



An
Bord
Pleanála

Inspector's Report ABP-311541-21

Development	Construction of 35m pine tree multi-user telecommunications support structure and all ancillary works.
Location	Coillte Forest Drumcliff, Drumcliff North , Co Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	21279
Applicant(s)	Signal Infrastructure
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure.
Observer(s)	Geraldine Gibbons.
Date of Site Inspection	20 th April 2022
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a rural site located approximately 600m to the northeast of Drumcliff Village in County Sligo and circa 7km north of Sligo Town Centre. The appeal site which has a stated area of 0.01 hectares is located within a commercial coniferous forest plantation within which trees are currently at a height of between 15m and 18m. Access is via the local road L7407 which runs to the east of the N15 National Primary Route. The topography of the site is relatively flat while the immediate locality is sparsely developed and predominantly in agricultural use. To the north-east of the site there are uninterrupted views of the southern face of the spectacular Ben Bulbin Mountain.
- 1.2. There are a number of Architectural Heritage Sites within 600m to the southwest of the site including the Medieval Monastic Complex at Drumcliff including National Monuments SL008-084004 (High Cross) and SL008-084003 (Round Tower) as well as St Columba's Church (Protected Structure 200) and graveyard (the final resting place of poet WB Yeats).

2.0 Proposed Development

- 2.1. The application involves permission for the erection of a new 35m high pine tree multi-user telecommunications support structure carrying 9 no antennas and associated remote radio units, 6 no communication dishes, 1 no lighting finial and 9 no outdoor cabinets, all enclosed within a security compound by a 2.4m high palisade fence with a 4m access gate, site access and site works. The development is intended to provide voice and mobile broadband services in the area.

3.0 Planning Authority Decision

3.1. Decision

By order dated 7th September 2021 Sligo County Council issued notification of its decision to refuse permission for the following reason:

“The proposed development would provide for a 35m telecommunications structure and associated equipment in an area of commercial forestry which is due to be clear

felled in 2023 and which is within an area surrounded by sensitive rural landscapes as identified within the Landscape Characterisation Map of the Sligo County development Plan 2017-2023 (as varied)., whereby it is the policy of Sligo County Council as per policy P-TEL-1 to protect areas of significant landscape importance from the visual intrusion of large scale telecommunications infrastructure. The proposed development, by virtue of its siting between the N15 Scenic Route and the Sensitive Rural Landscape of Ben Bulbin mountain, would result in an obtrusive and incongruous form of development which would seriously injure the visual amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes previous refusal by Sligo County Council and An Bord Pleanála. There have been no significant changes to the receiving environment. Refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

Senior Executive Engineer, Environmental Services. – No objection subject to environmental management plan and construction method statement, No storage of fuels chemicals or other hazardous materials. Measures to prevent surface water contamination.

Executive Engineer, Road Design. Proposed development will have negligible volumes of vehicular traffic and will not have an adverse effect on the operation of the N15.

Area Engineer - Existing sightlines to be improved by trimming / maintenance of hedges.

3.3. Prescribed Bodies

Irish Aviation Authority – no requirement for obstacle lighting.

Development Applications Unit. The Department has concerns regarding negative visual impact on highly important medieval monastic complex at Drumcliff that includes a High Cross and Round Tower in the ownership of the Minister. Location of the proposal is approximately 500m north of the national monument. Once clear felling has occurred the proposed 35m high pine tree multi-user telecommunications structure will become further exposed. Provisions of the Development Plan are noted including Section 21.2 Built Heritage, P-AH-1, P-AH-3 and P-LCAP-5. It is recommended that further information be requested by way of a detailed visual impact assessment report specifically from and of the Drumcliff Complex.

3.4. Third Party Observations

3.4.1 Submissions from the following third parties:

Michael Gibbons, Yeats Lodge, Drumcliffe.

Geraldine Gibbons, Yeats Lodge, Drumcliffe

Marie Mullen, Gortarowey, Drumcliffe

Edel Mullen, Gortarowey, Drumcliffe

Ilona Toth, Drumcliffe North.

