



An
Bord
Pleanála

Inspector's Report

ABP-313840-22

Development	Erect a 30m high lattice telecommunications support structure together with antennae, dishes and associated telecommunications equipment, all enclosed in security fencing and extend existing access track.
Location	Carrick, Keshcarrigan , Co Leitrim.
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	21190
Applicant(s)	Vantage Towers Limited.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Vantage Towers Limited.
Observer(s)	None.
Date of Site Inspection	25 th of July 2022.

Inspector

Stephanie Farrington

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.0275ha, is a greenfield agricultural site located on elevated lands overlooking the village of Keshcarrigan. The site is located on the outskirts of the village and accessed via an existing entrance serving a farmyard off the R209.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 30m high lattice telecommunications support structure together with antennae, dishes and associated telecommunications equipment, all enclosed in security fencing and extend existing access track.

3.0 Planning Authority Decision

3.1. Decision

Leitrim County Council issued a notification of decision to refuse permission for the development in accordance with the following reasons and considerations:

1. Having regard to the height, scale and location of the proposed development on an elevated and exposed site within an area of High Visual Amenity as identified in the County Development Plan 2015-2021, it is considered that the proposed development would be visually obtrusive and would adversely impact the considerable visual amenities of the area. The proposed development would therefore be contrary to Policy 134 of the County Development Plan which seeks to ensure that telecommunications structures are sited, so not to adversely impact on the visual amenities of any area. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted, the Planning Authority is not satisfied that sufficient evidence has been presented that this exposed and visually sensitive greenfield site is the only site available in the proximity of the village of Keshcarrigan which could accommodate the proposed development.

The proposed development would therefore conflict with Policy 101 of the Leitrim County Development Plan 2015-2021 which states that the Council will permit development in an area of High Visual Amenity only where the applicants have demonstrated a very high standard of site selection, site layout and design and where the Planning Authority is satisfied that the development could not be accommodated in a less-sensitive location. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (8/11/2021)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised within the report:

- Insufficient information is provided in relation to the justification for the proposed site location. The need for a mast of the height proposed has not been justified, nor its impact on the visual amenities of the area assessed.
- A request for further information is recommended in relation to the following-robust justification for the proposed site selection and consideration of alternatives, revised drawings illustrating the location of the mast relative to existing buildings and existing telecommunication antennae, submission of a visual impact report and justification for proposed height, submission of a statement of compliance with Health and Safety Guidelines, Appropriate Assessment Screening Report and a response to 3rd party submissions.

Further Information Planner's Report

- A summary of the applicant's response to the FI request is provided.
- The report outlines that Policies 134 and 101 of the Leitrim County Development Plan are of particular relevance to the proposal. Reference is furthermore made to the guidance set out within Section 4.11.8.2 of the LCDP which relates to the location of masts within the immediate surrounds of small towns/villages as a last resort.

- In terms of the applicant's justification for the proposed development, the PA is not satisfied that the appeal site is the only site within the village which can meet the applicants' requirements.
- The images presented within the visual impact assessment are generally poor and do not reflect the full implications of the structure when viewed from the village and the western end of the village in particular. It is considered that the provision of the structure on an elevated site will have a significant adverse impact on the visual amenities of the village.
- The site is located within an area of High Visual Amenity. In accordance with Policy 101 development will only be permitted in such areas where the applicant has demonstrated a very high standard of site selection, site layout and site design and the PA is satisfied that the development could not be located within a less visually sensitive location. The development is considered contrary to Policy 101 as the applicants have not demonstrated that the proposal cannot be accommodated in a less visually sensitive location.
- The PA is not satisfied that the application falls within the "last resort" category in which the PA can consider the application in the location proposed.
- It is recommended that permission is refused having regard to Section 4.11.8.2, Policy 134 and Policy 101 of the Leitrim County Development Plan.

3.2.2. Other Technical Reports

District Engineer (27/10/2021)

- No objection.

South Leitrim Area Office Planning Report - District Engineer (10th of May 2022)

- No objection to proposal subject to conditions

3.3. Prescribed Bodies

Irish Aviation Authority (19/11/2021)

- The report outlines that there is no requirement for obstacle lighting on the telecommunications structure.

