



An
Bord
Pleanála

Inspector's Report ABP-311217-21

Development	Removal of 2 no. existing 10m wooden pole structures and installation of a 21m monopole structure (22.5m overall height).
Location	Foyle View Point, Carrowkeel, Quigley's Point, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	21/51117
Applicant(s)	Vodafone Ireland Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party vs. Refusal
Appellant(s)	Vodafone Ireland Limited
Observer(s)	Millbrae Park Residents Association
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 Quigley's Point, at the southern end of the Inishowen Peninsula. The settlement is approximately 12km southwest of the town of Moville and approximately 8km northeast of Muff. The western shore of Lough Foyle is approximately 300m to the east. Quigley's Point 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 59m² and is of an irregular 'L' shaped configuration. The site and immediate surrounding land is relatively flat, while topography rises in the wider area to the north, south and west. It comprises the rear (western) portion a larger existing 'Eir' telecommunications exchange site containing a small single storey building. The site is currently bounded by metal palisade fencing, with a pedestrian gate access onto the adjoining public road to the east. There is an existing ESB utility pole within the site and another one bounds the western fence of the site. There are also 2 no. wooden pole support structures in the southwest corner of the site. While one of the poles supports an aerial at the top, the other pole did not have any attached equipment at the time of inspection.
- 1.3. The site is accessed via a county road which meets with the Regional Road R238 at junctions located c. 200m to the south and c. 350m to the northeast. To the south of the site is the access road and footpaths serving Millbrae Park, a small cul-de-sac consisting of 10 no. semi-detached dwellings. To the west (rear) of the site is the open space area serving Millbrae Park. There is a large mature tree at the southwest corner of the site. To the north of the site is an agricultural access laneway, followed by detached dwellings. There is a small setback area between the site fence and the road to the east, which includes an old water pump enclosed by stone walls on three sides.

2.0 Proposed Development

- 2.1. The proposed development comprises the removal of the existing wooden pole support structures on site and their replacement with a 21m high (full height 22.5m)

monopole telecommunications structure. It is intended to support antennae to provide improved broadband services (3G, 4G and 5G), and would be used by Vodafone and Eir (with space for other operators). In summary, the proposed development includes the following:

- Removal of two existing wooden pole structures (stated to be 1 no. 10m high with 3m aerial on top, 1 no. 10m high).
- Construction of 21m high telecommunications monopole structure with 1.5m high lighting finial on top (total height 22.5m)
- Accommodation of existing (relocated) and proposed antennae, dishes and associated equipment.
- Provision of operators' ground equipment cabinets and associated facilities.

2.2. The Board should note that the appeal includes a revised proposal for a structure with a reduced height (by 3 metres). The revised proposal would have a support structure height of 18m, with an overall height of 19.5m to top of finial lighting. The reduced space in the revised proposal would limit use to Vodafone and Eir only.

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

- Planning report including details of technical justification, relevant policy, visual impact, and compliance with radiation emission standards. The Board should note that the copy on file is incomplete. A complete copy is available on the planning authority website.
- Letter of consent from Eir Property Services.
- Photomontage Report.

3.0 Planning Authority Decision

3.1. Decision

By order dated 29th July 2021, Donegal County Council (DCC) issued notification of the decision to refuse permission. The reasons for refusal are as follows:

1. *It is a policy of the Council under TC-P-3 of the County Development Plan 2018-2024 (as varied), to require the “new telecommunication antennae and support structures be located in accordance with the provisions of the Telecommunications Antennae and Support Structures Guideline for Planning Authorities 1996 which advises that within towns and villages operators shall endeavour to locate telecommunication infrastructure within industrial estates/areas. On the basis that the proposed mast would, by virtue of height and form, be an overbearing and incongruous structure within the established pattern of development within the immediate vicinity of the site which consists mostly of residential properties it is considered that to grant permission would contravene the aforementioned policy and would seriously injure the amenities, or depreciate the value, of property in the vicinity, and thus would be contrary to the proper planning and sustainable development of the area.*