Paul Mullen, Gortarowey Drumcliffe

Catherine Pringle, The Cottage, Kilkogue, Mullaghmore

Drumcliffe Church Tourism, C/o Sally Siggins, The Rectory, Drumcliffe

Tracy Thorndike, 33 Yeats Heights Ballinode

Laura Gibbons, 63 Larkfield Lucan Co Dublin.

Stephen and Josephine Ross, Cullagh Beg, Drumcliff, Sligo.

Jim Doherty, Rachcormac, Co Sligo.

Pauline and David Mulvaney, Mullaghneaneane. Grange Co Sligo.

PJ Mitchel, 2 St Annes Terrace, Sligo.

Anthony and Fiona McDaniel, Cullaghbeg, Drumcliffe, Co Sligo.

Gordon and Sandra Barber, Cartronmore, Drumcliffe, Co Sligo.

Darren Barber, Cartronmore, Drumcliffe Co Sligo.

Pauric Fowley, Cloonderry, Rathcormac, Co Sligo.

Patrick P Gibbons, Drumgorman, Leitrim PO, Co Leitrim

David O Sullivan & Paula Hannon, 29 Mill Falls. Collooney.

Jessica Barber, Cartronmore, Drumcliffe, Co Sligo.

Andrew Barber, Cartronmore, Drumcliffe, Co Sligo.

Ryan Barber, Cartronmore, Drumcliffe, Co Sligo.

Neil Barber, Cartronmore, Drumcliffe, Co Sligo.

Alan Harnan, Coolaney, Co Sligo.

Alan McLoughlin, Mullinadarragh, Carrigallen Co Leitrim.

Vincent Hill. 33 Yeats Heights, Ballinode Sligo.

Cllr Marie Casserly, Streedagh, Grange Co Sligo.

Suzanne, Siberry, Drumcliffe Select Vestry.

Clodagh S Higgins, Isleen Cottage, Ballincar Sligo.

Alfie and Mary Mahon, Ballinagallagh, Drumcliffe. Co Sligo.

Peter McHugh Jnr, Cuileagh Beg, Drumcliffe, Co Sligo.

Kiera McAllister, Cuileagh Beg Drumcliffe, Co Sligo.

Hille (Hildegard) Mensah, Gullivers Lodge, Lisnarawer, Beltra. Co Sligo.

Peter Paul Burns, Cartron, Fivemilebridge, Co Leitrim.

Councillor Donal Gilroy. Streedagh Grange Co Sligo.

3.4.2 Common grounds of objection relating to

- Visual intrusion in a sensitive rural landscape and designated scenic route, Ben Bulbin and St Columba's Church a protected structure, High cross and Round Tower, National Monuments.
- Plantation is due to be clear felled in 2025 making the proposed development further exposed.

- Location on popular walking route.
- Light pollution.
- Health implications, Electro Magnetic interference
- Impact on Wildlife including nearby beehives.
- Application is similar to 19/138 refused by Sligo County Council and the Board .
- Increase in height by 2m and camouflaging tree will further increase visual impact.
- Need for the structure is questioned, Area is well served.
- Negative impact on tourism industry.
- Site Notices placed too low.
- Negative impact of building works.

4.0 Planning History

Site circa 30m to the southwest of the current appeal site within the same plantation.

ABP- 304775 (Sligo Co Co Ref 19/138) The Board upheld the decision to refuse permission for a 33m high multi-user telecommunications support structure. Grounds for refusal were as follows:

“ The proposed development would provide for a 33-metre telecommunications structure and associated equipment in an area of commercial forestry, which is due to be clear-felled in 2025, and which is within an area surrounded by sensitive rural landscapes as identified within the Landscape Characterisation map of the Sligo County Development Plan 2017-2023, whereby it is the policy of Sligo County Council as per policy P-TEL-1 to protect areas of significant landscape importance from the visual intrusion of large-scale telecommunications infrastructure. This policy is considered reasonable. The proposed development, by virtue of its siting between the N15 Scenic Route and the Sensitive Rural Landscape of Ben Bulbin mountain, would result in an obtrusive and incongruous form of development which would seriously injure the visual amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.”