3.4. Third Party Observations

5 no. submissions were received in respect of the application. The following provides a summary of the main issues raised:

- Reference is made to the presence of 2 no. existing masts within the area
- Impact on the Visual Amenity of the Area
- Impact on Residential Amenity
- Health Implications

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

Leitrim County Development Plan 2015-2021 (as varied and extended)

- 5.1.1. The subject site is located on agricultural land outside of the settlement boundary of Keshcarrigan village. Map 4.3 of the Plan identifies the appeal site as being within a rural area with 'low capacity/low availability' for housing, which are areas adjoining towns and villages that are under pressure from residential development. The site is located within an area of High Visual Amenity as designated within Map 4.12 of the Leitrim County Development Plan.
- 5.1.2. Section 4.8.7 of the Plan relates to development within areas designated as being of High Visual Amenity and outlines that capacity of the landscape to absorb

development will depend, amongst other things, on the local topography, vegetation and the nature and extent of existing development.

- 5.1.3. Policy 101 outlines that: *“It is the policy of the Council to permit development in an area of High Visual Amenity only where the applicant has demonstrated a very high standard of site selection, site layout and design and where the planning authority is satisfied that the development could not be accommodated in less-sensitive location”*.
- 5.1.4. Section 4.11.8 sets out policies in relation to telecommunication infrastructure. The council recognizes the importance of advanced communications infrastructure for an information-based society as a key support for business education and research. The council will support and facilitate the provision of advanced communication networks and services to the extent required to contribute to national regional and local competitiveness and attract inward investment. The council will also encourage the further coordinated and focused development and extension of communications infrastructure including broadband connectivity in the County, particularly in district towns as a means of improving economic competitiveness.
- 5.1.5. Policy 132 outlines that: *“it is the policy of the council to ensure that all areas of the County Have adequate mobile communication coverage and in particular service providers will be encouraged to provide services in areas identified as having low /no coverage”*.
- 5.1.6. Section 4.11.8.2 specifically relates to telecommunication antennae. The council recognise the importance of a high-quality telecommunications service and will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and sustaining residential communities and environmental quality, while having to regard to the diverse views and concerns of various interested parties and acknowledging concerns of people with regard to public health.
- 5.1.7. Policy 134 outlines that: *“it is the policy of the council to support the provision of a modern telecommunications infrastructure throughout the County while seeking to ensure that such equipment is so sited, that will not adversely impact on the visual or residential amenities of any of the areas within the County or on the natural beauty or archaeological heritage of the County, or give rise to genuine public concern on*

health grounds having regard to the standards of the National Radiation Protection Association and World Health Organization”.

Whereas reason must apply in all cases, only as a last resort should free-standing masts/antenna be located within, or in the immediate surrounds of smaller towns or villages, within a residential area, within the vicinity of schools or private dwellings. For the purposes of clarity, there is a presumption against granting permission for the siting of masts/antenna within the vicinity of these type developments.

In terms of ensuring the application of the foregoing policy, a proposal for permission or retention permission, in respect to a telecommunication mast/antenna, will normally be required, as a minimum, to provide the following information when making a planning application:-

- (1) A map to O.S detail and suitable scale that clearly indicates all buildings in the vicinity of the development. Salient separation distances between the proposed development and buildings within the vicinity should be shown on the map. A legend should accompany this map which clearly states the type of developments in the vicinity; viz; residential, schools, community use, mixed use, industrial, agricultural, etc.;
- (2) Details of research of alternative sites for the proposed mast/antenna to include: options to erect a mast/antenna or masts at alternative locations away from towns or villages, residential areas, schools or private dwellings, in order to provide coverage. The details shall include a comprehensive technical justification as to why these locations cannot be used;
- (3) A map to OS detail and suitable scale that clearly indicates the location of the nearest existing telecommunication masts/antenna which provide coverage in the general area;
- (4) Details that clearly define, with technical justifications and rationalisations, as to why co- location on an existing support structure and/or to share a site or an adjacent site of an existing telecommunication structure, is not feasible;
- (5) Details to include maps clearly indicating:-
 - (a) The level of existing telecommunication service in the general area served by the existing masts/antenna;

(b) The level of service to be provided following the installation of the proposed development.

Any proposal under this clause must demonstrate clearly that to do otherwise, would not be reasonable in terms of meeting technical requirements. The applicant shall provide satisfactory evidence that this is the only location possible to meet specific requirements, and that all other alternatives have been examined but are not capable of being exploited for stated specific reasons. Commercial competition in this instance will not be acceptable as a reason for locating in these areas. This should not be interpreted so as to preclude development where the applicant has full knowledge of the location of an existing mast.