2. *In the absence of proposals for the appropriate management of parking of service vehicles attending the site the planning authority considers that to grant permission would give rise to a traffic hazard and obstruct a public road and thus to grant permission would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planner’s Reports

In response to 3rd Party submissions the Planning Officer states as follows:

- Although the proposal would lead to only occasional traffic, the potential for blocking vision lines from the estate does arise. Proposals for management of service vehicles could be sought through further information.
- There are concerns about the massing of the mast in proximity to nearby dwellings.
- The existing tree cannot be relied upon for screening.
- The proposal presents no potential for significant effects on Lough Foyle SPA or local water quality.
- The application is valid, and the drawings and details are sufficient for the purposes of assessing the application.
- Circular Letter PL 07/12 advises that such developments should not be subject to temporary permissions.
- Obstruction lighting would have little or no impact on residential amenity.
- The presence of the existing Eir exchange site appears to be the predominant factor in site selection.
- The proposal would not be detrimental to any protected structures or built heritage but would be overbearing and detrimental to the visual amenities of the area.

In addition to these points, the Planning Officer's assessment can be summarised as follows:

- The proposal would have a negative visual impact as viewed from houses within the adjoining residential estate and as viewed from the adjoining residential property to the north.
- No public health issues arise. These matters would be regulated by other codes.
- Having regard to the minor nature of the development and its distance/separation from any European Site, no Appropriate Assessment issues arise.
- It is recommended to refuse permission for the reasons outlined in the DCC decision.

Other Technical Reports

Executive Engineer (Roads): Recommends that vision lines should be maintained and that no storm water should flow onto the adjoining road.

3.3. Prescribed Bodies

Department of Defence: The observation specifies the type of obstacle lighting to be used.

3.4. Third-Party Observations

Two third-party submissions were received by the planning authority. The issues raised are largely covered in the observation on this appeal (see section 6 of this report). In addition, a submission by Kathleen Boyle of Carrowkeel, Quigley's Point, objects to the development on the following grounds:

- The size and height of the structure is not suited to the site. It would be directly visible from her home (without screening) and would destroy the visual amenity of the area.
- Other more suitable sites should be considered.
- The obstruction light will be a nuisance.
- The development will negatively impact on her property value.

4.0 Planning History

P.A. Reg. Ref. 94/1730: 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 Quigley's Point, 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.

TC-P-4: It is the policy of the Council to consider proposals for replacement telecommunications antennae and dishes where any proposed new antennae/dish can be sited and located in a manner that does not negatively impact on the visual amenities, built, natural and archaeological heritage or qualifying interest of any such area. Any proposal for replacement dishes/antennae shall be subject to all material considerations, including environmental designations and amenity considerations.

TC-P-5: It is the policy of the Council to consider proposals for replacement telecommunications support structures where any proposed new support structure can be sited and located in a manner that does not negatively impact on the visual

amenities, built and archaeological heritage or qualifying interest of any such area. Any proposal for replacement telecommunications support structures shall be subject to all material considerations, including environmental designations and amenity considerations.

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'.

5.3. **Natural Heritage Designations**

The nearest Natura 2000 site is the Lough Foyle SPA (Site Code 004087) located c. 300m to the southeast 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 area has traditionally suffered from infrastructural deficiencies and the proposed development would bring valuable broadband improvements.
- The existing structures on site are not structurally capable of supporting the required equipment for the proposed operators (Vodafone & Eir) and would not provide the required height for coverage. A higher structure would also provide the opportunity for co-location on the same pole.
- The appeal proposes to reduce the height of the structure by 3m, which would be only 5m higher than what currently exists on site. It would be limited to use by Eir and Vodafone only.
- Based on a requirement to improve 2G, 3G, 4G and 5G coverage for the area, a sequential approach was taken to site selection in accordance with the Telecommunications Guidelines. 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 Quigley's Point has a c. 500m radius as it is a village location with a heavy load due to increasing use of data and broadband services, as there currently is on Vodafone's existing site.
- As there are no existing masts available for Eir and the nearest is 3.3km northwest of Quigley's Point, a replacement structure is proposed at the existing exchange site as a last resort. It would avoid the need for a new

structure elsewhere and would provide strategic coverage for local houses and businesses.