Planner’s report notes the following firetry license application –

Forestry License – SO01-FL0062 Clearfell. Application for clearfelling of 14.99ha of coniferous plantation submitted on March 2021. The application refers to a fell year of 2023. Conifer reforestation for roundwood production is detailed.

5.0 Policy Context

5.1.1. Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996)

These set out current national planning policy in relation to telecommunications structures and address issues relating to, inter alia, site selection; minimising adverse impact; sharing and clustering of facilities; and development control. The Guidelines are generally supportive of the development and maintenance of a high-quality telecommunications service.

At Section 3.2 An Authority should indicate 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. In rural areas towers and masts can be placed in forestry plantations provided of course that antennae are clear of obstructions.

At 4.3 it is stated 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. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. 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. The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape.

5.1.2. Telecommunications Antennae and Support Structures and DoECLG Circular Letter PL07/12

The 2012 Circular letter set out to revise sections 2.2. to 2.7 of the 1996 Guidelines. The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites beside schools. While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools, e.g., up to 1km. Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

Section 2.6 of the Circular letter refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. 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.

5.2. Development Plan

5.2.1 The Sligo County Development Plan 2017-2023 refers.

Section 11.2.1 Broadband. Sligo County Council fully supports the implementation of the National Broadband Plan and the Intervention Strategy 2015

Section 11.2.2 Mobile telephony infrastructure,

Sligo County Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a successful economy. It is the aim of the Council to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress, and protecting residential amenity and environmental quality.

It is the policy of Sligo County Council to:

P-TEL-1 Protect areas of significant landscape importance from the visual intrusion of large-scale telecommunications infrastructure.

P-TEL-2 Ensure that telecommunications infrastructure is subject to compliance with the Habitats Directive and is adequately screened, integrated and/or landscaped, so as to minimise any adverse visual impacts on the environment.

P-TEL-3 Support the implementation of the National Broadband Plan for Ireland (2012) and any related programmes aiming to provide high-speed broadband in County Sligo.

P-TEL-4 Where appropriate, require (by planning condition if necessary) the installation of underground telecommunications infrastructure associated with road, commercial and residential schemes.

P-TEL-5 Ensure that satellite dishes do not materially affect the character and appearance of any urban or rural area, and in particular Protected Structures or Architectural Conservation Areas.

Development Management Standards. 13.9.4 Telecommunications

Telecommunication masts, access roads and associated power lines will be assessed with regard to siting and design, safety, and the mitigation of intrusive impacts. The following standards shall apply:

A. masts will not generally be permitted in designated Sensitive Rural Landscapes, Visually Vulnerable Areas, pNHAs, SPAs, SACs or adjacent to Scenic Routes;

B. masts shall be designed and located so as to cause minimum impact on the landscape and, where possible, should be screened by forest plantations.

C. operators should seek to co-locate their services by sharing a single mast or, if necessary, locating additional masts in cluster form.

D. in the event of the discontinuance of any mast installations, the mast and associated equipment shall be removed from the site and the land restored to its original condition.

In terms of landscape character, the site is located within a normal rural landscape with sensitive rural landscapes circa 0.7km to the southwest (Drumcliff Bay) and 2km to the northeast (Benbulbin). Visually vulnerable areas are located along the coastline and along mountain ridges.

The N15 to the west of the site is a designated scenic route and a number of Local Road including that to the north is also a designated scenic route. Note 1 of landscape character map is that "Scenic routes are public roads from which the views and prospects to Visually Vulnerable features are to be preserved" In the case of the designated scenic routes in the vicinity the relevant views are towards Ben Bulbin - Visually Vulnerable Area and sensitive rural landscape to the northeast. I note also that Note 1 of the Landscape character map indicates that The environs of archaeological and historical sites are considered Visually Vulnerable Areas.

