



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312304-21

<b>Development</b>	Erection of an 18m monopole support structure carrying telecommunications antenna, dishes and associated equipment.
<b>Location</b>	Eir exchange, Main Street, Muff, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2151961
<b>Applicant(s)</b>	Eir (Eircom Limited).
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eir (Eircom Limited).
<b>Observer(s)</b>	John and Liam Atcheson. Warren Kearns.
<b>Date of Site Inspection</b>	26 <sup>th</sup> February 2022
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Site Location and Description

- 1.1. The 0.00835ha appeal site is situated in centre of Muff, a village in north east county Donegal on the Inishowen Peninsula and directly adjoining Northern Ireland. The site lies on the eastern side of Main Street (R238), just south of its junction with the R239. It is situated to the rear (c.50m) of buildings fronting Main Street, including Muff Garda Station (disused). This two storey property is listed on the National Inventory of Architectural Heritage. To the north and south of the site is two storey commercial development facing Main Street. Under construction to the north of the site is the Derry to Muff Greenway (see photographs 12 and 13 ). Warren View Manor sheltered housing lies c.150m to the west of the site on the south side of the R239. Honey Bees pre-school lies c.70m to the north west of the site.
- 1.2. The approximately square site is situated to the east of an existing Eir exchange building, within the existing compound. The compound is surrounded by palisade fencing. The existing compound contains telecommunications equipment on a wooden pole. Gated access to the site is from Main Street to the south of the former Garda Station.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
- The construction of a new 18m monopole support structure with associated telecommunications antennas, dishes and associated infrastructure. At the top of the mast is a finial of 1.5m in height (maximum height of structure is 19.5m).
  - Two no. ground equipment cabinets (1.65m high),
  - New 2.4m palisade fencing along the western boundary of the site, separating it from the existing exchange building. Access to the site, from the Eircom compound, is via a gate in this palisade fence.
- 2.2. The planning application includes:
- Architectural Heritage Impact Assessment. The document describes the protection afforded to and significance of the Garda Barracks at Muff, as a

building listed on the National Inventory of Architectural Heritage (NIAH), the historic context for the building, conservation policy and likely impact of proposed alterations. It sets out recommendations to ensure that the visual significance of the Garda Barracks is retained and that alterations to its setting are carried out with due regard to the special character of the historic setting. Recommendations include simple design of the monopole (shorter in height than previous structure), dark colour (brown or black), adequate maintenance of compound and its structures, reversibility of interventions. The report concludes that the development will not impact on the proper understanding of the historic setting, especially when the mitigation measures and recommendations are taken into account. In section 9.0 the report contains photomontages of the proposed development.

- Cover letter/planning statement.
- Operators letter of support (Eir Mobile).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 25<sup>th</sup> November 2021 the planning authority decided to refuse permission for the development on the grounds that the structure and associated equipment, by virtue of its size and design, on a visually prominent site within the centre of the village of Muff would have an unacceptable visual impact and would adversely affect the visual amenities of the area.

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

#### **3.2.1. Planning Reports**

- 22<sup>nd</sup> November 2021 – The report refers to technical submissions, third party observations, the planning history site and nearby sites and policy context for the development. The report considers that:
  - The reduction in height of mast and base diameter, from that previously refused by the Board, would fail to adequately address the concerns of

the Board raised in its reason for refusal (ABP-306840) in respect of visual impact, or issues raised by the Inspector in respect of alternative sites.

- The location of the structure on an alternative site within the village would improve the development potential of appropriate infill development within the village in accordance with the policies and provisions of the County Development Plan and National Strategic Objectives of the National Planning Framework (seek to consolidate and provide for more compact development in existing built up areas).
- The development would not materially intensify traffic using the site and health and safety matters are for ComReg.
- No appropriate assessment issues arise given minor nature of development and distance from European sites.
- No environmental impact assessment warranted.

The report recommends refusing permission for the development.

### 3.2.2. Other Technical Reports

- Area Engineer (18<sup>th</sup> October 2021) – No objection. Recommends provision and maintenance of vision line at R238, and for footpath entrance from Derry Road to be repaired including replacement of old Eircom box Lid.
- Roads and Transportation (30<sup>th</sup> October 2021) – No objections. Recommends conditions.