- ComReg coverage mapping for 4G services demonstrates that coverage in the area for Eir is only 'fair', and there is no coverage for Vodafone in large areas.
- Eir and Vodafone will always co-locate on existing structures as a first choice, as evidenced by Eir's co-location on the nearest structure c. 3.4km away. There are no other suitable structures to accommodate the service needs. The area is currently suffering from inadequate coverage and the existing Vodafone structure no longer provides broadband services to the village due to its limited height and surrounding blockages.
- Eir cannot meet its service requirements from the existing structure 3.4km away due to excessive distance and blockage of coverage.
- The proposal achieves a balance between planning requirements and the need for modern communications as an essential service.
- The application has demonstrated compliance with the Development Plan, including policy TC-P-3.

Visual and Residential Amenity

- Based on the original photomontage report, the reduced height of the proposal would be only 3m above an adjacent tree (viewpoint 1 & 2) and would be just above the roofline of the dwelling shown in viewpoint 3. It would significantly reduce the visual impact, would be within an existing utility site, and would be setback from the Wild Atlantic Way as much as possible.
- The structure has been designed as an 8m height increase on the existing wooden poles. It would be partially screened by other development/vegetation and would integrate with other vertical forms such as utility poles etc.
- The magnitude of the impact would be acceptable. The co-location proposal would reduce the requirement for another mast and the monopole structure would be less obtrusive than a lattice structure.

- The proposal would not have any unacceptable overbearing impacts and the Telecommunications Guidelines do not specify any minimum separation distance from dwellings.
- The proposal would not be incongruous and would not seriously injure the residential amenity of the area.
- The Board has previously decided that such proposals should not be refused on grounds of devaluation of property unless there is adequate evidence. It would be reasonable to assume that property values would be positively impacted due to the provision of an essential utility, as has been demonstrated by UK studies.
- The replacement of existing structures on an established utility site is consistent with the suitable locations identified in the Telecommunications Guidelines. Other cited examples of suitable location are not available, including industrial estates. The proposed site is acceptable as a 'last resort' which is not within a residential area or close to schools, albeit that it is close to houses.
- The limited visual impacts are outweighed by the infrastructural benefits.

Traffic Hazard

- As per current arrangements, there is adequate space to the front of the site for one service vehicle to park for maintenance visits. There is further space to the side (entrance to estate) which is not considered necessary.
- It is estimated that the existing infrastructure on site requires 24 visits per annum, and that the proposed development would generate an additional 12 visits, which would not be a significant increase in traffic.
- The increase in traffic during the construction phase (1-2 weeks) would be addressed through a Construction Management Plan.

6.2. Observations

One observation has been received on behalf of the Millbrae Park Residents Association. The issues raised can be summarised as follows:

- The existing site does not have parking arrangements and service vehicles (up to 4 daily) block sightlines and force hazardous pedestrian movements. The applicant's estimate of existing traffic is underestimated, and any increase is unacceptable. The Millbrae Park access is not a public road and is not suitable to accommodate additional parking requirements.
- The photomontages do not represent the impact on visual amenity for local residents and a photograph has been enclosed indicating the view from Millbrae Park. It would be within an area of High Scenic Amenity and would be visible from areas of Especially High Scenic Amenity, even with the proposed height reduction.
- The existing trees do not provide any substantive screening and are not within the control of the applicant. They can be easily removed and should not be relied upon for screening. Replacement planting cannot be accommodated within the restricted footprint of the site. It is also unclear where the existing ESB pole will be relocated but it would appear to require the removal of existing vegetation.
- The proposed location is at a low point and to avoid a proliferation of masts a higher location could be provided with wider coverage. It could also be of lower height and in an area of lower scenic amenity, which would be consistent with the Telecommunications Guidelines to locate in a residential area only as a 'last resort'.
- The alternatives appear to have excluded consideration of a new site.
- The need for the proposal has not been demonstrated. ComReg's mapping indicates that Eir 4G coverage in the area is currently 'fair' or 'good'. The applicant's mapping is outdated and refers to a site in Oranmore, Co. Galway.
- The site is within a residential area close to recreational and community facilities and should be a location of 'last resort'. Even in such circumstances, the proposal is unduly obtrusive and inappropriate for the centre of the village.
- Drainage from the existing site is directly to Leamacrossan River and onwards to Lough Foyle SPA. No protections for these water bodies have been included.