Ben Bulbin is designated as a Geological Heritage Site.

Drumcliff Mini Plan 2017-2023

The site lies outside the boundary but within 200m of the Drumcliff Mini Plan 2017-2023 (Volume 2 of the Sligo County Development Plan 2017-2023). A number of objectives within the plan are relevant including

21.1 Natural heritage and open space

A. Ensure the protection and enhancement of the conservation value of Cummeen Strand / Drumcliff Bay (Sligo Bay) SAC/pNHA.

B. Ensure that development is carried out in a manner which preserves views of Ben Bulbin from the N-15 designated scenic route, particularly on the approach to the village from the north and south.

21.2 Built heritage

A. Seek the protection and conservation of the following Protected Structures: RPS-197 House, Drumcliff North RPS-198 House, Drumcliff North RPS-200 St.

Columba's Church (CoI), Drumcliff South

B. Protect the archaeological integrity of National Monuments SL008-084004 (High Cross) and SL008-084003 (Round Tower) and ensure that development in the vicinity of these areas is strictly controlled.

C. Prepare and implement a Conservation Plan for the monastic site at Drumcliff in partnership with relevant stakeholders and the local community, subject to the availability of resources.

5.3. Natural Heritage Designations

- Cummeen Strand/Drumcliff Bay SAC and SPA and proposed NHA is located c.700 metres south west of the appeal site.
- Ben Bulbin, Gleniff and Glenade Complex SAC and Proposed NHA is located c. 2.2 km north east of the appeal site.
- Sligo / Leitrim Uplands SPA located c.1.7km north east of the site.
- Streedagh Point Dunes SAC is located c. 7.8 km north of the site.
- Ballintemple and Ballygilgan SPA is located c. 8km north west of the appeal site.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Indigo on behalf of the first party Cignal Infrastructure Limited. Grounds of appeal are summarised as follows:

- The proposed site is designed to support 2G Voice, 3G and high speed 4G broadband services including future 5G rollout for two mobile operators Eir and another operator, and by Imagine Broadband which is also seeking to expand its services in the area by providing advanced 4G LTE Wireless Broadband to provide Next Generation access speeds.
- The proposed development will bring significant improvement in the provision of mobile and broadband data services for the village of Drumcliff, townlands of Rathcormack, Tully, Castletown and surrounding rural areas and will close a large coverage gap on the N15.
- Reason for refusal cannot be sustained in the circumstances of this application.
- Existing mobile network sites are located between 0.5km and 5km away from the target coverage area. As a result of the distance and terrain the area is a service blackspot.
- An Taisce and the Heritage Council, competent authorities on matters of heritage and scenic beauty, have offered no comments in respect of the proposed development.
- DAU raised concerns in respect of visual impact on Medieval Monastic Complex at Drumcliff. Notably Sligo County Council did not include this as a reason for refusal.
- Review of existing telecommunications sites noted that there are 4 telecoms sites within 0.5km-5km of the appeal site. Existing installation at St Columba's Church of Ireland Church, Drumcliff Co Sligo (RPS 200). Church tower cannot accommodate by reason of its size the large number of additional pieces of equipment required for the proposed 3 no operators (Eir, Imagine Broadband and future operator) at their required operating heights.

