup> July 2021) includes the following comments;

- The siting of the proposed development, adjacent to an existing telecommunications structure, is considered appropriate.
- The proposed development is not considered appropriate given the context of the site, in particular noting that it is directly adjacent to a recreational/sports area and a graveyard and church grounds.
- The proposed mast would have a negative impact on St. Cronan's Church, which is listed on the National Inventory of Architectural Heritage.

Refusal of permission recommended.

### 3.2.4 Other Technical Reports:

3.2.5 Municipal Engineer (dated 9<sup>th</sup> November 2020) – proposal will be very visible, queried if the proposed structure can be relocated and reduced in height.

3.2.6 Architects Department (dated 30<sup>th</sup> November 2020) – the proposal will negate the character, setting and appreciation of St. Cronan's Church.

3.2.7 Architectural Conservation Officer (dated 21<sup>st</sup> June 2021) – the proposal will have a negative effect on St. Cronan’s Church.

### 3.3 Prescribed Bodies

None received.

### 3.4 Third Party Observations

The Planning Officer’s report refers to 3 no. observations having been received however this is considered to be a typographical error. I note that there are 4 no. observations on the file and the Planning Officer has provided a summary of each in his report. The following is a summary of the main issues raised in the third-party observations:

- Visual impact concerns.
- Impact on residential amenity.
- Depreciation in the value of property.
- Health impacts.
- Confirmation sought in respect of the equipment to be accommodated on the proposed structure, the technologies that the mast will accommodate, how many operators will use the structure and whether an EIRP certificate has been submitted with the planning application.
- Potential impact on the flight path of birds to and from Balla Turlough SAC, and on wildlife in the area.

### 4.0 Planning History

None.

## 5.0 Policy Context

### 5.1 National Policy

#### 5.1.1 National Planning Framework 'Project Ireland 2040':

National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

#### 5.1.2 Regional, Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES)

The weakness/absence of high-quality telecommunications infrastructure is identified as being an important issue for the region.

#### 5.1.3 National Broadband Plan 2020:

The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

#### 5.1.4 Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (Department of the Environment and Local Government):

The Guidelines provide relevant technical information in relation to installations and offer guidance on planning issues so that environmental impact is minimised and a consistent approach is adopted by Planning Authorities. Visual impact is noted as among the most important considerations in assessing applications for telecommunications structures but the Guidelines also note that generally, applicants have limited locational flexibility, given the constraints arising from radio planning parameters. The Guidelines place an emphasis on the principle of co-location.

Section 4.3 'Visual Impact', provides that, '*only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If*



*such 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'. Section 4.3 also states, 'only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in 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 structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure'.*

Section 4.3 also notes that *'some masts will remain quite noticeable in spite of the best precautions and that the following considerations may need to be taken into account:*

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental*
- *Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect*
- *There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.'*

### **5.1.5 Architectural Heritage Protection – Guidelines for Planning Authorities, 2011**

The Guidelines provide direction in relation to works affecting architectural heritage, specifically Protected Structures and Architectural Conservation Areas. Chapter 13, Curtilage and Attendant Grounds is of particular relevance.

### **5.1.6 Circular Letter PL 07/12**

Circular Letter PL 07/12, dated 19<sup>th</sup> October 2012, sets out to revise Sections 2.2. to 2.7 of the 1996 Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It advises Planning Authorities to:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Reiterates advise not to include monitoring arrangements on health and safety or to determine planning applications on health grounds;
- Future development contribution schemes to include waivers for broadband infrastructure provision

### **5.1.7 Circular Letter PL 03/2018**

Circular Letter PL 03/2018, dated 3<sup>rd</sup> July 2018 provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013, and specifically states that the waiver provided in the Development Contribution, Guidelines for

Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

## 5.2 Development Plan

5.2.1 The Mayo County Development Plan 2014 – 2020 is the relevant development plan.

The Draft Mayo County Development Plan 2021-2027 is **currently at Material Amendment stage** and is due to be adopted in July 2022, coming into effect 6 weeks after.

The appeal site is not the subject of any specific land use zoning.