5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996.

5.2.1. Section 4.2 of the Guidelines relate to design and siting. It notes that the location will be substantially influenced by radio engineering factors. In terms of the visual impact it is also stated that great care will have to be taken when dealing with fragile or sensitive landscapes and with other areas designated or scheduled under the planning acts or other legislation.

5.2.2. It is also stated 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.

5.3. DoE Circular Letter PL 07/12

5.3.1. Section 2.3 of the circular notes that the 1996 Guidelines advise that planning authorities should indicate in the development plans any locations where, for various reasons, telecommunications installations would not be favoured or special conditions would apply and suggested that such locations might include lands whose high amenity value is already recognized in the development plan, protected structures or sites beside schools.

5.3.2. While the policies above are reasonable, there has been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools e.g. up to 1 km. Such distance requirements without allowing for flexibility on a case by case basis, can make the identification of sites for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the rollout of viable effective telecommunications network.

5.4. **Natural Heritage Designations**

The following designated sites are located within the vicinity of the site.

- Cuilcagh - Anierin Uplands – pNHA and SAC – c. 7.2km
- Carrickaport Lough pNHA – 1.9km
- Annaghealy Lough pNHA – 4.1km
- Sheemore Wood pNHA – 4.6km
- Lough Drumharlow pNHA- 9.1km
- Kilronan Mountain Bog NHA -12.5km
- Lough Rinn pNHA- 14km

5.5. **EIA Screening**

The subject development does not fall within a class for which EIAR is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A first party appeal was submitted in respect of Leitrim County Council's notification of decision to refuse permission for the proposed development. The following provides a summary of the grounds of appeal:

Second Reason for Refusal

- Policy 101 of the Leitrim County Development outlines that permission can be granted in areas of High Visual Amenity where in compliance with certain

criteria including demonstration of site selection, site layout, design and justification.

- The appeal addresses each of the criteria set out under Policy 101. The following points are made:
 - The demand for telecommunication services will impact on economic growth in the area.
 - The proposed site is expected to be a base station with a number of links.
 - Line of sight is necessary to connect the cell to the rest of the network.
 - There is a requirement to provide telecommunications infrastructure in areas identified as weak.
 - Demand for mobile and broadband network is continuing to grow in Ireland. Existing infrastructure does not have the capacity to meet this demand. For modern services there is a requirement to be close to the source of demand.
 - Specific reference is made to existing coverage in Keshcarrigan. While the primary client for the site is Vodafone it is anticipated that other operators will secure representation within a short period of construction. A lattice structure is preferred having regard to the anticipated demand for the structure. The 30m height takes into consideration coverage and network link needs.
 - Keshcarrigan and surrounding areas suffer from weak coverage for Vodafone in respect of its services. Other network providers include 3 Ireland and Eir provide weak services.
 - Keshcarrigan is a key area to cover as a designated Tier 4 village which has witnessed substantial growth and a tourism industry. Figures 1 to 5 illustrate the coverage maps for the village from existing suppliers. Existing coverage for service providers is identified between poor to weak. Key target areas include the village and area to the northwest.
 - Existing infrastructure is too far away to provide for the required coverage. The structure at the Garda station is not used by telecom operators. It cannot secure the line of sight required to ensure the services needed.

Structurally it is inadequate for the services required and surrounding structure would block any coverage signal.

- A site search report was prepared by Vantage Towers with Vodafone radio frequency engineers to identify the best and available sites within a given area. The topography of Keshcarrigan and surrounding areas causes difficulties in securing coverage. The village is surrounded by Loughs, waterways and different size hills. The village is effectively hidden by its surrounding landscape.
- In order to provide coverage to Keshcarrigan, a site above the village is required. The only hill available overlooking Keshcarrigan is the appeal site. Its close to the village, on a hill above a quarry and the proposed 30m high mast can ensure coverage to the other target areas. As such it can be described as an only and last resort. A reduction in the height from 30m to 27m is possible with minimal loss in coverage area.
- A justification for the lattice format structure is provided in the context of the need to accommodate additional infrastructure including dishes and antennae for broadband.
- The guidance set out under Sections 4.11.8, 4.11.8.2 and 5.4.9 of the Leitrim County Development Plan recognises the need for essential high quality communications and information technology networks within the County. Policy 132 seeks to ensure that all areas have adequate coverage. In terms of compliance with Policy 101 it is stated that every effort has been made to demonstrate a high standard of site selection, layout and design and to demonstrate that the proposal could not be accommodated in a less sensitive location. Policy 101 permits development in High Amenity Areas where the above criteria have been met.