- The applicant understates the extent of residential development completed in proximity to the site since the original structures were established.
- The applicant is inconsistent in statements regarding the height of the existing wooden poles (10/11 metres). Most importantly, it is not agreed that the poles are 10m above ground level and are in fact substantially less (7m). The drawings submitted misrepresent the height of the poles and street lighting, which is deceptive and misleading. The proposal would not be 'slightly' or 'only' 5m higher than the existing poles. It would be substantially higher and wider, and would be incongruous in the existing village, streetscape and context of surrounding dwellings. The householders do not agree that the proposal does not come close to having a severe overbearing effect.
- The request to omit any construction time limit is unacceptable and does not allow for proper assessment at a later date. The development would massively impact on the attractiveness of the village and property valuations. It is submitted that the most recent homebuyer in the estate would not have done so if the development was in place. The existing Eir exchange is fibre connected and provides excellent broadband speeds for the village. The assertion that the proposal would positively influence property values should be disregarded.
- The obstruction lighting would be a nuisance to local residents, with the overbearing structure being visible even in darkness.
- The proposal contravenes policy as a result of proximity to protected structure and built heritage; the incongruous impact on residential and visual amenity; and the absence of consideration of alternative sites.
- A number of similar proposals have been refused for similar reasons in the county and this precedent should be considered.

6.3. Planning Authority Response

The Planning Authority response to the grounds of appeal questions whether or not it has been properly demonstrated that there are no alternative commercial or retail areas available for the proposed development. Otherwise, the planning authority is

satisfied to rely on the contents of the Planner's Report and Recommendation, and requests that the Board upholds the decision to refuse permission.

7.0. Assessment

7.1. Introduction

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

- The principle of the development
- Visual Amenity & Built Heritage
- Residential Amenity
- Traffic

7.2. The principle of the development

7.2.1. The proposal is for a replacement multi-user telecommunications structure that would host antennae and dishes to improve the 3G, 4G and 5G network coverage and capacity at this location. 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 surrounding area and I note that the rating for Eir 4G coverage is generally only 'fair', while the rating for Vodafone is lower within a general range of 'fringe' to 'no coverage'. A review of other operator's coverage also shows that the standard in the surrounding area could generally be described as only 'fringe'. 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. I note that the original proposal (21m high) would enable other operators (other than Eir & Vodafone) to potentially improve their coverage and capacity at this location. The reduced height proposal (18m) would limit the structure to Eir and Vodafone.

- 7.2.4. 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 an Eir (Meteor) site (ID 4088) c.3.4km to the northwest, while the nearest other site is a 'Three' site (ID 3_DO0191) c. 5.6km to the northwest. 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 a replacement of existing structures within a utility site, and as 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 co-location of 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 Quigley's Point to facilitate this approach. I accept that there are isolated commercial/industrial sites, for example the Foyleside Engineering building c. 60 metres northeast of the appeal site. However, consistent with the pattern of development in the area, such sites also adjoin residential/mixed uses and there is no identifiable industrial area.

- 7.2.8. Perhaps more relevant to the current case, Policy TC-P-5 deals specifically with the replacement of existing structures and does not identify any preferred or precluded locations. Understandably, the principle of the location would appear to be accepted in such cases and this policy focuses more on the suitability of the replacement and its impacts on the visual and heritage amenities of the area.
- 7.2.9. 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. Quigley's Point is a quite dispersed and fragmented settlement, but I note that the site is within the Settlement Framework Boundary as per the Development Plan. The appeal submissions have debated whether or not the site is within a 'residential area'. I would acknowledge that the appeal site bounds the Millbrae estate to the south and west. There are also detached dwellings to the north and southeast, but the majority of lands to the north and east remain undeveloped. Given this limited extent of low-density housing and the dispersed pattern of surrounding development, it is difficult to say that this is a concentrated residential area of significance. In any case, having regard to the presence of the existing support structures and the established utility use of the site, together with the absence of suitable alternative sites, I consider that proposed location would be consistent in principle with the provisions of the Development Plan and the Telecommunications Guidelines for such scenarios.