### 3.3. Prescribed Bodies

- Irish Aviation Authority (IAA) (3<sup>rd</sup> November 2021) – No requirement for obstacle lighting.

### 3.4. Third Party Observations

- 3.4.1. There are two third party observations on file. One observation is made by the owners of land adjacent to and surrounding the existing Eir exchange. Observers raise the following issues:

- Precedents set by PA ref. 19/51963 (ABP-306840), 21/50738, 20/50971 and 21/50621. Small change in height from PA ref. 19/51963.
- Absence of trees to screen the site (felled).
- Inaccurate photomontage.
- Better out of village sites. Applicant's justification only looks at Vodafone Ireland coverage.
- Dangerous entrance to site.
- Existing mast does not have permission and should not be used to justify proposed development.
- Impact on amenity and development potential of surrounding lands.
- New telecommunications support infrastructure not permitted in Especially High Scenic Amenity areas.
- Contrary to Telecommunications Antennae and Support Structures Guidelines for Planning Authorities. Only as a last resort should masts be located in smaller towns and villages and a residential area or beside a school. Honey Bee's preschool, playgroup and creche is in close proximity. Warren View Manor sheltered housing close by.
- Proposal contravenes TCP-1 to TCP-10 of County Development Plan.
- Visual impact, including on approved North West Greenway (scenic route from Derry).

## 4.0 Planning History

4.1. The following planning applications have been made in respect of the site:

- ABP-306840 (PA ref. 19/51963) – Permission refused for construction of 21.5m high telecommunications support structure (20m pole with 15m high filial at top) carrying antennas, dishes, associated equipment, ground equipment cabinets and new fencing on the grounds that, by virtue of its sized and design on a visually prominent site within the centre of the village of Muff,

the development would have an unacceptable visual impact and would adversely affect the visual amenities of the area.

- PA ref. 94/1727 – Permission granted to retain perimeter fence around telephone exchange.

4.2. On the adjoining site, to the north of the appeal site, permission was granted previously under PA ref. 07/71034 and 07/71035, for a residential development (since expired). Under PA ref. 21/51911 permission has been sought for a residential development on the same lands. The planning application is incomplete and was invalidated (technical reason).

## 5.0 Policy Context

### 5.1 National Policy

- National Planning Framework.
  - National Policy Objective 16 - To reverse the rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.
  - National Policy Objective 22 - Supports the development of Greenways.
  - National Policy Objective 24 – Supports the delivery of the National Broadband Plan as a means to further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.
- Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996. The guidelines support the role out of telecommunications infrastructure in the country. In section 4.3 Visual Impact, the Guidelines state that visual impact is among the more important considerations which have to be taking into account at arriving at a decision on a particular application. The Guidelines acknowledge that the applicant will only have limited flexibility as regards location, given constraints from



radio parameters. Within this context, on page 9 the guidelines state *'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'*.

- Circular letter PL07/12 – Amongst other things the circular advised that planning authorities should not include specific separation distances in development plans for telecommunications installations or be concerned regarding health and safety matters, which are regulated by other codes.
- National Inventory of Architectural Heritage (NIAH) – Identifies the Garda Barracks, Main Street, Muff (Ref. no. 40821007) to be of Regional interest, for its architectural, historic and social value. In its appraisal of the structure states *'Although now disused, this typical urban building, dating to the mid-to-late nineteenth century, retains much of its early character and form. Its visual expression and integrity is enhanced by the retention of salient fabric such as the natural slate roof and timber sliding sash windows. The tall yellow brick chimneystacks add interest to the streetscape. It is one of the better surviving traditional buildings along the main street of Muff, and it makes a positive contribution to the streetscape of the village. This building is of social and historical interest as a former Royal Irish Constabulary barracks and later as a Garda station from c. 1923 until 2006 when it was replaced by a new barracks in the village'*.

## 5.2. Development Plan

- 5.2.1. Donegal County Development Plan 2018-2024 sets out current policies for the appeal site.
- 5.2.2. Muff is designated as a Tier 3 town in the settlement structure, an acknowledged critical component of the social, community and cultural identity of the County. Policy Objective CS-O-6 supports the vibrancy of such towns, directs additional population into them by 2024 and seeks opportunities for renewal and regeneration.

