



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313137-22

<b>Development</b>	Erect a 30m lattice telecommunications support structure together with antennae, dishes and associated telecommunications equipment all enclosed in security fencing with a proposed access track
<b>Location</b>	Gortfree, Tourmakeady, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	211194
<b>Applicant(s)</b>	Vantage Towers Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Vantage Towers Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> February 2023.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to a site located on the lower slopes of Drumcoggy Mountain circa 1km to the northwest of Tourmakeady in south Co Mayo. Toormakeady (Tuar Mhic Éadaigh) is a Gaeltacht in south County Mayo between the shores of Lough Mask and the Partry Mountains.
- 1.2. The appeal site has a stated area of 0.551 hectares is an inverted L linear format and is located within an agricultural grassland field in a rural elevated area. The area is characterised by grassland, woodland, bogland with a scattered pattern of residential development. The appeal site field is undulating rising to the north west and there is an area of mature woodland on the adjoining lands to the west.
- 1.3. Within the landscape appraisal for County Mayo, a supporting document for the development plan the site is within the South West Mountain Moorland landscape character unit. This is described as exposed montaine moorland with smooth steep slopes, broad valleys and ridge top plateaux's. The land cover is almost entirely upland moor type grasses but distinct plots of production forestry and cleared forestry sites exist throughout. Upland lakes occur both on the valley floor and as tarns at higher altitudes.

## 2.0 Proposed Development

- 2.1. The application involves permission for the erection of a 30m lattice type telecommunications support structure together with antennae, dishes and associated telecommunications equipment all enclosed in 2.4m high palisade security fencing. A 3m wide+ access track in excess of 180m in length is proposed running along the northern and western field boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 10<sup>th</sup> March 2022 Mayo County Council issued notification of the decision to refuse permission for the following reason:

*“Mayo County Council is not satisfied that the proposed development complies with objective VP-01 of the Mayo County Development Plan 2014-2020 where it is a stated objective – that development does not adversely interfere with views and prospects worthy of preservation and protection.... or views to and from places and features of natural beauty or interest (e.g coastlines, lakeshores, protected structures, important historic sites, when viewed from the public realm. Furthermore, Mayo County Council is not satisfied that the development as proposed accords with Objective LP-01 which requires that development 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.*

*Therefore, by virtue of the elevated location, the nature and height of the development and the location of the development along a designated scenic route with highly scenic views towards Lough Mask, it is considered that the proposed development would interfere with the character of the landscape, of which it is necessary to preserve. Furthermore, the proposed development would, if permitted, be an unduly prominent and incongruous feature in a visually sensitive rural landscape, would contribute to the erosion of the visual amenity of the area, be contrary to stated Objectives VP-01 and LP-01 of the Mayo County Development Plan 2014-2020 (as extended) and be as such contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planner’s initial report notes location within Rural Policy Area 3A off a designated scenic route. The potential for adverse visual impact is ranked high to medium. Concern arises that there is not sufficient justification for a 30m lattice structure in

this sensitive landscape. Options for other development locations have not been fully explored. Access visibility splays or sightlines have not been demonstrated.

Further information was requested to include a robust justification for the proposal given the scenic visually sensitive location. Review of alternative sites and options to be demonstrated. Visibility splays to be demonstrated on site layout plan.

Following submission of further information the planner's report contends that given the proximity of the site to the scenic route which has highly scenic views in a southern direction, the location of the site and height of the proposed development which would adversely impact the unspoilt landscape and scenic amenity of the area. Report concludes that the applicant has provided a robust justification for the site selection and the need for the development however in light of photomontage submission and in particular vantage points 1 and 4 along the scenic route it is considered that the proposal would adversely impact the scenic amenity of this visually sensitive area. Refusal was recommended as per subsequent decision.

#### 3.2.2. Other Technical Reports

None

#### 3.3. **Prescribed Bodies**

No submissions

#### 3.4. **Third Party Observations**

Submission from Martin Staunton and ICM Teo Consulting Engineers, on behalf of Gortfree Residents Association including a signed petition objects to the development on ground of negative visual impact and impact on the amenities of the area. The need for the mast is questioned. Evidence of co-location and site sharing is not sufficiently demonstrated. Industrial use and visual nuisance and contrary to development plan. Traffic hazard and road capacity issues. Access road construction details and surface water runoff proposals not demonstrated.

