



An  
Bord  
Pleanála

## Inspector's Report ABP 311848-21

<b>Development</b>	To erect a 36 metre multi-user telecommunications support structure and associated infrastructure and site development works.
<b>Location</b>	Knockanillaun, Ballina. Co Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	21/365
<b>Applicant(s)</b>	Hibernian Cellular Networks Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v Decision
<b>Appellant(s)</b>	Hibernian Cellular Networks Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19th October 2022
<b>Inspector</b>	Fergal Ó Bric.

## **1.0 Site Location and Description**

- 1.1 The appeal site is located within the rural townland of Knockanillaun, which is located approximately 3.2 kilometres west of Ballina, south of the N59, a national secondary route linking Ballina with Crossmolina.
- 1.2 The appeal site is accessed off a cul-de-sac road with a carriageway width of approximately 4 metres, 300 metres south of the N59. The appeal site has a stated area of 0.025885 hectares. The telecommunications infrastructure would be located on an elevated part of an agricultural field. On the opposite side of the cul-de-sac there is an equine facility including stables and a lunging ring and further north on the cul-de-sac is a two storey dwelling. There is a water tower structure located 50 metres north-east of the appeal site within a neighbouring field. There are mature broadleaf trees with a height of approximately 15-18 metres located along the northern and eastern boundaries of the field where the telecommunications infrastructure is to be located.

## **2.0 Proposed Development**

- 2.1 The development would comprise the following:

The installation of a 36-metre multi-user telecommunications support structure carrying telecommunications equipment including antennas and dishes together with associated exchange cabinets, fence and all associated site development works. The development will provide for strategic transmission of wireless data and broadband services.
- 2.2 A Planning Statement incorporating environmental considerations, a Landscape and Visual Impact Assessment and a Construction Management Plan were submitted by the applicants as part of the planning documentation.
- 2.3 Further information was submitted by the applicants in relation to the following: Details of land ownership and wayleaves; Site levels within the lands; Response in relation to health and safety and temporary planning permission for telecommunications structures; Visual assessment and photomontages from 7 different vantage points; Confirmation that there is no room for additional

telecommunications infrastructure on the adjacent water tower; Traffic management proposals and a Japanese Knotweed Management Plan were submitted.

- 2.4 As part of their appeal submission, the applicants have submitted additional photomontage reports.
- 2.5 A letter of consent from the land owner, Mr William Cawley, to make the planning application has been submitted as part of the planning documentation.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

The Planning Authority refused planning permission for the development for one reason as follows:

Having regard to the siting of the proposed development on an open exposed and visually prominent site close to the national Secondary Road (N59), it is considered that the proposed development would constitute a visually strident feature that would be seriously injurious to the visual amenities of the area. Furthermore, it is considered that the location of the development and consequent adverse visual impact would establish an undesirable precedent for similar future development in the area and thus would be contrary to the proper planning and sustainable development of the area. The proposed development would, thus, injure the amenities of the area, contravene objective LP 01-Landscape Protection of the Mayo County Development Plan 2014-2020 and would interfere with the character of the landscape which is necessary to preserve.

#### **3.2 Planning Authority Reports**

##### **3.2.1 Planning Report**

The Assistant Planner's Report dated 6<sup>th</sup> day of October 2021, set out the following:

- The location of the telecommunications infrastructure is required to provide adequate high capacity data traffic for fixed line, mobile, broadband, radio and emergency services to residents of Ballina and Crossmolina and the surrounding rural hinterland.

- That health and safety issues are subject to separate legislation, outside of the planning code.
- The proposals would have an adverse visual impact on this open, exposed and visually prominent rural location and would intrude on the general views across the wider area.
- The planner was not satisfied that the proposal demonstrated compliance with objective LP-01-Landscape Protection, where the policy is to facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.
- An Appropriate Assessment (AA) screening exercise concluded that there is no potential for significant impacts upon the Natura 2000 network and that a Natura Impact Statement is not required in this instance.
- An Environmental Impact Assessment screening concluded that the submission of an EIAR is not required in this instance.
- A refusal of planning permission was recommended as set out within Section 3.1 above.