- Existing Site at Raddison Blu Hotel, Ballincar Road, Rosses Point Co Sligo, 3.51km to the south. Eir has equipment deployed at this site due to the footprint for deployment, the distance and the intervening terrain and topography the coverage from the site is unable to provide any service delivery into Drumcliffe and its wider environs.
- In respect of the two existing sites at Mullaghaneane, Co Sligo these are sited approximately 4.46 km to the north-west discounted because of the distance and the intervening terrain and topography such that the coverage from this site is unable to provide any service delivery into Drumcliff and its wider environs.
- Proposed site offers the best technical and coverage solution to meet existing and future network requirements.
- Provision of a multi-user state of the art infrastructure proposed clustered within an existing forestry plantation at a suitable distance from existing infrastructure is fully in line with the Guidelines recommendations for siting of telecommunications infrastructure sand the current County Development Plan.
- The N15 is identified as a scenic route while the L-7403 from junction N-15 to junction with L-3402 (Oxfield to Miltown Road) - views of Benbulbin, Sligo Bay, Knocknarea Ox Mountains,. At its closest point, the appeal site is located 1.17km from the L3402.
- Based on the previous decision and refusal by the Board 304775 in respect of visual impact the applicant re-assessed the original application and proposal for a pine tree design seeks to mitigate impact.
- 20 viewpoints taken at eye level at public viewpoints within the local and wider area illustrate the visual impact of the development in the area.
- Findings of the landscape and visual assessment confirms that
 - The undulating terrain, meandering roads and considerable tree cover offers predominantly intermittent and partial views of the site across most of the assessed visual receptors.
 - The design if the fake tree means there would be some ability to visually blend the upper portions within the landscape's vegetal elements and tree cover while the compound would be concealed within the surrounding plantation.

- At its most sensitive the current impact is considered moderate because the plantation would both conceal most of the development and would have an ability to absorb the changes through blending of proposed materials with existing vegetal materials and forms. Once the plantation is felled the impact would become significant in some cases giving rise to discordant forms in scale and height being introduced into a sensitive setting for transient and static visual receptors.
- Significant impact would arise in the medium long term once the plantation is felled owing to the inability to screen / blend the conspicuous nature of the fake tree in terms of scale and height.
- The landscape and visual impact assessment clearly states “Mitigation measures could ensure the impact is reduced in the medium term”.
- When mitigation is implemented the significance of predicted effects in respect of the N15 (scenic Route) and the L7404 (local road) in particular decrease from significant to slight to moderate. Appropriate weight should have been attached to any mitigation measures being proposed.
- Section 8 of the Landscape and Visual Impact Assessment as confirmed by ACP a longstanding and professionally recognised Landscape Architect Conservation Company who are experts in the field, provides a complete and balanced assessment of the impacts arising from the development both before and after the felling of Coillte Forest. Summary findings note that:
 - The proposed fake tree would be visible intermittently from the transient visual receptors and most of the views afforded it would be partial owing to intervening tree cover across the landscape and/or the existing plantation within which it is located. The more static receptor at St Columba’s Church would receive partial views that would become slightly more prominent in the winter months once intervening tree cover drops canopy or from within the church tower.
 - If the plantation is felled the visual impacts for the most sensitive (some stretches of scenic route along N15, cycle way along L7407, protected structure / St Columba’s Church) would move from moderate in the short term to significant in the medium-long term.

- Mitigation measures recommend the plantation surrounding the proposed site is managed in a way that enables a continuous felling free zone to be implemented. Additionally, it recommends maintenance and long- term management of the fake tree structure that ensures its components do not become degraded in terms of colour and texture, and that the appearance of the structure overall retains its form.
- Depending on the extent of continuous cover that would fall into the recommended felling free zone (subject to analysis) this mitigation measures would retain the magnitude duration and intensity of the impact at a moderate level in the medium -long term for the most sensitive.
- The impact would remain moderate for the most sensitive as an important element would be affected permanently or only partial views would be afforded the fake tree but from sensitive locations. Many of the receptors will experience a lesser impact owing to partial and intermittent views and the current level of tree cover for some areas. Where the impact would be slight it arises because of the distance from the proposed development which may cause noticeable changes without affecting the sensitivities of the visual environment greatly.
- Sligo Co Council did not at any time instruct any consulting landscape architect / conservation professional to rebut the conclusions of the Landscape and Visual Impact Assessment report. The council's competency to counter the findings of the landscape and visual impact assessment report is questioned.
- Sligo County Council has been selective as to the information taken from the landscape and visual impact assessment report to support its reason for refusal. There is no evidence of any consideration of the proposed mitigation. The Council's reason for refusal cannot therefore be sustained when the findings / conclusions of the report are considered and assessed in full and as a whole.
- The Planning Authority's reason for refusal asserts that the proposed development would be seriously injurious to the visual amenity of the area. This implies that the council acknowledges that there is a scale of injury to the