5.2.3. The appeal site falls within an area that is designated as an area of Especially High Scenic Amenity (EHSA). However, it is stated in the Plan that within each of the landscape classifications there may be areas that do not fully meet the definition of the designation. Such anomalies in landscape designation will be considered individually and in the context of all other objectives and policies contained within the Plan, should an application for development be submitted in these areas.

5.2.4. Policies in respect of telecommunications are set out in section 5.3 of the Plan. The overall aim of the Plan is to facilitate the development of a high quality and sustainable telecommunications network for the County as a critical element to support growth in all areas of the economy and increase the quality of life for the people of the county. Policy TC-P-3 regarding siting of masts states:

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

5.2.5. Section 7.2 deals with Built Heritage. The overall aim of the plan is to preserve, protect and enhance the built heritage of the Council. The Garda Barracks at Muff are not listed on the Record of Protected Structures. Policy BH-P-2 states that it is a policy to review the RPS on an ongoing basis, and to add structures of special interest, including those recommended by the Minister through the NIAH Survey of Donegal. Other policies of the Plan in respect of built heritage afford protection to vernacular structures and to conserve, enhance the quality, character and distinctiveness of towns and streetscapes in the County and ensure the sensitive design of modern antenna such that they will visually integrate with their host locations (BH-P-3, -9, -12).

### 5.3. **Natural Heritage Designations**

5.3.1. Approximately 600m to the east of the appeal site, Lough Foyle is designated as a Special Protection Area (site code 004087).

### 5.4. **EIA Screening**

5.4.1. Having regard to the limited nature and scale of the proposed development 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. Grounds of appeal are:

- **Need:** The site is of critical importance to Vodafone and Eir mobile network for the provision of indoor voice and data services to the homes and businesses in Muff and surrounding area (Figures 1 to 3). Mast needs to be reasonably located in the village to serve it. Eir exchange accommodates Vodafone and Eir mobile, on an existing 10m wooden pole with omni antenna and dish attached (overall height 13m). Inadequate height and lightweight design prevent existing structure from supporting new operators or additional equipment. Nearest alternative site is 6km to the north west of Muff (Figure 4). Site will also provide coverage to the R238 and to Main Street.
- **Rational:** To improve coverage and capacity of mobile telecommunications and broadband in the area.
- **Visual impact:** Design of structure has been revised on foot of Board's decision under PL05E.306840 (shorter, slimmer). In order to mitigate the effects of the development, existing wooden mast can be removed (Appendix A and B for revised drawings and photomontages respectively – submitted with appeal). Site is surrounded by mature vegetation on southern, northern and eastern boundaries. Mast is minimal height necessary to ensure

sufficient radio coverage. Existing utilities site has high capacity to absorb development considering presence of existing infrastructure and mature trees screening the site. Development will be seen in context of established utilities property, existing buildings, general clutter of Main Street/village setting and partial screening of lower portion by trees and vegetation. Structure will not be prominent and will be set back from Main Street. Structure is sited to minimise impact on Muff Garda station and can be painted brown as suggested in Architectural Heritage Impact Assessment.

- Policy context: Development is consistent with national, regional and local planning policy, including the National Planning Framework, National Development Plan 2018-2027 and Donegal County Development Plan 2018 to 2024, TCP-1 to TCP-7. The development will facilitate the roll out of broadband in the area and allow for the clustering of masts on an existing site. Site lies in an area of Especially High Scenic Amenity, but as an established utilities exchange does not meet the characteristics of the landscape in which it is situated. Development would not, therefore, adversely affect the classification and value of the wider landscape.
- Future development of adjacent lands: Previous planning applications have expired or deemed invalid. Not appropriate to implement restrictions or setbacks on potential future development proposals. The Telecommunications Guidelines provide no restriction in terms of distances between telecommunications structures and dwellings. The main requirement is compliance with standards on non-ionising radiation. Such structures are not uncommon in urban areas in proximity to residential development. Increased residential development in Muff, increases justification for the proposed development.
- Precedents: Similar structures approved by the Board in village/town locations under PA ref. 2151119, Ardara; PA ref. 2150888 Kilmacrennan, PA ref. 2150978, Ballymagan, County Donegal; and ABP-308861 (Farranfore, Co. Kerry), ABP-309019 (Innishannon, Co. Cork), ABP-310340 (Kingscourt, Co. Cavan) and ABP-310642 (Castledermot, Co. Kildare).