## 4.0 Planning History

No planning history on the appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 While the decision by Mayo County Council was made in the context of the previous plan the Mayo County Development Plan 2022-2028 now refers. (The Mayo County Development Plan 2022-2027 was adopted on 29<sup>th</sup> June 2022 and came into effect on the 10<sup>th</sup> August 2022)

5.1.2 Tuar Mhic Éadaigh (Tourmakeady) is designated as a Tier 4 rural village in terms of the Settlement Hierarchy.

5.1.3 Chapter 7 (Infrastructure) At 7.4.4.4. Telecommunications It is stated that “Mayo County Council recognises the essential need for high quality communications and information technology networks in assuring the competitiveness of the county’s economy and increasing the quality of life of its people. 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.”

**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.”*

**Telecommunications Objective INO33** *“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.”*

**INO 34** To maintain and update the council’s register of approved ducting and telecommunication structures in the county, to assist in the assessment of future telecommunication developments. The Council will encourage co-location of antennae on existing support structures and require documentary evidence as to the non-availability of this option in proposals for new structures. 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.

The R300 to the east of the site and local road serving as access to the site are designated scenic routes with designated view.

5.1.4 The site is within Policy Area 3A in terms of landscape protection policy areas where there is a medium to high potential for adverse impact.

Policy context seeks to

“Encourage only development that will not detract from scenic lake land vistas, as identified in the development plan, and visible from the public realm. Such development must not have a diminishing visual impact due to inappropriate location or scale.

Promote only development that will not penetrate distinct linear sections of shorelines when viewed from areas of the public realm.

Recognise the value of scenic lake land vistas, as identified in the development plan. Protect areas that have not been subject to recent or prior development by ensuring any new development can be absorbed by the surrounding landscape.”

Development Management Standards are set out in volume 2. At 8.0

Telecommunications it is set out:

The Council recognises the importance of telecommunication infrastructure which is important in removing the peripheral barrier that the county experiences. It is also recognised that the location of telecommunication infrastructure is dictated by service provision and hence each application will be determined on its own merits. Planning applications relating to the erection of antennae and support structures shall be accompanied by:

- A reasoned justification as to the need for the particular development at the proposed location in the context of the operator's overall plans for the county having regard to coverage.
- Details of what other sites or locations in the county were considered, and reasons why these sites or locations are not feasible.
- Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered; and
- Detailed proposals to mitigate the visual impact of the proposed development, including the construction of access roads, additional poles and structures. Where possible they should be located so as to benefit from the screening afforded by existing tree belts, topography or buildings. On more exposed open sites, the Council may require an alternative design or colour finish to be employed, unless where its use is prohibited by reasonable technical reasons.

## **5.2. Natural Heritage Designations**

The site is not within a designated area, The nearest such sites are Lough Mask SPA (Site Code 004062) and Lough Carra / Mask Complex SAC (Site Code 001774) which occur within 2km to the east.

The Mweelrea / Sheefry Erriff Complex SAC is within 6km to the west.

### 5.3. 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 grounds of the first party appeal submitted by Charter House Infrastructure Consultants on behalf of Vantage Towers Ltd, are summarised as follows:

- Permission for the proposal should be granted having regard to regional spatial and economic policies and strategy which promotes improved access to digital and broadband communications.
- Demands for these services will impact the economic growth of an area.
- The existing 4G networks cannot meet consumer demand for large data transfer at fast speed. 5G is fifth generation network offering high downloading and uploading speed.
- Proposed site is intended to accommodate the three mobile operators.
- Scenic route runs along the entire road R300 beside and west of Lough Mask. Scenic views are predominantly towards the Lough. It is difficult to avoid compromising designated routes and views to achieve the required coverage.
- Three other alternative sites were considered; however, they were discounted on the basis of visual residential amenity impacts, consent, ownership issues and technical issues.
- Proposed site is away from the settlement boundary of the village and from the nearest residential units. Landscape is undulating with relatively good



screening with dense hedgerow and tall vegetation from the public road and benefits from woodland to the east and further to the south. This accords with Planning Guidelines 2006.