visual resource which is clearly acceptable before the balance is tipped into becoming serious. As confirmed by the conclusions of the Landscape and visual Impact Assessment report undertaken by ACP Architectural Conservation Professionals, the predicted effects after mitigation particularly in respect of the N15 and L704 are slight to moderate. Such predicted effects would clearly not tip the balance or equate to having a seriously injurious impact on the visual amenity of the area.

- The Visual impact of the proposed installation does not form an obtrusive and discordant feature which would be seriously injurious such as to produce a significant adverse impact on the local and wider visual resource.

6.2. Planning Authority Response

6.2.1 The response by the Planning Authority is summarised as follows:

Regarding mitigation measures detailed in Section 6 of the Landscape and Visual Assessment report, including a potential ‘felling free zone’ around the structure and compound, it is noted that the extent of any felling free zone is not detailed within any other part of the application including site layout plan. There is no visual impact assessment (eg photomontages) prepared or submitted based on this potential mitigation measure. The licence for felling of the forest details that this would be in 2023. There is no written confirmation from the landowner that they would be prepared to provide a felling free zone and in fact this would appear to be contrary to the provision of their felling licence application. The Planning Authority would maintain that the proposed development would be obtrusive and incongruous form of development and would seriously injure the visual amenity of the area. This is consistent with the Board’s decision ABP 304775. It is considered that the proposal would be contrary to the proper planning and sustainable development of the area.

6.3. Observations

6.3.1 Observations are submitted by Geraldine Gibbons, Yeats Lodge, Drumcliff. Decision to refuse is supported and is consistent with the previous decision. The introduction of a camouflaging pine tree and increasing the height by 2m will further expose and

increase visual obtrusion in a sensitive rural landscape. Proposed structure located between the N15 a designated scenic route and Ben Bulbin a designated area of Sensitive Rural landscape as well as proximity to St Columba's Church a protected structure High Cross and Round Tower (National Monuments) would form a visual intrusion in a significant landscape, as set out in the Sligo Development Plan 2017-2023. The proposed structure significantly exceeds the overall height of adjacent trees and this plantation is to be clear felled in 2025 making the proposed development even further exposed.

7.0 Assessment

- 7.1. This is a first party appeal of the decision of Sligo County Council to refuse permission on grounds of visual intrusion whereby the Council concluded that the proposed development by virtue of its siting between the N15 Scenic Route and the Sensitive Rural Landscape of Ben Bulbin Mountain, would result in an obtrusive and incongruous form of development which would seriously injure the visual amenity of the area.
- 7.2 On the question of the Principle of Development, I note that having regard to the National Policy as set out in the 1996 Guidelines Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities and Circular Letter PL07/12 Telecommunications Antennae and Support Structures which promote the provision of modern telecommunications infrastructures, and to policies within the Sligo County Development Plan 2017-2023 including Telecommunications Policies P-Tel-3, it is considered that the provision of a telecommunications mast at the site should be considered to be acceptable in principle subject to detailed proper planning and sustainable development considerations. As regards issues raised with respect to the need for the mast and the assessment of alternatives, I note the submissions of the first party indicating that of the four alternative locations considered (existing telecoms sites within a 5km radius of the site) were discounted based on either location / distance from the target area, intervening terrain and topography and the inability to accommodate the additional equipment required for the proposed three no operators. It is asserted that the proposed site offers the best technical and coverage

solution to meet existing and future network requirements. I cannot verify the technical circumstances in this regard.

