



An  
Bord  
Pleanála

## Inspector's Report ABP-313434-22

<b>Development</b>	Erection of a 20m high lattice telecommunications support structure together with antennas, dishes and associated equipment all enclosed in security fencing.
<b>Location</b>	Eir Exchange, Alderford Townland, Ballyfarnon, Co Roscommon.
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	21140
<b>Applicant</b>	Eircom Ltd. (t/a eir)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Eircom Ltd. (t/a eir)
<b>Observer</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> October 2022

**Inspector**

Ian Campbell

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the townland of Alderford, c. 150 metres north of the centre of Ballyfarnon, Co. Roscommon.
- 1.2. The appeal site has a stated area of 0.027 ha (270 sqm) and is located on the western side of a local access road (L1005). The appeal site is elevated relative to the village of Ballyfarnon, occupying the crest of a hill. The lands north of the appeal site continue to rise.
- 1.3. The appeal site accommodates a telecommunications compound. There is a 10 metre high telecommunication structure consisting of a wooden pole, an exchange cabin and ground cabinets located within the appeal site. The roadside boundary of the appeal site comprises a low stone wall with the remaining boundaries formed by a post and wire fence. A number of mature trees are located along the southern boundary of the appeal site.
- 1.4. Detached dwellings are located to the north-east, north and south-east of the appeal site. The lands to the south, west and north are under grass and appear to be in agricultural use. A wind farm, located to the north-west of the appeal site, forms a dominant feature within the wider landscape. ESB lines traverse the lands to the north of the appeal site.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises;
  - The construction/erection of a 20 metre high telecommunication structure (lattice structure). A 1.5 metre high lightning finial is attached to the top of the structure. The proposal also includes;
    - Antennas, dishes, associated equipment;
    - Ground cabinets;
    - 2.4 metre high palisade fencing enclosing the telecommunication structure and cabinets.

2.2. The planning application is accompanied by a cover letter outlining the technical justification for the proposal, specifically that;

- The proposed installation is required to address substandard coverage in Ballyfarnon and will provide a significant improvement in 4G coverage.
- Vodafone currently transmit from the Ballyfarnon site, however the existing wooden pole cannot accommodate additional equipment and only supports 2G and 3G services.
- Two other installations have been examined in the area but have been discounted on the basis of being too remote from Ballyfarnon, namely, Kilronan Mountain, located c. 3.6 km from Ballyfarnon, and Greaghnageeragh, located c. 2.6 km from Ballyfarnon.
- The proposed structure is the minimum possible height consistent with effective operation and will facilitate site sharing for other providers, thereby reducing the requirement for further free standing structures in the area.
- Situating the mast at the existing compound allows Eir to converge its over ground telecoms infrastructure with its underground infrastructure.
- The site is suitable for the proposal, located on the fringes of Ballyfarnon with no direct line of sight between the village streetscape and the site, and is distant from housing.
- The proposed development accords with Development Plan policy, and also with the NDP 2020 – 2040; National Development Plan 2018-2027, and regional policy<sup>1</sup>.

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<sup>1</sup> I note that the Regional policy referred to has been superceded.

## **3.0 Planning Authority Decision**

### **3.1. Request for Further Information**

Prior to the decision of the Planning Authority to REFUSE permission for the proposed development, the Planning Authority requested Further Information.

#### **3.1.1. Further Information was requested on the 13<sup>th</sup> May 2021 as follows:**

- Coverage maps illustrating the type of infrastructure, service provided and range of coverage available within the catchment of Ballyfarnon and surrounding area, including details of the coverage provided by each service provider.
- Coverage maps showing the extent of the area served by the proposal, compared to the extent of Eir coverage presently available.
- Evidence of engagement with other telecommunication providers in relation to co-location.
- Confirmation of the planning status of the existing telecommunications equipment on the site.
- Photomontages to demonstrate (a) current infrastructure and utilities on the subject site and (b) the proposed telecommunications infrastructure on the subject site, as viewed from the identified Viewpoint (i.e. 'Scenic View V1').

#### **3.1.2. Further Information submitted on the 21<sup>st</sup> February 2022:**

- Coverage maps (ComReg) submitted for Eir, Three and Vodafone indicating 4G coverage ranging from 'good' to 'very good'. Reference is made to maps which indicate the significant improvement which the proposal will make,

however from examining the documentation submitted to the Planning Authority no such mapping appears to have been submitted.