- Proposed site offers the best solution to coverage issue and the lattice design has been identified as offering the best solution to secure other operator requirements.
- Development Plan recognises the essential need for high quality communications and information technology networks assuring the competitiveness of the County's economy and role in supporting regional and national development generally.
- View of the structure will be intermittent. Site is set back 185m from the public road. Screening will hide the proposed compound.
- Proposal will not be unduly obtrusive. Visual impact from the R300 will be minimal, intermittent and incidental.
- Photomontages from strategic locations around the site show the limited visibility of the structure. Structure does not form a terminating view.
- Compound fence can be coloured green.
- Permanent permission is requested.
- It is not possible to locate within the area without impinging on some aspect of planning protections within the Development Plan.
- With regard to height a possible reduction to 27m rather than 30m could be achieved. Revised elevation is provided.
- Topography of the area creates difficulties in identifying a suitable site. The proposed site is effectively a site of last resort meeting the technological requirements and as close as possible to planning considerations. Design and height are needed to support the technology and to secure line of sight. Structure facilitates site sharing.
- The major scenic route is the R300 and majority of views are away from the structure towards the lough. For the other route the views are in both

directions and due to roadside flora it is submitted that the structure will appear intermittently.

- Proposal supports Development Plan Policy for communication services. Government Policy and strategy recognises the importance and potential for 4G 5G and future service can bring to all sectors of the economy and promotes access to digital and broadband communications.
- Height of 30m takes into consideration the topography and to secure links to Vodafone's established network. Site is to provide a range of services and will carry substantial equipment including 6 antennas, associated RRUs (remote radio units) and 5 dishes.
- The catchment area is weak for all operators and there is no infrastructure in the area to meet operator requirements therefore a lattice work design has been identified as offering the best solution to secure other operators. With this design more equipment can be fitted at similar heights and height is important for this location due to topography and to secure line of sight.
- The equipment is very heavy and as a result wind loading factors are taken into consideration.
- Lattice design is required to ensure the amount of equipment needed and expected can be accommodated. With regard to height a possible reduction to 27m can be achieved.

## **6.2. Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

## **7.0 Assessment**

- 7.1 This is a first party appeal of the decision of Mayo County Council to refuse permission on grounds of visual intrusion whereby the Council concluded that the proposal by virtue of its elevated location, nature and height along a designated scenic route would interfere with the character of the landscape, would result in an unduly prominent and incongruous feature in a visually sensitive rural landscape

which would contribute to the erosion of the visual amenity of the area contrary to landscape and visual amenity objectives of the development plan.

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 Mayo County Development Plan 2022-2028 including Policy INP 19 which supports the delivery of telecommunications infrastructure within the county where it can be demonstrated that the development will not have significant adverse impacts, 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 the question of the need for the mast and the assessment of alternatives, I note the submissions of the first party indicating that of the other three alternative locations considered these were discounted based on either location / distance from the target area, intervening terrain and topography and the inability to accommodate the additional equipment required. It is asserted that the proposed site offers the best technical and coverage solution to meet existing and future network requirements and within the grounds of appeal it is asserted that the site is effectively a site of last resort. I cannot verify the technical circumstances in this regard however I consider that the location has been justified.

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

*“Mayo County Council is not satisfied that the proposed development complies with objective VP-01 of the Mayo County Development Plan 2014-2020 where it is a stated objective – that development does not adversely interfere with views and prospects worthy of preservation and protection.... or views to and from places and features of natural beauty or interest (e.g coastlines, lakeshores, protected structures, important historic sites, when viewed from the public realm. Furthermore, Mayo County Council is not satisfied that the development as proposed accords with*

*Objective LP-01 which requires that development 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.*