First Reason for Refusal

- The appellant addresses compliance with Policy 134 of the Leitrim County Development Plan 2015-2021.
- Natural beauty and archaeological heritage have been addressed throughout the course of the application. It is stated that these are not an issue.

- In terms of the reference to Health concerns, the applicant was unable to identify any telecom service in the village. The structure at the Garda station is assumed to be associated with Garda services or emergency services.
- The proposed installation of any equipment will be fully compliant with the relevant Health and Safety legislation and will be operated in accordance with ComReg Guidelines. Reference is furthermore made to Circular Letter PL07/12 which outlines that health issues are not a planning consideration in relation to telecommunication services.
- Section 7.4 of the appeal includes an assessment of the impact of the proposal on visual and residential amenities against the criteria set out within the DoECLG Guidelines Telecommunications Antennae and Support Structures 1996. A justification is made for the height and design and an option to reduce the height to 27m is identified.
- In terms of visual impact it is stated that the structure will be visible from the surrounding landscape. The structure does not impact on any Special Amenity Areas, SPA's, NHA'S, SAC's or National Parks. There are no listed buildings, archaeological sites or other monuments within the vicinity and it does not interfere with any important recognised views and is not a terminating view.
- Access is provided via an extension to an existing farmyard track. The track will be hidden from view by existing field boundaries. Maintenance will be minimal at 6 to 8 visits per annum.
- In terms of site sharing and clustering, the operator has a facility sharing policy. The structure is designed for sharing.
- The proposed development complies with Policy 134. It will not adversely impact on the natural beauty or archaeological heritage of the County, or give rise to genuine public concern on health grounds having regard to standards of the International Radiation Protection Association and the World Health Organisation.

- The development will impact on visual and residential amenities of the area, albeit intermittently depending on the location and angle of view. However, the proposal is critical infrastructure.
- A summary of national and regional supporting Guidelines and Framework Documents is provided. The appeal also refers to the Covid 19 crisis and the role of the telecommunications industry.

Conclusion

- Due to the weak to no-existent coverage in Keshcarrigan and the lack of available infrastructure there is a need to enhance telecommunications services in the interest of social and economic progress. These services are essential for the economic development of the village. Reference is made to the topography of the village and it is stated that the appeal site is a last resort in providing technological requirements.
- An Bord Pleanála is requested to overturn Leitrim County Council's decision and grant permission for the proposed development.

6.2. Planning Authority Response

Leitrim County Council provided a response to the grounds of appeal. The following provides a summary of the main points raised.

- Reference is made to the stronger justification for the site selection and proposed reduction in the height of the structure by 3m. While the reduction of 3m is welcomed by the Planning Authority, the concerns relating to the visual impact of the structure and adverse impact on the visual amenities of the area remains, particularly in relation to the impact on Keshcarrigan village.
- The proposed development would therefore remain contrary to Policy 134 of the Leitrim County Development Plan 2015-2021 which seeks to ensure that telecommunications structures are sited to so as not to impact on the visual amenities of the area.
- The PA consider that sufficient evidence has not been presented to show that the exposed and visually sensitive site is the only site in the village of Keshcarrigan which could accommodate the proposal. The proposed

development is therefore in conflict with Policy 101 of the Leitrim County Development Plan.

- The PA recommends An Bord Pleanála upholds the decision of Leitrim County Council to refuse planning permission for the development.

6.3. Observations

- None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Impact on Visual Amenity
- Justification for Proposed Location
- Appropriate Assessment.

These issues are considered in turn as follows.

7.2. Impact on Visual Amenity

7.2.1. Leitrim County Council's first reason for refusal outlines that having regard to the height, scale and location of the proposed mast on an elevated and exposed site within an Area of High Visual Amenity it is considered that the proposed development would be visually obtrusive and would adversely impact on the considerable visual amenities of the area. It is stated that the proposal would be contrary to Policy 134 of the Leitrim County Development Plan in this regard.