The provisions of the Mayo County Development Plan 2014 – 2020 relevant to this assessment are as follows:

TC-01 –support and facilitate ICT infrastructure subject to not having significant adverse effects on environment.

TC-02 - locate telecommunication masts in non-scenic areas, or in areas where they are unlikely to intrude on the setting of, or views of/from, national monuments or protected structures.

LP-01 – facilitate development in a manner that has regard to the character and sensitivity of the landscape.

Section 55 of Volume 2 - sets out development control guidance for telecommunications.

The appeal site is located within Policy Area 4 (Drumlins and Lowlands) in the supporting document, 'Landscape Appraisal of County Mayo'. These areas are recognised as comprising working landscapes, contain the vast proportion of Mayo's population and all major road and rail infrastructure.

The appeal site is not identified as being affected by any designated routes or views on Map 4 'Scenic Routes and Protected Views' of the Landscape Appraisal of County Mayo.

St. Cronan's Catholic Church, located to the south of the appeal site is listed on the Record of Protected Structures in the Mayo County Development Plan 2014 – 2020

(RPS Ref. 1 refers) and is also listed on the National Inventory of Architectural Heritage Reg. No. 31309022.

There is a Recorded Monument (REF. MA090-155 – a stone head) located within St. Cronan's Graveyard.

### 5.3 **Natural Heritage Designations**

The appeal site is not located within or close to any European Site. The closest European Site, Balla Turlough SAC (Site Code 000463) is located c. 0.5 km east of the appeal site.

### 5.4 **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

## 6.0 **The Appeal**

### 6.1 **Grounds of Appeal**

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised under the following headings as follows;

#### Context for appeal:

- The appeal is made with reference to the provisions of S.37 2 (b) (iii) of the Planning and Development Act 2000, as amended (i.e. that permission should be granted having regard to the RSES for the area, Section 28 Guidelines, policy directives under Section 29, the statutory obligations of any local authority, and any relevant policy of the Government, the Minister or any Minister of the Government).

#### Policy Considerations:

- The proposed development accords with the NPF, Project 2040, the Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development, the

Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 and Mayo County Development Plan 2014-2020 with regard to connectivity, broadband, homeworking and the strengthening of rural Ireland.

Impact on Protected Structure/Heritage:

- The proposed structure will only be marginally visible from St. Cronan's Church due to the presence of mature trees, the low height of the structure and its set-back from the public road.
- The structure being intermittently visible does not mean that it will negatively affect the character of the protected structure or character of the area.

Visual Impact:

- The landscape is accepting of vertical structures.
- The impact of the proposed structure will be minimised through its monopole design and the presence trees which provide screening.
- The structure, whilst visible from certain locations, is not unsightly and would not detract from the amenities the area.

Technical Considerations/Justification for Proposed Development:

- The height of the proposed structure is consistent with the effective operation of 3G and 4G coverage.
- The proposed development accords with the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996, specifically Section 4.3 regarding height (being the minimal that is required) and design (consisting of a monopole).
- Balla suffers from weak coverage for Eir and the area has a requirement for high-speed broadband.
- The surrounding area has 4 no. telecommunications sites, however, with the exception of the appeal site, all are too remote from Balla to provide the required coverage. The existing telecommunication structure at Balla Garda Station is inadequate in terms of its height to accommodate Eir equipment and is not structurally capable of being extended.

- The proposed development will significantly improve Eir's 3G and 4G coverage in the area. The area only receives 'fair' coverage from Eir, based on Comreg's Coverage Maps. Within this area is a secondary school and a Garda Station and it is essential that these facilities have access to high quality broadband.
- The appeal site will allow over ground and underground telecoms infrastructure to be facilitated within a single compound, simplifying operations and improving efficiencies.