### **3.2.2 Internal Referrals**

Municipal District Engineer: No defined access to appeal site, requested that the applicant explores the possibility of co-locating on the neighbouring water tower structure.

### **3.3 Prescribed Bodies**

Transport Infrastructure Ireland: No particular observations made.

### **3.4 Third Party Observations**

Twelve received. The issues raised within the observations related to the following:

- Proximity to Ardagh national school.
- Pedestrian and road safety.

- The water tower adjacent to the appeal site could facilitate the proposed telecommunications infrastructure.
- Alternative locations are not fully explored.
- Adverse impact upon residential amenities.
- Adverse visual and landscape impact.
- Possible unknown health and safety risks.
- Planning history pertaining to the appeal site.
- Impact upon tourism.
- Land ownership queries.
- Traffic safety issues.
- No haulage routes identified.
- Devaluation of properties in the area.
- Premature pending adoption of new Mayo County Development Plan.
- Japanese knotweed on site.
- Lack of public consultation.

#### **4.0 Planning History**

I am not aware of any planning history pertaining to the appeal site.

#### **5.0 Policy Context**

##### **5.1 Section 4-Making Stronger Urban Places**

Urban places should “offer choice and opportunity as well as connectivity and community”.

Section 4.4 Planning for Urban Employment Growth should include the following considerations: “Locations for new enterprises, based on the extent to which they are people intensive (i.e., employees/ customers), space extensive (i.e., land), tied to

resources, dependent on the availability of different types of infrastructure (e.g., telecoms, power, water, roads, airport, port etc.) or dependent on skills availability”

NSO 5 A Strong Economy Supported by Enterprise, Innovation and Skill.

“In the short term, opportunities provided by access to high quality broadband services will be fully exploited through the roll-out of the state intervention segment of the National Broadband Plan, delivering a step change in digital connectivity and ensuring that coverage extends to remoter areas including villages rural areas and islands”.

## **5.2 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.**

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

## **5.3 Circular Letter: PL07/12**

The Circular Letter updated and revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

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

## **5.4 Development Plan**

### **5.3.1 Mayo County Development Plan 2022-2028 (as varied).**

Section 7.4.4 of the Plan pertains to Broadband and Information and Communications Technology here the following is set out: “Broadband is central to the development of a knowledge-based economy throughout Ireland, facilitating remote working and promoting social inclusion. Areas without broadband cannot take full advantage of internet-centred developments in education, banking, research, business, etc. Therefore, deficits in provision of broadband, as well as mobile coverage, in County Mayo need to be resolved”. It is also set out that “The Council also recognises the need to balance the requirement to facilitate mobile telecommunications infrastructure in the county to address existing coverage blackspots and the need to protect residential and visual amenity, the natural and built environment. In considering proposals for telecommunications infrastructure, the Council will have regard to the Department of the Environment, Heritage and Local Government’s “Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities” 1996 and Circular Letter PL07/12 ‘Telecommunication Antennae and Support Structures’ and any amendments thereof”.

The following specific policies and objectives are also set out:

Policy INP 18 To support the delivery of high-capacity Information Communications Technology infrastructure, broadband connectivity and digital broadcasting, throughout the county, in order to ensure economic competitiveness for enterprise and the commercial sectors and enabling more flexible work practices e.g. teleworking/homeworking.

Policy INP 19 To support the delivery of telecommunication infrastructure in the county, having regard to the Government Guidelines 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' 1996 (DoEHLG), the 'Guidance on the potential location of overground telecommunications infrastructure on public roads', (Dept of Communications, Energy & Natural Resources, 2015) and Circular Letter PL 07/12 (as updated) and where it can be demonstrated that the development will not have significant adverse impacts on communities, public rights of way and on the built or natural environment, including the integrity of the Natura 2000 network.

Objective INO 33: To encourage the location of any telecommunications structure, have regard to the Landscape Appraisal of County Mayo, and where possible, advise on a less intrusive location in areas where they are unlikely to intrude on the setting of, or views of/from national monuments or protected structures.