- For GDPR reasons details of communications with other operators cannot be provided. As the existing wooden pole is too low it is likely that Vodafone will co-locate on the proposed structure.
- The existing structure was constructed on foot of Class 29 of the Local Government (Planning and Development) Regulations, 1994, and was exempt development.
- Photomontages (2 no.) submitted from a specific view point within the Roscommon County Development Plan 2014 – 2020. The applicant notes that the proposal will have limited impact on the existing view as the proposal is located 2 km from the particular viewpoint. There are a number of existing telecommunications structures located within this scenic extent, including structures which are taller and more robust compared to the proposal.

The Planning Authority issued a Notification of Decision to REFUSE Permission on the 1<sup>st</sup> April 2022 for two reasons which can be summarised as follows;

1. The proposed telecommunications structure would be injurious to the visual residential amenities<sup>2</sup> of the area and would detract from the amenity of Ballyfarnon.
2. The possibility of co-locating on existing telecommunications infrastructure has not been adequately demonstrated. The proposal does not accord with the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996), in particular Section 4.3 (Visual Impact) and Section 4.5 (Sharing Facilities and Clustering), or Section 4.7 (Telecommunications) of the Roscommon County Development Plan 2014 - 2020.

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<sup>2</sup> Reason no. 1 of the Notification of Decision refers to 'the visual residential amenities of the area'. This appears to be a typographical error. The intended reference appears to be to 'the visual and residential amenities of the area', and as such has been considered on this basis.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The first report of the Planning Officer includes the following comments;

- The site is located within the Arigna Mountains Landscape Character Area and is classified as Very High Value.
- The site is located within Scenic View Extent V1 in the Roscommon County Development Plan 2014-2020, an area covering in excess of 9km<sup>2</sup>, with the viewpoint being approximately 1.8 km to the east of the subject site, in the townland of Cuiltygower.
- The subject site is outside the identified zone of influence associated with a ringfort /rath which is recorded on the Sites and Monuments Record.
- A more robust exploration of co-location options or shared infrastructure is necessary.
- Having regard to the scale and height of the proposed development, the Planning Authority has concerns regarding the location of the proposed development in such close proximity to established residential development.

Further information recommended.

The second report of the Planning Officer includes the following comments;

- The applicant has not submitted maps demonstrating the extent of the area which would be serviced by the proposal.
- The applicant, citing GDPR reasons, has not submitted details of communication with other operators in relation to the possibility of co-location arrangements.
- The impact of the proposal on the scenic view extent closer to the village would have been beneficial as it represents substantial infrastructure within the confines of the village setting.
- Concerns regarding the location of the proposed development in such close proximity to established residential development remain.

- The further information response fails to adequately demonstrate exploration of co-location options or shared infrastructure. The submitted documentation has not substantiated the necessity for the new structure having regard to the need for improved networks.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

### 3.2.2. Other Technical Reports

Environment Department - notes no objection subject to a condition relating to construction waste.

### 3.3. Prescribed Bodies

Irish Aviation Authority (IAA) - stating no requirement for obstacle lighting on the structure.

### 3.4. Third Party Observations

The Planning Officer's report refers to 13 no. submissions/observations having been received in relation to the initial planning application and 5 no. submissions/observations having been received in respect of the further information submitted. The report of the Planning Officer provides the following summary of the main issues raised in the third-party submissions/observations:

- Validity/accuracy of documentation.
- Distance of proposed development to existing agricultural and residential properties/residential amenity concerns/devaluation of property.
- Heritage impacts.
- Health risks.
- Impact on views/scale of proposal.
- Tourism impacts.
- Animal welfare.



- Absence of alternative location assessment.
- Impact on NHA.

## 4.0 Planning History

None.

## 5.0 Policy Context

### National Policy

#### 5.1.1 National Planning Framework 'Project Ireland 2040':

National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

#### 5.1.2 Regional, Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES):

The weakness/absence of high-quality telecommunications infrastructure is identified as being an important issue for the region (see page 232 RSES).

#### 5.1.3 National Broadband Plan 2020:

The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

#### 5.1.4 Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (Department of the Environment and Local Government):

The Guidelines provide relevant technical information in relation to installations and offer guidance on planning issues so that environmental impact is minimised and a consistent approach is adopted by Planning Authorities. Visual impact is noted as

among the most important considerations in assessing applications for telecommunications structures but the Guidelines also note that generally, applicants have limited locational flexibility, given the constraints arising from radio planning parameters. The Guidelines place an emphasis on the principle of co-location.