- 7.3 The key issue to be addressed in this appeal relates to the visual impact as contained within the Council's reason for refusal which was as follows:

“The proposed development would provide for a 35m telecommunications structure and associated equipment in an area of commercial forestry which is due to be clear felled in 2023 and which is within an area surrounded by sensitive rural landscapes as identified within the Landscape Characterisation Map of the Sligo County development Plan 2017-2023 (as varied)., whereby it is the policy of Sligo County Council as per policy P-TEL-1 to protect areas of significant landscape importance from the visual intrusion of large scale telecommunications infrastructure. The proposed development, by virtue of its siting between the N15 Scenic Route and the Sensitive Rural Landscape of Ben Bulbin mountain, would result in an obtrusive and incongruous form of development which would seriously injure the visual amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.”

- 7.4 The “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” published by the Department of the Environment in 1996 as noted, state that visual impact is one of the more important considerations which have to be taken into account. The Guidelines advocate a sequential approach with regard to the identification of suitable sites for telecommunications installations. The Guidelines recommend that great care be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

- 7.5 I note the Visual Impact Appraisal by 4 Site and the Visual Impact Assessment Report by Architectural Conservation Professionals which aid assessment of the visual impact of the proposal. The latter report notes that the designations assigned

to the landscapes surrounding the appeal site means they are highly valued for their distinctive natural beauty and constitute sensitive elements of the visual environment. The landscape within which the site is located (normal rural landscape) has the capacity to absorb new development but has greater sensitivities in the context of these sensitive rural landscapes and visually vulnerable areas. Scenic routes in the vicinity afford views of coast and mountain within visual proximity of the site and the cluster of archaeological and built heritage structures further add to the sensitivities of the area. In terms of defining the study area and choosing appropriate visual receptors the study acknowledges that the high quality landscape produces a visual environment that is sensitive to change because of the valued designations within its proximity. A zone of visibility of 2km was chosen and is justified on the basis that beyond this it is unlikely that the development will be visible, or the level of visibility would be partial within existing screening and undulating terrain

7.6 The chosen visual receptors are identified as users of the roads visitors to St Columba's Church and the riverside walk and users of the cycleway in the local road network. In terms of views from the N15 scenic route (Views 1-8) intermittent and open or partial views from north and south are shown. Views 9 and 10 represent views from St Columba's Church and riverside walk. Views 11-16 show views from the L34022 scenic route and unnamed route to the east. Views 17-19 the L3306 scenic route to the southwest of the site. Views 20-21 represent views from the L7407 approaching the site from the east and west and L3305 to the west. Views 22 and 23 unnamed road to the north.

7.7 The assessment notes that the site is visible in a range of instances from open or partial views at close and distant ranges along scenic routes or along third class roads without any designation but within relative proximity for intermittent sections. The amenity around St Columba's church and riverside walk will offer partial views. The assessment notes that many of the selected viewpoints will experience some negative change due to the proposed development which affects the quality of visual amenity in close and distant ranges in the short term from slight to moderate. The undulating terrain, meandering roads and considerable amount of tree cover offers predominantly intermittent and partial view so the proposed site across most of the assessed visual receptors. The design of the fake tree would mean that there would

be some ability to blend its upper portions with the landscape's vegetal elements and tree cover as it is currently, while the compound would be concealed within the surrounding plantation. At its most sensitive the current impact is considered moderate because of this plantation which would both conceal most of the proposed development and would have an ability to absorb the changes through blending of proposed materials with existing vegetal materials and forms. However, once the plantation is felled the impact would become significant in some cases giving rise to discordant forms in scale and height being introduced into a sensitive setting for transient and static visual receptors. Significant impact would arise in the medium-long term once the plantation is felled owing to the inability to screen/blend the conspicuous nature of the fake tree in terms of scale and height.

7.8 The report acknowledges that the form of the proposed development while replicating a tree is out of scale due to its height at 35m and would be difficult to blend harmoniously in the long term once felled. Further mitigation measures through concealment in the long term are recommended. It is asserted that the management of the surrounding plantation should include a felling free zone for a certain area around the fake tree (to be considered upon further analysis.) It is recommended that this would be a core measure to mitigate potential long term impact due to the rotational nature of the current plantation. Other mitigation measures include a maintenance regime for the proposed fake tree components to ensure its shape and form is retained in the long term, minimisation of the amount of plantation to be removed to facilitate the proposed compound, colour of boundary fence to take reference from the context, additional mixed natural hedgerow planting to perimeter of the compound.