## 6.2. Planning Authority Response

6.2.1. The planning authority make the following comments on the appeal:

- Minimal difference in height and location of development compared to PA ref 19/51963.
- Existing trees that would mitigate visual effects are not under control of applicant.
- It is appropriate to consider the impact the development would have on the future development potential of surrounding lands in the designated settlement centre of the village.
- Conservation officer – Development would have a negative impact on historic Garda Barracks Building. Scale and mass, above the well-proportioned two storey barracks structure, would materially affect setting of the building and could make it difficult to find a new use. The Barracks has a strong street presence and integral part of the social and cultural history of the area. The development would be overbearing from the rear curtilage and would dominate its setting from the streetscape. Development would be contrary to built heritage objectives BH-O-1, 3, 4, 5, 8 and 9.

## 6.3. Observations

6.3.1. There are two observations on the appeal. The observations refer to original submissions and raise the following additional concerns in respect of:

- Inaccurate drawings. Trees have been removed and do not screen the site. Applicant has no control over trees on southern side. Levels rise to the rear of the Exchange building. No visual screening by trees in winter.
- No construction plan. Applicant only owns area within blue line. Observer owns land on all four sides and would not facilitate access for construction.
- Photomontages misleading. Not to scale and taken at dusk or dawn light. Do not show how development relates to Garda Barracks or Greenway under construction connecting Muff to Derry (termination vista for route).

- Appeal minimises impact of development on surrounding land. Observer is redesigning residential scheme to include refurbishment of Garda Barracks. If development goes ahead redevelopment of land will not be viable.
- Existing mast is prominent compared to buildings in Muff. 2G and 3G coverage in the village is very good. Other sites in the village would give equally good coverage (village is flat) e.g. nearby industrial area, former customs point. Existing pole, which does not have permission, is not sufficient justification for a much larger pole. Other sites may not be in EHSA area. No demonstration of needs of other operators in the area.
- Appeal does not satisfactorily demonstrate compliance with policies TC-P-1 to TC-P-7 of County Development Plan.
- Precedent cases cited differ from proposed development/context.
- Impact on amenity of nearby homes and businesses (depreciation in value).
- Intensification of traffic associated with the development which is already a dangerous problem at the existing narrow and blind access to the Eircom site. More visits by other operators.
- Size will blight village when viewed from all roads entering it, especially the major T junction with the R239, opposite the site entrance and North West Greenway.

#### 6.4. **Further Responses**

- None.

#### 7.0 **Assessment**

7.1. Having inspected the appeal site, examined the application details and all other documentation on file and having regard to relevant national guidance and local planning policies, I consider that the main issues in this appeal can be confined to the matters raised by parties, namely:

- Visual impact
- Impact on development potential of adjoining lands.

- Traffic hazard.

7.2. Parties to the appeal also refer to the following matters which I comment on briefly:

- Precedents. Whilst the cases cited may raise similar issues, I am mindful that the proposed development comes forward in a very specific context/receiving environment and should be assessed on its merits.
- Access to site for construction. This is a legal matter and falls outside the scope of this appeal.