Objective INO 36: To actively engage with telecommunication service providers to help identify, improve and/or eliminate mobile phone signal blackspots within the county, including an examination of the feasibility and suitability of council owned lands/assets.

#### Landscape character

Map 10.1 sets out the Landscape Policy Areas within the County and Figure 10.1 comprises a landscape sensitivity Matrix.

The appeal site is located with Policy Area 4-Drumlins and Inland lowlands and policy Area 4A-lakeland sub-area where communications structures are deemed to have a low potential to create adverse impacts on the landscape.



## **5.4 Natural Heritage Designations**

The River Moy SAC (site code 002298) is located approximately two kilometres west of the appeal site. There is no surface water hydrological pathway linking the appeal site to the European site.

Lough Conn and Lough Cullin pNHA (site code 00519) is located approximately 3.3 kilometres south-west of the appeal site. There is no surface water hydrological pathway linking the appeal site to these sites.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

The grounds of the first-party appeal may be summarised as follows:

National and Local Policy:

- The National Planning Framework provides a basis for long-term co-ordination on infrastructure development, including transport, energy, communications, and social and community infrastructure.
- ComReg has set out that it “will continue to accommodate efforts designed to help businesses survive and end users avail of telecommunication services in this coronavirus emergency”.
- The proposals are in accordance with the telecommunications policies and objectives asset out within the Mayo Development Plan.
- Co-location is specifically supported within the Mayo Development Plan.
- The proposals will not impact upon natura sites or scenic areas, or any heritage asset as identified within the Mayo Development Plan.
- The proposals are not in conflict with any landscape protection as set out in the Mayo Development Plan.

## Site Selection:

- The sequential approach was adopted site in selecting the site in accordance with the Mayo Development Plan and 1996 National telecommunication Guidelines
- To ensure the efficient operation of a radio network, a site must be within a short radius of the cell search area, which is centred at the adjacent water tower.
- A site must be at a relatively high point to ensure the antennas can transmit and received over the cell area.
- Telecommunications structures need to be sited in the cell search area in order to achieve the 2G, 3G, 4G and 5G radio coverage.
- The water tower has reached its full capacity for housing telecommunications equipment.
- As the water tower cannot accommodate any additional telecoms equipment, a new structure adjacent to it thereby clustering which is recommended in the 1996 telecommunications Guidelines.
- There are no other existing masts or structures in the cell area for the operators to locate their equipment.
- The operators need additional space to provide for new 4G and 5G technologies to provide high speed broadband and data services due to increased demand from the increased use of handsets, tablets and home internet for down loading, streaming and video calls.
- This proposals is to cluster a multi-user structure close to an existing multi-user structure, which is in support of Government policy to provide broadband coverage for all residents in the state.
- Other characteristics of a site include that the site must have power or be capable of being connected to power, afford a reasonable degree of security,

have safe access, have stable ground conditions and be available at reasonable commercial terms.

#### Technical Siting considerations:

- The structure would be available to all mobile network operators as well as broadband operators, and blue light services to provide coverage for local dwellings, businesses and transport routes in the area.
- This proposals is to future proof this part of the county for the different operators to provide local broadband coverage and for the transmission of communications services
- The transmission of point to point links require a line of sight over long distances.
- An operator typically occupies a 3 metre slot so between the height of the water tower and the 36 metre (highest point on proposed structure) three different operators could co-locate on the structure.
- A site is needed for the site operators to continue the rollout of their 3G and 4G network services.
- To reduce the height of the telecommunications support structure would likely result in a separate telecons structure having to be erected in the area.
- The height of 36 metres is the minimum height that will enable the operators' antennas and dishes to function properly and to transmit over the adjacent water tower at 27 metres in height, so the signals would not be blocked by the tower.
- An operator typically occupies a 3 metre slot so between the height of the water tower and the 36 metre (highest point on proposed structure) three different operators could co-locate on the structure.
- To reduce the height of the telecommunications support structure would likely result in a separate telecons structure having to be erected in the area.
- The antenna support structure is necessary to overcome the known highspeed broadband coverage deficit for both Eir and Vodafone (as supported by the Comreg coverage mapping) in the Knockanillaun area.