Section 4.3 'Visual Impact', provides 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'*.

Section 4.3 also states, *'only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure'*.

Section 4.3 also notes that some masts will remain quite noticeable in spite of the best precautions and that the following considerations may need to be taken into account, specifically, whether a mast terminates a view; whether views of the mast are intermittent and incidental, and the presence of intermediate objects in the wider panorama (buildings, trees etc).

#### **5.1.5 Circular Letter PL 03/2018**

Circular Letter PL 03/2018, dated 3<sup>rd</sup> July 2018 provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013, and specifically states that the waiver provided in the Development Contribution, Guidelines for

Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

## 5.2 Development Plan

5.2.1. The proposed development was considered by the Planning Authority under the Roscommon County Development Plan 2014-2020 however the Roscommon County Development Plan 2022-2028 came into effect on the 19<sup>th</sup> April 2022 and is now the relevant development plan.

5.2.2. The appeal site is not subject to a specific land use zoning in the Roscommon County Development Plan 2022-2028. The appeal site is located within the plan boundary of Ballyfarnon.

5.2.3. The provisions of the Roscommon County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Section 12.22 - Recognises that the location of telecommunication infrastructure is dictated by service provision. Planning applications are required to be accompanied by, a reasoned justification for the development at a particular location; a justification for sites which have been discounted; proposals to mitigate visual impact; and where possible the location of the structure in a manner so as to benefit from the screening afforded by existing tree belts, topography or buildings.
- Policy ICT 7.65 – Encourage co-location of antennae on existing telecommunications 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.
- Policy ICT 7.66 - Ensure that telecommunications structures are located to minimise and/or mitigate any adverse impacts on communities, public rights of way and the built or natural environment.
- Policy NH 10.25 – Minimise visual impacts on areas categorised within the County Roscommon Landscape Character Assessment including “moderate value”, “high value”, “very high value” and with special emphasis on areas classified as “exceptional value” and where deemed necessary, require the use of Visual Impact

Assessment where proposed development may have significant effect on such designated areas.

- Policy NH 10.26 - Protect important views and prospects in the rural landscape and visual linkage between established landmarks, landscape features and views in urban areas.

5.2.4. The appeal site is located within the 'Arigina Mountains Landscape Character Area' (see Landscape Character Assessment document which accompanies Development Plan). This landscape character area is described as having a 'very high value'.

5.2.5. Scenic View 'V1' is located c. 1.7 km east of the appeal site. The Development Plan notes that development proposed within a protected view is required to be designed and located so as not to obstruct the view or be unduly intrusive in the landscape as seen from these vantage points.

5.2.6. A Ringfort (Ref. RO001-07) indicated on the Sites and Monuments Record (SMR) is located c. 100 metres north-west of the appeal site.

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

The appeal site is not located within or close to any European Site.

### 5.4. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised under the following headings;

#### Need/Justification:

- The proposed development should be granted under Section 37 (2) b (iii) of the Planning and Development Act, 2000, as amended.

- The existing wooden pole is inadequate to facilitate the technology required to provide Eir's coverage needs. Vodafone will be relocating to the new structure, and the wooden pole will be removed. This was not explained in the initial planning application.
- The appeal site is the ideal location in terms of signal propagation, and will facilitate the use of established utilities within the site.
- A Vodafone Radio Engineering Report accompanies the appeal submission and notes that;
  - the existing site at Ballyfarnon is not capable of providing the level of coverage needed, the wooden structure is limited to 2G and 3G services and the site cannot provide 4G and 5G services without upgrade.
  - the proposal will enhance 2G and 3G services to the village, R284 and surrounding roads, increasing the extent of 'good' and 'very good' 2G and 3G services in the area, in addition to significantly improving mobile broadband services. The proposal will also significantly improve 4G and future 5G coverage to the village and surrounding areas.

Alternative Sites/Co-Location:

- Two other installations have been examined in the area but have been discounted on the basis of being too remote from Ballyfarnon, namely, Kilronan Mountain, located c. 3.6 km from Ballyfarnon and Greaghnageeragh, located c. 2.6 km from Ballyfarnon. A nearby windfarm may have reduced signal propagation at Greaghnageeragh, and resulted in Three Ireland withdrawing from the installation.
- With the exception of the appeal site, which has been in existence since 1999, there is no existing or alternative suitable infrastructure in Ballyfarnon.
- The proposal is designed to facilitate co-location for other operators and will negate the requirement for additional structures in the area, thereby addressing the issue of proliferation referred to in reason no. 2 of the Planning Authorities refusal.