7.2.2. Policy 134 of the LCDP outlines that:

"It is the policy of the Council to support the provision of a modern telecommunications infrastructure throughout the County, while seeking to ensure that such equipment is so sited, that it will not adversely impact on the visual or residential amenities of any areas within the County, or on the natural beauty or archaeological heritage of the County, or give rise to genuine public concern on

health grounds, having regard to standards of the International Radiation Protection Association and the World Health Organisation”.

- 7.2.3. The site is located within an area designated as being of High Visual Amenity within the Leitrim County Development Plan 2015-2021 (as extended and varied). The proposal is a 30m high lattice tower.
- 7.2.4. A series of photomontages from the village and surrounding road network were submitted in response to Leitrim County Council's request for further information. The appeal site is located within a visually prominent location within the village in an area that forms a terminating view to the west of the village and from the surrounding road network as illustrated within the photomontages submitted in support of the application. In my view, the proposed mast reads as a prominent and visually dominant feature in the landscape when viewed from the village and surrounding landscape (as illustrated in Photomontage Views 1,3,4,6 and 7). I consider that both the height and the lattice design of the mast render it visually prominent.
- 7.2.5. The first party appeal provides a justification for both the height and design of the proposed mast. The appeal outlines that the proposed site is expected to be a base station with a number of links. In terms of design, it is stated that a lattice format structure is required in the context of the need to accommodate additional infrastructure including dishes and antennae for broadband to accommodate co-location. However, I consider that the provision of additional infrastructure on the structure would further add to its visual impact.
- 7.2.6. In terms of the proposed height, the first party appeal outlines that there is an option for the provision of a reduced height mast of 27m at this location. No revised photomontages are submitted to illustrate the reduced visual impact. While the proposed reduction in height would be welcome, it would not, in my view go far enough to address the visual impact of the proposal. I do not consider this amendment to be such that it overcomes the Planning Authority's reason for refusal.
- 7.2.7. Having regard to the height and bulky nature of the proposed lattice tower, in a visually prominent area of the village and its location within a designated area of High Visual Amenity, it is my opinion that the proposed development would have an unacceptable impact on the visual amenities of the area.

- 7.2.8. I note the reference to health concerns within Policy 134 of the Leitrim County Development Plan and note that the submissions on the application raise health concerns in respect of the proposed mast. Circular Letter PL07/12 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. It also notes that telecommunication infrastructure is regulated by other codes and such matters should not be additionally regulated by the planning process. I furthermore note that no specific concerns are raised by LCC in this regard.
- 7.2.9. The case made by the applicant in respect of compliance with Policy 134 is noted. However, I do not consider that the applicant has demonstrated compliance with the requirements of Policy 134 which states that the proposal will not adversely impact on the visual amenities of any areas within the County. I recommend that permission is refused for the development broadly in accordance with Leitrim County Council's first reason for refusal.

7.3. **Justification for Proposed Location**

- 7.3.1. Leitrim County Council's second reason for refusal relates to the siting of the proposed mast. It is stated that on the basis of the information submitted that the planning authority is not satisfied that sufficient evidence has been presented that the exposed and visually sensitive site is the only site available in proximity to the village of Keshcarrigan which could accommodate the proposed development. In this regard it is stated that the proposal is contrary to Policy 101 of the Leitrim County Development Plan 2015-2021 which outlines that:

“the Council will permit development in an area of High Visual Amenity only where the applicants have demonstrated a very high standard of site selection, site layout and design and where the Planning Authority is satisfied that the development could not be accommodated in a less-sensitive location.”

- 7.3.2. A justification for the siting of the proposed mast is submitted in conjunction with the first party appeal. In terms of the principle of the development, the application and appeal documentation outline that telecommunications coverage within the village and surrounding area to the northwest is classified as being “fair to weak”. Figures 1 to 5 of the appeal response illustrate the existing coverage in the village and

surrounding areas. Based on the information provided within the application and appeal I accept the requirement in principle for a telecommunications mast within the area.