- The 36-metre height will ensure signal propagation over the surrounding area and above the height of the adjacent water tower for the operators for the next ten years before surrounding trees would limit signal propagation again.
- The proposed development represents an important component of strategic telecommunications infrastructure in the area.

#### Alternative sites considered:

- The applicants submitted details as part of their further information response of the adjacent water tower structure. They state that the water tower is fully loaded with telecommunications equipment with no room for further transmission or mobile broadband equipment. That is the reason Eir and Vodafone are not located on the water tower. Hence the necessity for a new telecons support structure to provide for these operators in an area where they are not in a position to provide adequate high speed wireless broadband services. Presently coverage for these operators varies from fair to fringe as verified within the ComReg site coverage mapping.
- There are no other telecommunication structures in the Knockanillaun area, that could accommodate the operator's coverage needs, as per the information available on the ComReg outdoor mobile coverage mapping.
- It has not been possible to secure an alternative site within the locality that would comply with the Mayo Development Plan provisions or the technical requirements of Eir/Vodafone in order to provide the required level of service to their customers.

#### Visual and landscape Impact:

- A Landscape and Visual Impact Assessment (LVIA) was submitted and revised as part of the further information (fi) response and supported by a photomontage and wireframe report. Additional viewpoints were included within the revised visual and landscape assessment submitted as part of the fi response.
- The appeal site is not located within a dedicated sensitive landscape or ecological designation or near to any heritage asset., but close to an existing telecommunications site.

- The appeal site is located with Policy Area 4-Drumlins and Inland lowlands and policy Area 4A-lakeland sub-area where communications structures are deemed to have a low potential to create adverse impacts on the landscape. This is the most preferable policy area of the four policy areas set out within the landscape section of the plan.
- This policy areas contains the vast proportion of the county's population within the principal towns and incorporates all of the major national and regional routes and railways
- The undulating topography of the North Mayo Drumlins have the ability to shelter and absorb the visual impact of the development.
- The visual quality in the vicinity of the appeal site has been significantly impacted upon by the water tower, meaning that the host landscape is already compromised and is not pristine.
- The location of the development is less elevated than that of the adjacent water tower and accords with the 1996 Telecommunications Guidelines in terms of clustering.
- The LVIA submitted by the applicants concludes "the magnitude of change on the local landscape can be considered medium-low due to the present compromised nature of the landscape resulting in an overall moderate-low effect of the local landscape character. This is evident due to the existing built form and intervening vegetation".
- The goose grey colour of the structure will assist in reducing the visual impact.
- 7 viewpoints were identified as showing the greatest amount of visibility or impact on the largest number of users and/or were specifically requested by the PA as warranting further investigation.
- No significant effect was deemed to arise as a result of the proposals and the level of effect ranged from negligible to minor to moderate within all 7 viewpoints assessed.
- The nearest recorded monument to the appeal site is an enclosure (MA01375), located approximately 655 metres south-west of the appeal site.

### Design, Siting, and layout:

- When designing the structure for this site, the Radio Engineers required height to provide a signal over the surrounding area and to provide potential to become a share facility with other telecommunication providers.
- The accommodation of co-location is a requirement of the Mayo County Development Plan, hence the need for the 36-metre height.
- The structure would be located in proximity to existing trees and hedgerows to its north and east to optimise screening purposes.
- The height has been driven by the requirement for the operators' equipment to see above the adjacent water tower.
- The appearance would not seriously impact upon the visual amenity of the area nor form an obtrusive feature within the local landscape.
- A lattice structure enables the human eye to see through it, as opposed to it being a solid structure and is therefore, considered to be less visually obtrusive than a solid structure.
- Located adjacent to the water tower, an existing vertical structure assists in the ability to absorb the proposal and detract the viewers' attention away from the structure.
- Section 4.5 of the 1996 telecommunication guidelines encourages clustering and sharing of telecommunications infrastructure in terms of minimising visual impact.
- The appeal site is set back approximately 300 metres from the N59, where there is a low density of housing scattered housing in proximity to a water tower that houses telecommunications equipment, means that the host landscape can absorb the proposal easily without becoming a dominant feature.
- The proposal will be viewed as being harmonious along with the water tower without becoming a dominant feature in the local landscape.