- Similar developments have been permitted within Roscommon, namely at Eir Exchange, Frenchpark (PA. Ref. 20309 refers) and at Eir Exchange, Green Street, Boyle (PA. Ref. 20474 and ABP Ref. 309385-21 refer).

#### Design/Impact of Proposal:

- Ballyfarnon is located at the base of the Kilronan Mountains. Sectional drawings depict the appeal site relative to the topography of the wider area.
- It is necessary for the proposed telecommunications structure to be located above the village so that the signal propagated from the structure can reach all areas. The appeal site is located on the only road which has a gradient.
- The compound is well screened by trees which are to be retained, additional landscaping is proposed and the proposed structure will be coloured grey.
- The upper part of all masts must be able to propagate a signal and are therefore visible. The height of the structure enables more than one operator to locate on it. The height of the structure is also required to enable 360 degree coverage, including properties higher up the hill, and in order to achieve a line of sight to other masts.
- A lattice structure is allows for more equipment to be accommodated on the structure.
- A detailed photomontage of the proposal was not submitted, nor was one requested. Views of the proposal will be limited/if at all from the village due to the presence of buildings and trees. The majority of views of the proposal will be intermittent. The proposal will have a minimal impact when viewed from the local road network given the presence of roadside vegetation, manmade objects and noting the topography of the landscape. The most significant zone of visual impact will be along the road where the proposal is to be sited, and from the junction with the R284, however, this impact does not warrant a refusal of permission. The proposal will not conflict with Scenic View 1.
- Residential properties do not face the proposal, and as such the main impact will be on pedestrians and motorists.

#### Compliance with Applicable Policy:

- Government policy is supportive of telecommunications infrastructure.
- The second refusal reason is not specific in relation to non-compliance with Section 4.3 of the Telecommunication Guidelines. The proposed development does not contravene the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996. The Guidelines were written over 25 years ago and new technology requires sites to be developed within towns and village, which was not envisaged when the Guidelines were written. The Guidelines also acknowledge that applicants have limited locational flexibility, given the constraints arising from radio planning parameters.
- The Guidelines note that some masts will remain quite noticeable in spite of the best precautions and consideration needs to be given to whether the site is along a major road or tourist route, whether a site terminates a view or appears intermittently visible, and local factors affecting the panorama etc. The Planning Authority have not had regard to the forgoing.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

None received.

## **7.0 Assessment**

7.1. I consider the main issues in the assessment of this appeal are as follows:

- Extent of Proposal.
- Technical Justification/Appropriateness of Location.
- Impact on Visual Amenity.
- Impact on Residential Amenity.
- Impact on Archaeology.
- Other Issues.
- Appropriate Assessment.

## **7.2. Extent of Proposal**

- 7.2.1. The drawings submitted with the planning application indicated the proposed telecommunication structure located alongside the existing wooden pole. The first party has however clarified in the appeal submission that Vodafone will be relocating to the new structure, and that the wooden pole will be removed. The drawings depicting the proposal submitted to the Board with the appeal reflect this and indicate a single telecommunication structure on the site.

## **7.3. Technical Justification/Appropriateness of Location**

- 7.3.1. The first party states that the proposed development is required at this location in order to address specific service/coverage deficiencies in Ballyfarnon. I have verified the existing level of mobile coverage for this area using ComReg's coverage maps and note that Ballyfarnon is identified as having 'good coverage' for Eir's 4G services. ComReg's maps indicate 'fair' 5G coverage for the village, with no 5G coverage in parts of the centre of the village. According to ComReg's website, in areas with fair coverage, 'fast and reliable data speeds may be attained, but marginal data with drop-outs is possible at weaker signal levels'. The first party contend that the proposal will enhance 2G and 3G services to the village, R284 and surrounding area, significantly improving 4G and future 5G coverage to the village and surrounding areas. Whilst no coverage mapping has been furnished to indicate the improvement in service which the proposal will result in I note the contents of the Radio Engineering report which supports this assertion.
- 7.3.2. In relation to using the existing telecommunication structure on the appeal site, from which Vodafone currently transmit, the first party notes that the existing wooden pole cannot accommodate additional equipment. The first party also notes that the existing structure only supports 2G and 3G services and that it is proposed to remove this structure from the site, with Vodafone lo-locating onto the proposed monopole.
- 7.3.3. In terms of the consideration of alternative sites where the first party could co-locate, details of two other installations have been examined in the area but have been discounted on the basis of being too remote from Ballyfarnon (namely, Kilronan Mountain, located c. 3.6 km from Ballyfarnon and Greaghnageeragh, located c. 2.6