7.9 It is argued that depending on the extent of continuous cover that would fall into the recommended felling free zone (subject to analysis) this mitigation measures would retain the magnitude, duration, and intensity of the impact at a moderate level in the medium term for the most sensitive. This is because the compound and a greater degree of the fake tree would be permanently concealed from view. The upper section of the fake tree that would remain visible would have some visual coherence with the mature plantation because its design in terms of colour texture and form, despite its scale would have a greater ability to absorb its impact on sensitive visual

elements. The impact would remain moderate for the most sensitive as an important element would be affected permanently or only partial views would be afforded the fake tree but from sensitive locations. Many of the receptors will experience a lesser impact owing to partial and intermittent views and the current level of tree cover from some areas. Where the impact would be slight, it arises because of the distance from the proposed development which may cause noticeable changes without affecting the sensitivities of the visual environment greatly. These predictions are based on the mitigation measures being implemented in full.

- 7.10 In considering the proposal in the context of the previous decision of the Board, I note that while the application seeks to mitigate impact in terms of the fake tree design, the restricted nature of the appeal site precludes the main mitigation strategy and the measures as relied upon within the submitted visual impact assessment. No certainty is provided with regard to the provision of a fell free zone. Furthermore, the evidence of the license application indicates that clear felling of this entire plantation is intended to take place in 2025.
- 7.11 I also note that the Visual impact Assessment Report by Architectural Conservation Professionals recommends that further analysis is required to determine the extent of the no fell zone. Notably the submission from the Development Applications Unit of the Department of Housing Local Government and Heritage recommended the submission of a more detailed visual impact specifically from the Drumcliffe Complex. In my view additional viewpoints would be helpful to inform the detailed assessment of the proposal in the context of the mitigation measures given the particular sensitivities of the appeal site context.
- 7.12 On this basis of the foregoing and in light of the deficiencies with regard to the ability to implement the mitigation measures I would concur with the conclusions of the Planning Authority that based on the information as submitted and having regard to the sensitivity of the surrounding landscape the proposed development would give rise to an intrusive and visually prominent form of development which would impact on the visual amenity of the surrounding scenic landscape and would be contrary to

the provisions of the development plan and contrary to the proper planning and sustainable development of the area.

- 7.13 On the issue of health and safety, notwithstanding the debate and the issue of proximity to homes, schools, workplaces or public access, the current national Guidelines provide that an installation is considered safe where it complies with the appropriate international standard ICNIRP Guidelines. ComReg has the primary responsibility for the monitoring and enforcement of health and safety issues. The DoEHLG Guidelines require submission of a statement of compliance with planning applications as a link to the planning system and this has been provided within the application.
- 7.14 As regards Appropriate Assessment having regard to the minor nature of the development in terms of land disturbance and the absence of any pathway to, and separation distance to any European Site, no appropriate assessment issues arise, it is not considered the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8 RECOMMENDATION

Having regard to the foregoing I recommend that permission be refused for the proposed development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

The proposed development would provide for a 35m high fake tree telecommunications structure and associated equipment within an area of commercial forestry which is due to be clear felled in 2025, and is within an area surrounded by sensitive rural landscape as identified within the Landscape Characterisation Map of Sligo County Development Plan 2017-2023, whereby it is policy of Sligo County Council as per policy P-Tel-1 to protect areas of significant landscape importance from the visual intrusion of large scale telecommunications infrastructure. This policy is considered reasonable. The proposed development, by virtue of its siting between the N1 Scenic Road and the Sensitive Rural Landscape of

Ben Bulbin mountain, would result in an obtrusive and incongruous form of development which would seriously injure the visual amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

9th June 2022