### Other Issues:

- Demand for such services has increased with advances in technology, users expect and demand the availability of broadband connectivity in their vicinity.

- With more people learning and working from home since the outbreak of the Covid-19 pandemic, the proposals would allow for much improved broadband provision and coverage for Knockanillaun and its hinterland.
- In terms of health and safety, the health issues are not a planning concern, so long as the required documentation is provided by the applicant, in accordance with Development Plan requirements.
- A Radio Emissions Statement has been appended to the planning documentation, stating that the proposed equipment and installation, is designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- Sound pressure levels generated by the development will not exceed background levels from any dwellings in the vicinity of the site, and there will be no standby generator installed on site.
- The site would be developed in accordance with current best practice health and safety standards.
- The PA should determine the planning application on its individual merits with no time limit being attached to the permission.
- An Invasive species management plan has been submitted.

## **6.2 Planning Authority Response**

6.2.1 The Planning Authority made no comments in relation to the planning appeal.

## **7.0 Assessment**

7.1 The main issues in this appeal are those raised within the appeal submission and are centred around the reason for refusal as set out by the Planning Authority. I will address matters in relation to principle of development, site selection, design and layout, visual and landscape impact and address a number of other issues raised within the appeal submission. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development.

- Site Selection.
- Design and layout
- Landscape and Visual impact.
- Appropriate Assessment.

## **7.2 Principle of Development**

- 7.2.1 At the time the Planning Authority made its planning decision, the Mayo County Development Plan 2014-2020 was the operational plan. Since then, the Mayo County Development Plan 2022-2028 has come into effect since the 10<sup>th</sup> day of August 2022. I will assess the proposals in accordance with the 2022-28 Development Plan, that being the operational plan at the time of my assessment.
- 7.2.2 The Governments' aim in developing and improving telephony and broadband infrastructural services is set out within the 1996 Telecommunications Guidelines, and the revisions/updates to these Guidelines within Planning Circular PL 07/12. More recently, the National Broadband Plan (NBP) was published in 2020 and reflects the Government's ambition to ensure that the opportunities presented by this digital transformation (provided by the NBP) are available to every community in Ireland. The delivery of the NBP will play a key role in empowering rural communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the rural economy.
- 7.2.3 The Telecommunication Guidelines set out the need for the facilitation of a high-quality telecommunications service and set out the issues for consideration within planning assessments including location, access, co-location / shared facilities, design, visual impact, health, and safety. The Development Plan policy on telecommunications Infrastructure, is set out within Section 7.4.4 and is reflective of the Guidelines. Specific policies INP 18 and INP 19 are both supportive of the facilitation and improvement of broadband services and the delivery of telecommunications infrastructure.
- 7.2.4 The proposal to improve telecommunications and broadband services is consistent with the guidance as set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996). Given that broadband and



communications are now considered an important aspect of utility services in terms of supporting education, business, and domestic uses and that the site currently accommodates telecommunications infrastructure, supporting telecommunication services.

- 7.2.5 In conclusion, having regard to the policies and objectives as set out within Section 7.4.4 of the Development Plan and to the guidance set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996), I am satisfied that the erection of a telecommunications structure at this location would be acceptable in principle.

### **7.3 Site Selection**

- 7.3.1 Specific Objectives INP 33 and INO 38 within the current Mayo Development Plan seek to facilitate utility providers in developing telecommunications infrastructure. The Telecommunication Guidelines and Planning Circular PL07/12 seek to encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. It also states that the shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.
- 7.3.2 The applicants state that they are long-established telecommunications infrastructure providers, and the telecommunications structure would facilitate co-location between telecommunications providers as provided for under Section 4.5 of the Telecommunication Guidelines. The applicants state that the 27-metre height of the adjacent water tower, which is at capacity in terms of accommodating additional telecoms infrastructure necessitates the development of the 36-metre height proposed, which would allow for the antennae to be located on the support structure at a height to facilitate the addition of telecommunications antennas and dishes for up to three separate providers on the structure and provide for improved mobile and data services in the area.
- 7.3.3 The applicants state are no other suitable sites available within the area and that the adjacent water tower structure is fully subscribed in terms of telecommunications infrastructure capacity. In any event, the current site would be shared by up to three operators and therefore, supports national and local policy in terms of supporting co-location and clustering of telecommunications infrastructure