km from Ballyfarnon. The first party contends that existing telecommunications installations in the wider area are not suitable and would not fulfil Eir's coverage objectives, and that with the exception of the appeal site, there is no existing or alternative suitable infrastructure in Ballyfarnon on which to co-locate. Having regard to the forgoing, I consider that the applicant has evaluated alternative sites for the purpose of co-locating the structure, that the basis for discounting these sites is reasonable and that the justification for the proposed structure is acceptable.

7.3.4. Regarding the appropriateness of the appeal site for the proposed development, the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 provide that *'only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, and if such location should become necessary, sites already developed for utilities should be considered....masts and antennae should be designed and adapted for the specific location'*, and.... *'the support structure should be kept to the minimum height consistent with effective operation'*. The appeal site is an existing telecommunication compound and as such I consider that the site has the capacity to absorb the proposal. The first party contends that the lattice design of the proposed structure is required in order to facilitate co-location of other operators, which would negate the need for additional telecommunication structures in the vicinity of the village. Similarly, the height of the proposed structure is justified on the basis that it allows other providers to co-locate onto the structure. Should the Board be minded to grant permission for the proposed development I recommend that a planning condition is attached requiring the applicant to facilitate other operators to co-locate onto the structure. Having regard to the forgoing I consider the appeal site to be appropriate for the proposed development of a telecommunication structure.

7.3.5. Based on the information submitted, I consider that there is a technical justification for the proposal at this location. I am also satisfied that the appeal site is appropriate for such a development and that the proposed development accords with the provisions of the Roscommon County Development Plan 2022 – 2028, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in relation to the location of installations.

## 7.4. Impact on Visual Amenity

- 7.4.1. Given the nature of the proposal, and its location, the structure will be visible from some locations within the village, and from locations on approach roads. In assessing the impact of the proposal on the visual amenity of the area it is important to consider the context of the appeal site and the proposal. In this regard I note that the appeal site is located on the fringes of a village where telecommunications and other utility structures are common. The appeal site itself comprises a telecommunications exchange/compound accommodating a telecommunications structure of c. 10 metres in height. As such, I consider that telecommunication infrastructure is an established feature of the landscape at this particular location. In the context of the current proposal I consider that impacts on visual amenity may be considered in terms of impact on the streetscape of the village and impact on the wider landscape.
- 7.4.2. In relation to the impact of the proposed development on the streetscape of the village, I consider the most sensitive area of the village to be the centre, where footfall is highest, and also the south-eastern and north-western approaches to the village, along the R284. The predominant building type within the village centre is two storey. There are also three storey buildings within the village centre, including at the junction between the main street and the L1005, off which the structure is proposed. I note that the village centre is compact, with groupings of buildings along the main street forming a tight urban grain which minimises views between the main street and the appeal site. The recent demolition of a house on the corner at the junction between the L1005 and the main street has opened up views of the appeal site from the main street however I consider this to be temporary and I note from inspecting the planning register that a replacement dwelling is to be instated at this location<sup>3</sup>, which will narrow this gap, minimising potential views of the appeal site from main street. In relation to views of the proposed structure from the approaches to the village, I note that the local topography of the area limits views of the appeal site on approaches from the south-east on the R284, with the lands on the northern side of the R284 elevated relative to the R284. Some views of the upper part of the proposed structure will be likely on the approach to the village along the R284 from the north-west. These views will be