Rebuttal of Issues Raised in Observations to Planning Authority:

- Circular Letter 07/12 directs that planning decisions should not be based on health and safety grounds.
- The proposal allows for the clustering of telecommunications structures at a site which is already developed for utilities.
- The appeal site is located 330 metres from the local pre-school and 790 metres from the local secondary school.
- The closest dwelling is c. 70 metres from the appeal site, the proposed structure will be screened by the Garda Station and trees and as such the proposal will not negatively impact property values.
- The proposed structure will improve 3G and 4G technology in the area and is designed to accommodate future technologies.
- The applicant is not in a position to confirm how many operators the proposed structure will accommodate, this will depend on demand. The applicant is similarly not in a position to confirm whether the structure will be sold in the future.
- Broadband rollout is overseen by National Broadband Ireland and as such the applicant cannot comment on same. Balla is not currently included in the intervention area.
- The proposed development is unlikely to have adverse effects on Balla Turlough SAC noting the distance between it and the appeal site.

Response to Planner's Report:

- The site was considered acceptable by the Planning Officer.

- The applicant does not share the view of the Planning Officer regarding visual impact, the existing telecommunication structure on the site sets a precedent for the proposal, screening from trees and the colour of the structure will reduce the impact of the proposal.

## 6.2 Planning Authority Response

None received.

## 7.0 Assessment

7.1 I consider the main issues in the assessment of this appeal are as follows:

- Extent of proposed development.
- Technical Justification/Appropriateness of Location.
- Impact on Residential Amenity.
- Impact on Visual Amenity.
- Impact on Protected Structure (St. Cronan's Church)/Recorded Monument.
- Other Issues.
- Appropriate Assessment.

## 7.2 Extent of proposed development

7.2.1 Based on the drawings submitted with the planning application/appeal I note that the applicant is not proposing to replace the existing wooden telecommunications structure with the new proposed structure, rather the proposed new telecommunication structure will be located c. 9 metres north of the existing telecommunications structure. The architectural assessment, undertaken by Southgate Associates, Heritage Conservation Specialists and submitted as further information refers to the proposed development as comprising 'the replacement of the wooden support pole with monopole structure' (see Section 1.1 of the report). Having regard to the development description contained in the public notices and to the drawings submitted with the planning application/appeal I consider the proposed development to comprise the provision of a new monopole structure. I have assessed the impact of the proposed development on this basis. This does not however preclude

the applicant from removing the existing wooden telecommunications structure from the site should that be their intention.

7.2.2 Drawing No. 01 indicates a 2.4 metre high palisade fence however this is not referred to in the development description contained in the public notices and is not depicted on the proposed site layout drawing or on the proposed contextual elevations. Having regard to the forgoing, should the Bord be minded to grant permission for the proposed development, I recommend that a condition is attached linking the development permitted to the development description contained in the public notices.

### 7.3 **Technical Justification/Appropriateness of Location**

7.3.1 The applicant states that the proposed development is required at this location in order to address specific service/coverage deficiencies in Balla. I have verified the existing level of mobile coverage for this area using ComReg's coverage maps and note that for a number of providers, including Eir, the area is identified as having 'fair coverage' for 3G and 4G services. According to ComReg's website, in areas with fair coverage, *'fast and reliable data speeds may be attained, but marginal data with drop-outs is possible at weaker signal levels'*.

7.3.2 In terms of the consideration of alternative sites where the applicant could co-locate on an existing installation, details of existing telecommunication installations in the wider area were examined as an alternative to the provision of new telecommunications structure on the appeal site. The applicant has provided details of 3 no. existing sites/installations in the area for the purpose of co-location and has discounted these sites on the basis of being too far from target area. Regarding the use/re-purposing of the existing timber telecommunication structure, the applicant states that the existing structure is inadequate in terms of its height, has limited coverage reach, lacks potential fixing points, and is limited in terms of functionality. Having regard to the forgoing, I consider that the applicant has evaluated alternative sites for the purpose of co-locating the structure, that the basis for discounting these sites is reasonable and that the justification for the proposed structure is acceptable.