- 7.3.4 The existing coverage in Knockanillaun for Eir's and Vodafone's 3G and 4G users ranges from fringe to fair for mobile coverage and data services which results in dropped/blocked calls and data sessions for customers in the area. The predicted mobile coverage mapping sets out the benefit to mobile call and data sessions that would accrue to residents of the Knockanillaun and the broader Ballina and Crossmolina areas in terms of significantly improved coverage services. It is apparent that the development is necessary to provide continued and improved mobile coverage in Knockanillaun and the surrounding areas in order to cater for the increase in demand for high-speed data in recent years. Having reviewed the information submitted, I am satisfied that the applicant has demonstrated an adequate technical justification for the development.
- 7.3.5 Having regard to the demonstrated need for improved telecommunications services in the Knockanillaun area, the lack of viable alternatives for co-location within the vicinity of the appeal site, and the fact that the appeal site would be available to share by up to three operators, and the fact that clustering of telecommunications infrastructure would occur with the adjacent water tower structure, I consider that the proposed development at this specific location, is justified.
- 7.3.6 The key issue is, therefore, whether the appeal site, is a suitable site for such a development. From the planning documentation submitted, it is apparent that the erection of telecommunications infrastructure on this site would contribute to providing a more reliable telephony and broadband service for local customers in the Knockanillaun/Ballina/Crossmolina area. This is supported by the data included within the outdoor mobile coverage mapping on the ComReg website, where it is apparent that telecommunications coverage in these areas is not strong nor reliable, particularly for 3G and 4G customers of Eir and Vodafone. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, would assist in supporting the implementation of national guidance and local policy for the facilitation and improvement of telecommunications coverage and systems in this locality.
- 7.3.7 I accept the planning justification set out by the applicants, that there is not a more suitable alternative location for the development in the vicinity of the appeal site, having regard to the height of the adjacent water tower structure and the lack of availability of other telecommunication structures in the vicinity of the appeal site that would potentially be suitable for the siting of telecoms infrastructure.

#### 7.4 **Design and Layout**

7.4.1 The Guidelines state that only as a last resort should free standing masts be located within or in the immediate surrounds of towns or villages and that if such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. It is stated within the planning documentation that the lattice type structure is necessary in order to provide the stability necessary to support the antennas for up to three operators on the site.

7.4.2 Planning Circular PL07/12 recommends that Development Plans should avoid the inclusion of minimum separation distances between telecommunication installations, schools, and residences, as provided for under the 1996 Guidelines. Regarding the nearest residential property, namely a rural dwelling located approximately one hundred and eighty-five metres north-west of the appeal site on the opposite side of the cul-de-sac road, with other rural dwellings located between two hundred and forty metres and three hundred metres to the south-west, north-west and north-east of the appeal site. Having regard to the separation distances and the lack of a direct aspect towards the proposed structure, and the location of the infrastructure in proximity to a water tower structure and in proximity to maturely planted tree lined boundaries with a height of approximately 15-18 metres, I do not consider that the development would constitute an overly dominant or overbearing feature within this landscape, given that the landscape is already compromised by the 27 metre tall vertical water tower structure.

7.4.3 In conclusion, I consider that the proposal to erect the telecommunications support structure adjacent to existing telecoms infrastructure, and the proposals to make it available for co-location to multiple operators is consistent with the provisions of the Development Plan and the national guidance. Therefore, I consider the proposed development to be acceptable, subject to consideration of its landscape and visual impact.

## **7.5 Landscape and Visual Impact**

7.5.1 The Planning Authority as part of their reason for refusal set out that the sting of the development on an open exposed and visually prominent site would constitute a visually strident feature and have an adverse visual impact and contravene specific objective LP-01-landscape protection as set out in the operational Development Plan at the time, that being the Mayo County Development Plan 2014-2020.