Time Limits

- 7.2.10. I note that the observers object to the applicants request not to impose a time limit on the permission. The observers' objection appears to relate to a construction time limit, while the applicant's request is in relation to the operational duration for the development. To clarify these matters, the permission to construct the development would last for a period of 5 years in accordance with the normal time limits for

planning permission. However, if constructed within that period, I would not propose to impose any time limit for the operational phase in accordance with the guidance outlined in Circular Letter PL07/12 – Telecommunications Antennae and Support Structures.

Conclusion

7.2.11. 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 the replacement of the existing support structures on a long-established utility site is acceptable in principle within this dispersed rural settlement.

7.3. Visual Amenity

7.3.1. In considering the visual impact of the development I note that the observers contend that the height of the existing structures has been misrepresented and that the visual impact of the development would be substantial in comparison. While I have not had the benefit of any facility to measure the height of the existing structures, I would highlight that the height of the proposed structure is the important issue for assessment. In the interest of clarity, this will be assessed on its merits without any comparison to the height of the existing structures.

7.3.2. Where 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 surrounding trees and existing development, together with the need to accommodate co-located operators, I am satisfied that the reduced proposal (i.e. 18m high) has been suitably designed in accordance with the Guidelines. Conversely, the original proposal (21m high) clearly exceeds the minimum height requirement.

7.3.3. 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 east 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.

- 7.3.4. According to the DCC GIS mapping, there would not appear to be any Protected Structures in the vicinity of the site. The nearest structure on the NIAH is the bridge over the Leamacrossan River c. 60m northeast of the appeal site. Having regard to the significant separation distance involved, I am satisfied that the proposed development would not have any significant impact on the setting of the bridge or the built heritage of the surrounding area.
- 7.3.5. The application includes a Photomontage Report which demonstrates the visual impact of the development from 3 surrounding viewpoints. The Board should note that these images illustrate the impact of the original proposal (21m high) and the report has not been revised to show the reduced height (18m). The applicant contends that the magnitude of impact in the original proposal would be acceptable. The appeal suggests that the reduced height would have the effect of omitting the top section of antennae and would significantly reduce the visual impact.
- 7.3.6. I would acknowledge that the appeal site is not elevated or exposed, and that it would benefit from the enclosure of rising topography to the north, south and west. This helps to minimise visual impacts in the wider context. At a localised scale, I would also accept that the site benefits from screening provided by other buildings and trees. The existing mature tree to the immediate southwest of the site is of significant height and serves to provide substantial screening and a suitable backdrop for a significant extent of the structure. I acknowledge that this and other trees are not within the control of the applicant and the observers contend that this cannot be relied upon. 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 and buildings. I consider that this supports the general principle that surrounding intermediate objects 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. The appeal site is somewhat more exposed when viewed from the more open topography to the east along the

R238 road but benefits from a significant backdrop of rising ground to the rear (west).

- 7.3.7. Ultimately, I would accept that the proposed development would form a significant visual presence when viewed from localised points in the surrounding area, particularly the original higher proposal of 21 metres. In such cases, the Telecommunications Guidelines acknowledge that masts will remain quite noticeable in spite of the best precautions. It is advised to consider whether the structure would terminate views and whether viewers would be facing the mast for the most time or whether visibility may be intermittent or incidental. Local factors should also be considered such as trees or buildings, topography and scale in the wider landscape, and the multiplicity of objects in the wider panorama.
- 7.3.8. Having regard to the above guidance, I do not consider that the site location is prominent. Prominent views in the area are generally to the east of the road network towards the coastline, and along the adjoining roads in a north-south direction, particularly along the R238 and the Wild Atlantic Way. Accordingly, I do not consider that the proposed development would terminate a significant view. Viewers would generally not be facing the proposed development and I am satisfied those views would be intermittent and incidental having regard to the prominent views in the area and the screening provided by intermediate topography, vegetation and buildings. However, consistent with the principle of minimum height design within villages, I would be concerned about the visual prominence of the original proposal, and I consider that the proposal for a reduced height of 18m should be permitted. On that basis, I do not consider that the proposal would seriously detract from the visual amenity or built heritage of the area.