7.3.3 The Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 provide that *'only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, and if such*



*location should become necessary, sites already developed for utilities should be considered....masts and antennae should be designed and adapted for the specific location’, and.... ‘the support structure should be kept to the minimum height consistent with effective operation’.* Regarding the appropriateness of the appeal site for the proposed development, the site is an existing telecommunication compound and as such I consider that the site has the capacity to absorb the proposal. I also note that the proposal is set back from the Main Street, located behind the Garda Station, and this assists with the assimilation of the proposal. Furthermore, I note that the design of support structure is a monopole structure, as recommended by the Guidelines for sensitive locations. The applicant states that the height of the structure is the minimum required to ensure functionality. I note that the height of the proposed structure allows for other providers to co-locate onto the structure. Should the Bord be minded to grant permission for the proposed development I recommend that a planning condition is attached requiring the applicant to facilitate other operators to co-locate onto the structure.

7.3.4 Based on the information submitted, I consider that there is a technical justification for the proposal at this location. I am also satisfied that the appeal site is appropriate for such a development and that the proposed development accords with the provisions of the Mayo County Development Plan 2014 – 2020 and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in relation to the location of installations within urban areas.

#### **7.4 Impact on Residential Amenity**

7.4.1 Circular PL07/12 recommended that development plans should avoid the inclusion of minimum separation distances between telecommunications structures, schools and residences. I note the separation distances between the proposed structure and the closest dwellings, along Main Street (.c 75 metres), to the west of the appeal site (c. 80 metres) and Churchview (c. 100 metres). I consider these separation distances to be adequate to ensure that there would be no significant overbearing or visual intrusion arising from the proposed development and as such I am satisfied that the

proposed development would not result in significant negative impacts on the amenity of residential property in the vicinity of the appeal site.

## **7.5 Impact on Visual Amenity**

7.5.1 In terms of visual impact, I note that the appeal site is located in an urban area where telecommunications and other utility structures are common. The appeal site accommodates an existing telecommunications exchange/compound and a wooden telecommunications pole of c. 12 metres in height. As such, telecommunications infrastructure at this location is a feature of the village's landscape.

7.5.2 Noting the location of the appeal site to the rear of the Garda Station, the lower part of the telecommunications structure will be partially screened when viewed from locations along Main Street. Having regard to the monopole design of the proposed structure, its muted colour, the screening afforded the adjacent trees and the siting of the proposed structure, set back from Main Street, to the rear of the Garda Station, I do not consider that the proposed development would represent a discordant feature at this location, nor do I consider that the proposal would have a significant negative impact on the visual amenities of the area.

7.5.3 The refusal reason of the Planning Authority refers to the proposed development as being contrary to Objective LP-01 of the Mayo County Development Plan. Objective LP-01 requires, in context of the Landscape Appraisal of County Mayo, a supporting document of the County Development Plan, that development has regard to the character and sensitivity of the landscape and does not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence. I note that the appeal site is located within Policy Area 4 (Drumlins and Lowlands) in the 'Landscape Appraisal of County Mayo'. These areas are recognised as comprising working landscapes. I note that the appeal site is not identified as being affected by any designated routes or views and as such I consider the landscape sensitivity to be low to such development. As such I do not concur with the assertion of the Planning Authority that the proposed development would result in any significant landscape impacts or have a disproportionate effect on the existing or future character of a landscape.

7.5.4 The applicant has submitted photomontages of the proposed development from Main Street and from the graveyard of St. Cronan's Church. I consider these

photomontages to be representative and accurate. I note that the proposal will be intermittently visible in the surrounding landscape from a number of locations, however the proposed structure does not terminate any view, is located at the southern end of the village, as distinct from the centre and is located to the rear of Main Street. As such, I do not consider that the proposed structure would dominate or be intrusive within the landscape at this location. Having regard to the developed nature of the landscape in the vicinity of the appeal site, the presence of natural screening, and to the design of the proposed structure, comprising a monopole, I am of the view that the overall visual impact of the proposal would be satisfactory in the context of the visual amenities of the area.

## **7.6 Impact on Protected Structure (St. Cronan's Church)/Recorded Monument**

7.6.1 The proposed structure is located c. 70 metres north of St. Cronan's Church, a Protected Structure (described as a detached, double height, 9 bay Catholic Church), and is located west of and alongside the boundary with the graveyard of St. Cronan's Church. St. Cronan's Church is a significant feature in the townscape and dominates the southern part of Balla. The front of the church faces west and the church and its setting are best appreciated when viewed front on, from Main Street.