- 7.5.2 The appeal site comprises a greenfield site, however, the site is located immediately adjacent to a 27 metre tall water tower structure which accommodates a number of telecommunication structures. Neither the appeal site nor the adjoining lands are subject to any specific heritage designations as per the current Development Plan.
- 7.5.3 A lattice telecommunications structure is proposed. The applicants state that the lattice structure is necessary given the requirement to support up to three operators and that the lattice structure is more stable and less likely to be affected by weather conditions which can affect coverage. Given the location adjacent to the water tower within an area that is well screened to the north and east with mature trees and hedgerow up to a height of between fifteen and eighteen metres in height, I am satisfied that the telecommunications support structure would not be visually prominent within the local environment. The associated cabinets and fenced compound would similarly not be highly visible, given their low-level height and located within a palisade compound located off a local cul-de-sac road, 135 metres removed from the public roadway and 300 metres south of the N59. I, therefore, consider that the development would not have an adverse visual impact within the locality.
- 7.5.4 In terms of impact upon the landscape, levels on site are elevated, however, the existing hedgerow and tree growth along the northern and eastern field boundaries provide significant screening within the local landscape. As per the Development Plan, there are no protected views within this area, nor are there any specific sensitive designations. As per specific objective INO 36 of the Mayo Development Plan 2022, the Planning Authority will “actively engage with telecoms service providers to help identify, improve and/or eliminate mobile phone signal blackspots within the county, including an examination of the feasibility and suitability of Council owned lands/assets”. The policy objective INP 19 also refers to the provisions of the 1996 Telecommunication Guidelines and the need to work with and support key stakeholders to secure the implementation of the NBP and to ensure that fast and effective broadband facilities are available in all parts of the County. Therefore, a balance needs to be struck between the protection to be afforded to the landscape and the telecommunications infrastructure policies and objectives set out within the Development Plan
- 7.5.5 The applicant also submitted photomontages of the site and proposed development from a number of local vantage points (seven viewpoints), where they state that there

would be no adverse visual impact arising from the development largely due to the existence of the water tower structure adjacent to the site and the existence of a mature boundary screening in the vicinity of the appeal site which would restrict views of the telecommunications compound and of the support structure. I would concur that the montages submitted as part of the planning documentation form a representative sample of the views of the structure from the selected viewpoints. I consider that its visibility and visual intrusiveness would not be significant from the vicinity of the selected viewpoints, due to the existence of the water tower and the mature boundary screening in the vicinity of the appeal site. I acknowledge that the telecommunications support structure would be visible from a distance, however, I am also satisfied that the proposed structure would not form a visually dominant or strident feature within the local landscape.

7.5.6 Where the structure will be visible from certain long viewpoints as demonstrated within the photomontages submitted, as part of the appeal documentation, largely due to its 36-metre height, it will be seen against a backdrop of the adjacent water tower and the mature field boundary trees and hedgerows.

7.5.7 The appeal site is located within an area that is not subject to any specific visual sensitivity designations within the Development Plan. As per the landscape classification set out within Section 10.4.8 of the MCDP 2022-28 and within Map 10.1 the appeal site is located with Policy Area 4-Drumlins and Inland lowlands and policy Area 4A-lakeland sub-area. Figure 10.1 sets out that communications structures have a low potential to create adverse impacts on the landscape. I am satisfied that having referenced the Development Plan landscape classification and sensitivity, that the development proposals could be accommodated within the appeal site based on its landscape classification.

7.5.8 I note that the visual quality of the landscape in the vicinity of the appeal site has been significantly compromised by the mass and bulk of the adjacent water tower structure. The location of the telecommunications infrastructure is on lands less elevated than those of the adjacent water tower. I would concur with the conclusions of the landscape and visual assessment conducted by the applicants which sets out that “the magnitude of change on the local landscape can be considered medium-low due to the present compromised nature of the landscape resulting in an overall moderate-

low effect of the local landscape character due to the existing built form and intervening vegetation”.