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<sup>3</sup> See PA. Ref. 21/670

intermittent, interrupted by trees and houses. At the junction between the R284 and the L1006 views are also likely, however I note that at this location the proposed structure is located c. 350 metres from this vantage point and as such the proposed structure will be perceived as part of a wider panorama, which includes power lines and a wind farm located on the mountain in the foreground. In relation to hilltop locations for telecommunication structures, I note that the Telecommunication Guidelines state that masts on hilltops *'will by definition remain visible, and that if every hilltop location were to be ruled out as a possible location, the consequence would be that the operator might not be able to service the area, or that a number of structures might be required to provide the same level of service, and that in the latter case visual intrusion might be increased rather than diminished'*. The first party asserts that the location has been selected on the basis of its ability to propagate a signal for the village, being located above it, and also to serve dwellings located on higher levels within the area. I note that the proposed structure will not terminate views within the centre of the village or on approach roads at locations proximate to the village, and given the nature of the intervening environment, views of the proposed structure will be experienced within the context of the panorama of the wider village, which includes buildings ranging from two to three storeys and other vertical structures, including the powerlines. Having regard to the forgoing, I do not consider that the proposed development would have a significant negative impact on the visual amenities of the streetscape of the village such as to warrant a refusal of permission.

- 7.4.3. In relation to the landscape impacts arising from the proposed development, I note that the appeal site is located within the 'Arigina Mountains Landscape Character Area' which is described as having a 'very high value', the second highest of the four landscape sensitivity ratings in the Landscape Character Assessment document which accompanies the Roscommon County Development Plan. This landscape character area is described as being one of the most elevated character areas in County Roscommon and comprises rolling ridges sloping steeply to lower ground at Lough Allen. I also note that Scenic View 'V1' is located c. 1.7 km east of the appeal site. The Development Plan notes that development proposed within a protected view is required to be designed and located so as not to obstruct the view or be unduly intrusive in the landscape as seen from these vantage points.

- 7.4.4. The first party has indicated the appeal site relative to the topography of the wider area through the submission of sectional drawings. The appeal site, whilst located on an elevated site relative to the village of Ballyfarnon, occupies a lower position relative to the wider Kilronan Mountain area and as such I do not consider the appeal site to be an upland location, rather I consider that the appeal site could be described as occupying an elevated site on the fringe of a village, located on the foothills of Kilronan Mountain
- 7.4.5. The proposal comprises a lattice structure with a height of 20 metres. Existing trees at the compound provide a level of screening for the lower parts of the proposed structure and the proposed structure is set back from the roadside boundary. I however note that the upper section of the structure will not be screened and I acknowledge that in order for the structure to propagate a signal effectively that screening the upper part of the structure would not be technically feasible. The first party has stated that it is amenable to permitting other operators to co-locate on the structure and in this regard I consider that the height and lattice design of the proposed structure would facilitate this, thereby avoiding the need for other telecommunication structures in the area in the future, and the future proliferation of telecommunication structures in the landscape.
- 7.4.6. The proposal will be intermittently visible within the surrounding landscape. However, relative to the wider landscape, the appeal site is less elevated, and in my opinion when viewed from more elevated locations within the Arigina Mountains Landscape Character Area, the proposed structure will be perceived as a contiguous feature to the village, alongside buildings and other vertical structures. I also note that the proposed structure does not terminate any view, and as such I do not consider that the proposed structure would dominate or be intrusive within the landscape at this location.
- 7.4.7. Regarding the impact of the proposed development on the protected view to the east, I note that the 'estimated range of scenic view' associated with Scenic View 'V1' is indicated by means of an arc emanating from the origin of the view, c. 1.7 km east of the appeal site. As the appeal site is located towards the outer part of this arc I consider that development at this location is less likely to affect the protected view compared to

developments situated closer to the origin of the scenic view. As addressed above at paragraph 7.4.7., from a location c. 1.7 km from the appeal site, the proposed structure will be perceived as being part of the village, and in my opinion would not appear discordant.

- 7.4.8. Having regard to the developed nature of the landscape in the vicinity of the appeal site, to the topography of the appeal site relative to the wider landscape, to the character of the wider landscape, and to the design and height of the proposed structure, I am of the view that the proposal would not be incongruous within the immediate or wider landscape, would not negatively impact on the landscape character of the area or Scenic View 'V1', and I consider that the overall visual impact of the proposal would be satisfactory in the context of the visual amenities of the area.