*Therefore, by virtue of the elevated location, the nature and height of the development and the location of the development along a designated scenic route with highly scenic views towards Lough Mask, it is considered that the proposed development would interfere with the character of the landscape, of which it is necessary to preserve. Furthermore, the proposed development would, if permitted, be an unduly prominent and incongruous feature in a visually sensitive rural landscape, would contribute to the erosion of the visual amenity of the area, be contrary to stated Objectives VP-01 and LP-01 of the Mayo County Development Plan 2014-2020 (as extended) and be as such 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 The Mayo County Development Plan 2022-2028 sets out that Mayo County Council seeks to safeguard scenic routes and scenic routes with designated views from inappropriate development which would detract from the enjoyment of Mayo’s outstanding landscape. Landscape policy NEP 14 is to protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character. Objective NEO 25 is “*To consider*

*applications for development, along Mayo's' Scenic routes, that can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:*

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.*
- Meets high standards in siting and design.*
- Contributes to and enhances local landscape character.*
- Satisfies all other criteria, with regard to, inter alia, servicing, public safety, and environmental considerations.”*

7.6 I note the submission of the first party within the grounds of appeal and acknowledge that given the long stretches of scenic route and designated scenic views in the locality it is not possible to locate within the area without impacting on some aspect of planning protection. However, in my view the application fails to adequately analyse and therefore mitigate the visual impacts arising. I note the photomontage views submitted with the application. The purpose of visual impact assessment is to analyse potential visual impacts to the landscape and landscape views. Viewpoint reference points to inform such an assessment should be as accurate and representative as possible within the limits of the technology used. The choice of viewshed reference points should also target the zone of visibility and demonstrate the worst case scenario.

7.7 I have some concerns with regard to the choice and representativeness of the submitted photomontage views. The images present a faded view of the proposed 30m high lattice tower structure. As regards the question of representativeness I note for instance that location 1 which is taken from within the field opposite the site (with intervening hedgerow) rather than from the public road and designated scenic route. I also note that the submitted sightlines suggest that remedial works to roadside boundary will involve the loss of roadside boundary hedgerow. Locations 2 and 3 are off the scenic route. While location 5 shows no visibility due to intervening vegetation regard must be had to impact when intervening commercial forestry is harvested. I note the presented view from location 4 is somewhat unclear and appears to be a zoomed view and would by reason of its location and topography

present a more favourable outlook than a view on more elevated and open ground a short distance to the west. Further views and analysis from the designated scenic route would be required in my view taking into account existing and future landscape character having regard to forestry felling scenarios. As regards submitted views 6-9 I note no visibility from viewpoints 7 and 8 while a faded representation of high visibility in location 6 is presented. I note overall that the choice of viewpoints are heavily characterised by areas with intervening vegetation and structures rather than potential open views. (Five of the Nine viewpoints show no visibility).

- 7.8 In considering the proposal and its context, I note that that the restricted nature of the appeal site precludes necessary mitigation in terms of the provision of a fell free zone / screening retention or provision. I consider that a more detailed visual impact assessment and mitigation strategy is required. I note that the applicant has indicated that a lattice type structure is required to ensure that the level of equipment needed and expected can be accommodated however in my view a comparative analysis and further details of an alternative monopole type structure should be provided. I note that within the grounds of appeal the applicant indicated that it would be possible to reduce the height of the proposed structure to 27m. I consider that further detail with regard to the alternatives should be outlined to inform the analysis of visual impact. Additional viewpoints should be provided to inform the assessment of the proposal given the particular sensitivities of the appeal site context.
- 7.9 On this basis of the foregoing 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.
- 7.10 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.

## **8.0 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 30m/27m high lattice telecommunications structure and associated equipment within a restricted site adjacent to an area of commercial forestry and along a designated scenic route with designated views as set out in the Mayo County Development Plan 2022-2028, whereby it is policy of Mayo County Council as per policy NEP-14 to protect enhance and contribute to the physical visual and scenic character of Co Mayo and to preserve its unique landscape character. This policy is considered reasonable. Notwithstanding the technical justification provided for the proposed development, the Board is not satisfied, based on the information provided with the application and the appeal, that the proposed development, by virtue of its siting alongside a scenic route with designated views would not 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.

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Bríd Maxwell  
Planning Inspector

4<sup>th</sup> May 2023