7.5.9 It is acknowledged that the proposed telecommunications installation would impact upon the local landscape by virtue of the height of the monopole structure. Section 7.4.4 of the Plan pertains to Telecommunications where the following is set out “The Council also recognises the need to balance the requirement to facilitate mobile telecommunications infrastructure in the county to address existing coverage blackspots and the need to protect residential, visual amenity, the natural environment and built environment. In considering proposals for telecommunications infrastructure, the Council will have regard to the Department of the Environment, Heritage and Local Government’s “Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities” 1996 and Circular Letter PL07/12 ‘Telecommunication Antennae and Support Structures’ and any amendments thereof”. On balance, while I acknowledge that the proposals will impact upon the local landscape, I am satisfied that the impact would not be a significantly or materially adverse one, to warrant a refusal of planning permission.

7.5.10 In conclusion. I do not recommend that permission be refused on grounds relating to adverse impact upon the landscape or visual impact. On balance, I do not consider that the magnitude of the impact of the proposed development on the visual amenities of the area would be so significant as to warrant a refusal of planning permission.

## **7.6 Other Issues**

7.6.1 The nearest recorded monument to the appeal site is an enclosure (MA01375) located approximately 655 metres south-west of the appeal site. Given the separation distances involved, I do not consider that the proposals would result in an adverse impact upon the archaeological heritage in the area.

7.6.2 An Invasive species report was submitted a part of the planning document and that the development proposals will not interfere with the stand of Japanese Knotweed. The report recommends that a 7 metre buffer be maintained around the Knotweed and that signage highlighting the existence of the knotweed be erected. The report noted the existence of the invasive species along the approach road to the appeal site. The report recommends the implementation of a three year

herbicide treatment programme be initiated to gain control of the infestation followed by a two year monitoring programme and that any further growth/re-growth be subjected to further herbicide treatment. The stand has been fenced off to eliminate unauthorised access. These mitigation measures should be incorporated as part of any Construction Environmental Management Plan (CEMP) which should be agreed in writing with the Planning Authority prior to the commencement of development. These mitigation measures should be incorporated as part of any Construction Environmental Management Plan (CEMP) which should be agreed in writing with the Planning Authority prior to the commencement of development. This is a matter that can be addressed by means of an appropriate planning condition.

## **7.7 Appropriate Assessment-Screening**

7.7.1 The River Moy SAC (site code 002298) is located approximately 2 kilometres west of the appeal site, However, having regard to the location of the development in a cluster where there are established and permitted telecommunications structures erected on an adjacent water tower structure and the site is screened to the north and east by a mature tree boundary, the nature of the development, the lack of a surface water hydrological pathway from the appeal site to any Natural 2000 site, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on the River Moy SAC or indeed any other European site. Therefore, the submission of a Natura Impact Statement is not required in this instance.

## **8.0 Recommendation**

8.1 I recommend that planning permission be granted.

## **9.0 Reasons and Considerations**

Having regard to:

a. the Guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,

- b. The policy of the planning authority, as set out in the Mayo County Development Plan 2022-2028, supporting the provision of telecommunications infrastructure,
- c. The established telecommunications use in the vicinity of the appeal site.
- d. The general topography and landscape features in the vicinity of the site,
- e. The existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed would not adversely impact upon the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and particulars submitted to the Planning Authority on the 20th day of April 2021 and the 14<sup>th</sup> day of September 2021 and by the further plans and particulars received by An Bord Pleanála on the 2nd day of November 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 Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing 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.



- 3 Any additional panels or structures, proposed to be attached to the lattice structure exceeding 1.3 metres in dimension, shall be the subject of a separate planning application.

**Reason:** To regulate and control the layout of the development and in the interest of orderly development.

- 4 Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

- 5 The construction of the development shall be managed in accordance with a Construction and Environmental 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 traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, invasive species management measures as well as protective measures to be employed with respect to the boundary hedgerows.

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

- 6 All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

- (b) Trees which are agreed in writing by the planning authority to be dead, dying, or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies

shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interest of visual amenity.

- 7 Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement 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.

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Fergal Ó Bric,  
Planning Inspectorate

27th October 2022