7.6.2 The applicant has submitted an Architectural Assessment for the proposed development. The assessment identifies the potential for significant impacts on the churchyard and the graveyard associated with St. Cronan's Church arising from the proposed development. Mitigation is recommended in the form of the planting of fast growing mature trees adjacent to the appeal site, noting that there is no capacity within the appeal site where trees could be planted. As the area where these trees would be planted is outside the appeal site, the consent of adjoining landowner(s) would be required. Accordingly, I have not had regard to the suggested mitigation in assessing the impact of the proposed development on St. Cronan's Church.

7.6.3 Noting the distance between the proposed structure and St. Cronan's Church, the height, colour and monopole design of the proposed structure, the location of the proposed structure within an existing telecommunication compound where there is an existing telecommunication structure, I do not consider that the proposed development would detract from the character or setting of St. Cronan's Church or its curtilage.

7.6.4 There is a Recorded Monument (REF. MA090-155 – a stone head) located within St. Cronan's Graveyard, c. 50 metres from the proposed structure. An assessment of potential impacts on this Recorded Monument were not included in the reports of the Planning Authority or in observations to the Planning Authority. Having regard to the distance between the proposed structure and the Recorded Monument, I do not consider that the proposed development would have a significant negative effect the Recorded Monument.

## 7.7 Other Issues

7.7.1 The applicant states that the appeal is made with reference to the provisions of S.37 2 (b) (iii) of the Planning and Development Act 2000, as amended, however, I note that the Notification of Decision to Refuse Permission does not make reference to material contravention of the County Development Plan and as such the provisions of s.37(2)(b) of the Planning and Development Act 2000, as amended, are therefore not applicable in this case.

7.7.2 I note that the issue of the devaluation of properties in the vicinity was raised in observations to the Planning Authority. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.7.3 Additionally, the issue of the health impacts of the proposed development was raised in observations to the Planning Authority. In respect of issues concerning health and telecommunications structures, Circular Letter: PL 07/12 states that, 'Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'. Accordingly, I consider that this issue is outside the scope of this appeal.

## 7.8 Appropriate Assessment

7.8.1 Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

7.8.2 A submission was made to the Planning Authority by a third party raising concerns regarding the potential impact of the proposed development on the flight path of birds given the proximity of the site to Balla Turlough SAC (Site Code 000463). The single qualifying interest associated with Balla Turlough SAC is Turloughs. Whilst Balla Turlough SAC is not designated for birds, I note that the NPSW Conservation Objectives Series document for Balla Turlough SAC notes that Balla Turlough attracts significant numbers of Golden Plover, Lapwing and Curlew. Noting the nature of the proposed development and its location within the settlement of Balla, the separation distance between the appeal site and Balla Turlough SAC, I do not consider that the proposed development would result in any likely significant effects on birds who use Balla Turlough SAC.

## 8.0 Recommendation

8.1 Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

### 9.1 Having regard to:

- (a) The DOEHLG Section 28 Statutory Guidelines; Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012,
- (b) The Mayo County Development Plan 2014 – 2020,
- (c) The location of the site outside any area of scenic or landscape designation within the development plan for the area,
- (d) The nature and scale of the proposed telecommunication structure,
- (e) The demonstrated need for the telecommunications infrastructure at this location,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 8.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 31 <sup>st</sup> May 2021 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
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2	<p>The development hereby permitted shall restricted to that as described in the public notices.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3	<p>The developer shall provide and make available at reasonable terms, the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.</p> <p><b>Reason:</b> In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.</p>
4	<p>Within six months of the cessation of the use of the telecommunications structure, all structures shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the Planning Authority as soon as practicable.</p> <p><b>Reason:</b> In the interest of protecting the landscape.</p>
5	<p>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.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
6	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth.</p> <p><b>Reason:</b> In the interest of public safety</p>
7	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>

8	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
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Ian Campbell  
Planning Inspector

20<sup>th</sup> June 2022