7.4. Residential Amenity

- 7.4.1. Both the DCC decision and the observation received raise concerns about the overbearing and incongruous impact of the development on the amenities and value of surrounding properties. In this regard, I note that the proposed structure would be located c. 17m from the dwelling to the north, c. 33m from the dwelling to the southeast, and c. 25m from the nearest dwelling in the Millbrae estate to the southwest.

- 7.4.2. The property to the north is separated from the appeal site by an agricultural access. This property generally faces an east-west direction, not towards the proposed development. The nearest dwelling to the southeast is separated from the appeal site by the public road and a more significant distance of 33m. This property faces westward, albeit that the proposed development would be visible to the northeast at an angle. Within the Millbrae estate, the closest dwellings (No.'s 1-6) generally face north but are significantly to the rear of the appeal site and would not directly face the proposed development. At the rear of the estate house no.'s 7-10 generally face east towards the development, but at a significant distance of c. 65 metres.
- 7.4.3. In considering the overbearing impacts of the development I am again conscious of the established use of the site and the significant presence of existing trees and buildings in the surrounding area. I consider that the proposed design has been suitably minimised to a monopole structure and a reduced height option of 18 metres. Notwithstanding this, I would accept that the proposed development would introduce a significant visual presence for surrounding properties, albeit not one which would directly oppose any dwellings in excessively close proximity. Therefore, having regard to the separation distances involved and the orientation of dwellings, which avoid direction opposition with the proposed development, I do not consider that the proposed development would result in unacceptable overbearing impacts for surrounding dwellings.
- 7.4.4. Concerns have also been raised about the proposed lighting on the structure and the nuisance impact associated with same, particularly at night-time. However, having regard to the location of the site within a built-up village and the associated street lighting and building lights that exists, I do not consider that the proposed lighting would result in any significant light pollution that would detract from the amenities of surrounding residents.
- 7.4.5. I note the concerns raised by the planning authority and observers about the impact of the proposed development on the value of property in the area. However, no explicit evidence has been provided to support this contention. Furthermore, having regard to my assessment and conclusions as outlined above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would affect the value of property in the vicinity.

7.4.6. In conclusion, I acknowledge that the proposed development would have impacts for the surrounding residential properties. On balance however, and considering the need to improve telecommunications infrastructure in rural areas and villages such as this, I consider that there would be no unacceptable impacts and I would have no objections on grounds of residential amenity. This is based on the revised proposal for a reduced height of 18m and I consider that the original proposal of 21m would be excessive in height.

7.5. Traffic

7.5.1. 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. There is an existing setback area along the roadside, and this appears to be used for the parking of service vehicles, as was evidenced on the day of my site visit. 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.

7.5.2. The alignment of the road is good at this location. There are limited traffic volumes, and a 50km/hr speed limit applies. I acknowledge the concerns about service vehicles blocking visibility at the junction with the Millbrae estate road. However, I consider that the existing stone walls (around the water pumps) already limit visibility at this location and the parking of vehicles opposite the appeal site would not result in any significant further obstruction of visibility. 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 site is the Lough Foyle SPA located c. 300m to the southeast of the appeal site. The appeal site is mainly separated from the SPA by undeveloped agricultural lands, roads and sporadic development.

- 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. The Leamacrossan River is c. 60 metres to the north of the site, which drains eastwards 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. At operational stage, 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 and its distance from any potential hydrological links, 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.
- 8.4. 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. 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, as amended by the further plans and particulars proposing a structure height of 18 metres (overall height 19.5 metres) received by An Bord Pleanála on the 25th day of August, 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 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