#### **7.5. Impact on Residential Amenity**

- 7.5.1. Circular PL07/12 recommended that development plans should avoid the inclusion of minimum separation distances between telecommunications structures and residences. I note the separation distance between the proposed structure and the closest dwelling, which is located to the north-east, at c. 40 metres. I consider the separation distances between the proposed structure and the closest neighbouring dwellings to be adequate to ensure that there would be no significant overbearing or visual intrusion arising from the proposed development. In addition, I note that the perimeter boundary of the appeal site comprises mature trees, and that the proposal includes the provision of supplementary landscaping which will provide a degree of screening for the proposal. Additionally, I note that the dwellings to the north and north-east are situated at more elevated locations which will serve to minimise the impact of the proposal on these properties. I also note that the dwellings to the north and north-east are orientated towards the public road and do not directly face the proposed structure. Regarding the impact of the proposed development on residential property to the south-east of the appeal site, noting the separation distance between these properties and the appeal site, in excess of 50 metres, and to the oblique relationship between the proposed structure and these residential properties, I do not consider that the proposal will result in significant overbearing or visual intrusion. Having regard to the forgoing, I am satisfied that the proposed development would not result in

significant negative impacts on the amenity of residential property adjoining the appeal site or in the vicinity of the appeal site.

#### **7.6. Impact on Archaeology**

- 7.6.1. There is a Ringfort (Ref. RO001-07) located c. 100 metres north-west of the appeal site. The Planning Authority did not raise concerns in relation to potential impacts arising from the proposed development on archaeology and noted that the site was located outside the identified zone of influence associated with a ringfort/rath. Having regard to the nature of the proposed development, the location of the proposed development within an existing utilities compound, and to the distance between the appeal site and the ringfort, I do not consider that the proposed development would result in any significant negative impacts on the ringfort or on archaeology in the vicinity.

#### **7.7. Other Issues**

- 7.7.1. The first party states that the appeal is made with reference to the provisions of S.37 2 (b) (iii) of the Planning and Development Act 2000, as amended, however, I note that the Notification of Decision to Refuse Permission does not make reference to material contravention of the County Development Plan and as such the provisions of s.37(2)(b) of the Planning and Development Act 2000, as amended, are therefore not applicable in this case.
- 7.7.2. The issue of the health impacts of the proposed development was raised in observations to the Planning Authority. In respect of issues concerning health and telecommunications structures, Circular Letter: PL 07/12 states that, 'Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'. Accordingly, I consider that this issue is outside the scope of this appeal.

- 7.7.3. I note that the issue of the devaluation of properties in the vicinity was raised in observations to the Planning Authority. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.7.4. Regarding development contributions, the adopted Roscommon County Council Development Contribution Scheme 2014, as amended 24<sup>th</sup> February 2020, provides a 100% waiver for mobile and broadband telecommunications infrastructure, in accordance with Circular Letter 03/2018 and as such the proposed development does not attract a development contribution.

## **7.8. Appropriate Assessment**

- 7.8.1. Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## **8.0 Recommendation**

- 8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

## **9.0 Reasons and Considerations**

Having regard to:

- (a) The DOEHLG Section 28 Statutory Guidelines; Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012,
- (b) The Roscommon County Development Plan 2022 – 2028,

- (c) The distance between the proposed telecommunications structure and sensitive receptors, including residences, archaeological sites, and 'Scenic View V1',
- (d) The nature and scale of the proposed telecommunication structure,
- (e) The demonstrated need for the telecommunications infrastructure at this location,
- (f) Circular Letter PL 03/2018,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health, would not have a significant impact on ecology or on European sites in the vicinity, and would be in accordance with the proper planning and sustainable development of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall provide and make available at reasonable terms, the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.</p> <p><b>Reason:</b> In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.</p>



3.	<p>Within six months of the cessation of the use of the telecommunications structure, all structures shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the Planning Authority as soon as practicable.</p> <p><b>Reason:</b> In the interest of protecting the landscape.</p>
4.	<p>The trees which form the boundary of the compound shall be retained. Any trees which die, or which become diseased, shall be replaced with trees of a similar height.</p> <p><b>Reason:</b> In the interest of protecting the landscape.</p>
5.	<p>Prior to commencement of development, details of supplementary tree planting along the northern boundary of the site, as indicated on <i>Drawing No. TRN5021-PL-5.0</i> received by An Bord Pleanála on the 27<sup>th</sup> April 2022, shall be agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of protecting the landscape.</p>
6.	<p>The wooden pole shall be removed from the site within 6 months of the new telecommunications support structure becoming operational.</p> <p><b>Reason:</b> In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.</p>
7.	<p>Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
8.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth.</p> <p><b>Reason:</b> In the interest of public safety.</p>
9.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p>

	<b>Reason:</b> In the interest of the visual amenities of the area.
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

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Ian Campbell  
Planning Inspector

14<sup>th</sup> December 2022