### 7.3. **Visual Impact and Impact on Cultural Heritage**

- 7.3.1. The proposed monopole is 19.5m high (c.1.2m in width at base, tapering with height). This is a reduction in c.2m from the mast previously refused by the Board. However, it is significantly taller than the existing mast (+6.5m). The applicant proposes clustering telecommunications equipment on the mast, as per government and local planning policy.
- 7.3.2. The appeal site is situated to the rear of, and setback from, Main Street. As a town centre site, the EHSA designation does not apply to the area.
- 7.3.3. The current site is not overly visible from the south or from the north, including from the Derry-Muff Greenway, due to a combination of existing development facing Main Street and existing mature trees south, north and east of the site. I accept that these trees are not within the control of the applicant. However, they do currently provide screening of the site and the existing 13m wooden pole and telecommunications equipment on it. From the west, including from the R239 the site and telecommunications equipment on it are visible but they do not dominate views entering Muff or detract from the setting of the Garda Barracks (see photographs).
- 7.3.4. The proposed mast would be taller than the trees bounding and in the vicinity of the site. The proposed photomontages (section 9 Architectural Heritage Impact Statement and in response to the appeal), clearly indicate that the mast would be visible in some views from the south and north, when viewed from Main Street, but would be most visible in views from the R239 approaching the village. Muff Photomontage Viewpoint 1 is taken from the R239, west of the site (submitted with appeal). The mast is clearly visible above the Garda Barracks. This effect would

increase approaching Main Street. Therefore, whilst set back from it, the height of the mast together with the collection of antennae would in my view be dominant in views and would detract from the setting of the building. Whilst I note that the building is not identified in the Development Plan as a Protected Structure, it is listed on the government's NIAH. Further, it is the policy of the County Development Plan to conserve and enhance the quality, character and distinctiveness of towns and streetscapes. The NIAH clearly indicates that the building whilst disused, is one of the better surviving traditional buildings along the main street of Muff, and it makes a positive contribution to the streetscape of the village and is of social and historical interest. It is my considered view that the proposed development would detract from the setting of the structure and the quality, character and distinctiveness of the streetscape at Muff and detract from the positive contribution that this building makes to the streetscape and from the potential for town centre regeneration.

#### **7.4. Impact on development potential of adjoining lands.**

- 7.4.1. The appeal site is situated in the village centre. It lies in proximity to commercial development, residential development, sheltered housing and a pre-school facility. It also lies alongside a site for which planning permission has previously been granted for residential development (now lapsed).
- 7.4.2. It is not unusual to see telecommunications infrastructure in urban areas. However, in this instance, due to the proximity of the proposed structure to the adjoining lands and its height, I would accept that the proposed development has the potential to be overbearing and impact on the future development of such lands. Such an impact would be contrary to the government's approach to directing development into towns and villages or the policies of the County Development Plan which seek to regenerate them.
- 7.4.3. Further, Government guidelines state that *'only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. 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'*.



7.4.4. Whilst the proposed development has the advantage of being located on an established telecommunications site, for the reasons stated above the 'step change' in scale of equipment, compared to the existing mast, has consequences for visual amenity, streetscape and setting of an historic building. Further, as stated by observers, the village of Muff is relatively flat and includes industrial areas (for example to the east of Muff) and there is no evidence provided by the applicant to demonstrate that the site is a 'last resort'. There is also no information of coverage across the border region i.e. by operators in Northern Ireland. I am not satisfied therefore that the applicant has complied with the government's guidelines in respect of the siting of masts in smaller towns and villages.

#### **Traffic Hazard**

7.4.5. Access to the appeal site is from a narrow lane to the south of the disused Garda Barracks. Sightlines at this junction are limited due to the location of adjacent properties close to the road edge. Notwithstanding this, the development is proposed on an existing telecommunications site, which is accessed by low levels of vehicular traffic. Whilst the proposed development may host other operators, use of the site will continue to be associated with relatively low levels of vehicular traffic. Vehicles entering and exiting the site will do so in an urban centre, where traffic speeds are low. I do not consider therefore that the proposed development gives rise to risk of traffic hazard.

#### **7.5. Appropriate Assessment**

7.5.1. Having regard to the modest nature of the proposed development, the location of the site in an existing urban area and its distance from nearest European site (c.600m) and absence of watercourses in the vicinity of the site which could connect the appeal site to the European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **7.6. Recommendation**

7.7. I recommend that permission for the proposed development be refused.

## 8.0 Reasons and Considerations

It is considered that the proposed telecommunications structure and associated equipment by virtue of its size and design on a visually prominent site within the centre of the village of Muff would have an unacceptable visual impact and would adversely affect the visual amenities of the area. It is, therefore, considered that the proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Deirdre MacGabhann

Planning Inspector

27<sup>th</sup> February 2022