- 7.3.3. In terms of the siting of the structure, I note that the appeal site is located on a elevated and visually prominent location within the village. The appeal outlines that an elevated site is required to serve the area having regard to the topography of the village and surrounding area and line of sight requirements. The topography of the village is described as being hidden in the surrounding landscape and surrounded by Loughs and associated waterways. Figure 6 of the appeal illustrates a contour maps of the village and the site is identified on a 94m contour line. The terrain increases to the east of the appeal site.
- 7.3.4. The appeal outlines that a site of a sufficient height is required to provide a signal to the area to the northwest without being blocked by intervening hills. It is stated that the appeal site is the only site both suitable and available to accommodate the proposed mast. No other sites within the village or surrounding area are specifically identified or addressed by the applicant. Figures 7,8 and 9 of the appeal illustrate elevations of the topography from the site to Keshcarrigan village to the east, to Cloonelly to the north and Drumcong and Lough Scur Cottages to the northwest. In all instances the appeal site is located at the highest point.
- 7.3.5. The option of co-location with existing telecommunications infrastructure within the village was raised by Leitrim County Council and specific reference is made to the existing infrastructure on the Garda Station. However, the first party appeal provides clarification that there is no existing telecommunication infrastructure within the village. The application addressed existing telecommunication infrastructure in the vicinity of the village including existing masts at Drumaragh Td., Annaghderg Upper Td and Dromoghty Td. These are discounted on the basis of their distance from Keshcarrigan and the target service area. It is stated that the proposed mast is designed to accommodate co-location/clustering of networks and this would avoid the need for other antennae in the area.
- 7.3.6. Leitrim County Council's response to the first party appeal outlines that sufficient evidence has not been presented to show that the exposed and visually sensitive site is the only site in the village of Keshcarrigan which could accommodate the

proposal. In this regard it is stated that the proposed development is therefore in conflict with Policy 101 of the Leitrim County Development Plan. Having reviewed the information submitted in conjunction with the application and appeal I agree with the conclusions of the planning authority.

7.3.7. The applicant, in my view, has not adequately demonstrated that alternative sites, that are less prominent within the village or surrounding area have been investigated, where such sites might prove equally effective in providing sufficient coverage. I consider the proposal to be contrary to Policy 101 of the Leitrim County Development Plan in this regard. I furthermore note the reference in the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996 which outlines that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. In this regard and recommend that permission is refused broadly in accordance with the planning authority's second reason for refusal.

7.4. **Appropriate Assessment**

7.4.1. A Screening Report for Appropriate Assessment was submitted in response to Leitrim County Council's request for further information. Table 1 of the Screening Report includes a list of Natura 2000 sites and their location relative to the proposed development site:

- Cuilcagh-Anierin Uplands SAC – 7.2km north – no pathway
- Lough Arrow SAC- 22km west – no pathway
- Lough Oughter and Associated Loughs SAC- 35km east – distant hydrological pathway – surface water run off
- Lough Arrow SPA – 22km west – potential pathway (collision risk)
- Lough Oughter SPA – 27km east – potential pathway (collision risk)

7.4.2. The report identified the nearest Natura 2000 designated site as Cuilcagh-Anierin Uplands SAC which is 7.2km from the site. The report identifies that the site is located upgradient of the of the proposed development and therefore no potential hydrological impact has been identified.

- 7.4.3. The applicant's Screening Report identifies a distant hydrological link between the appeal site and Lough Oughter and Associated Loughs SAC, however it was found that given the limited nature of the proposal and the distance involved (35km) it is stated that no impact will occur. Potential pathways are identified for both the Lough Arrow SPA and Lough Oughter SPA on the basis of potential collision risk.
- 7.4.4. Section 8 of the applicant's Screening Report relates to the potential impacts of the proposal. This outlines that the proposed development site does not overlap with any Natura 2000 site and there is no potential breeding habitat or significant foraging habitat for birds which are listed as SCI's for the Lough Arrow SPA and Lough Oughter SPA in proximity to the proposed development. The report outlines that the proposed mast is 30m in height and below the heights of towers where collision risk has been identified. The report states that given the relatively low height of the proposed tower, limited lighting and guy wires and the small size of the development, the proposed development does not create a significant risk of bird collision and no significant effect on qualifying species for the Louth Arrow SPA and the Lough Oughter SPA will occur.
- 7.4.5. The report concludes the following:
- "The proposed development at Keshkerrigan, Co. Leitrim either alone or in combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives. Therefore a Stage II Appropriate Assessment is deemed not to be required".*
- 7.4.6. The planner's report which informs the decision of Leitrim County Council to refuse permission for the development includes the following Screening Statement:
- "A source-pathway-receptor link was identified between the proposed development and both of the SPA's in which potential collision risks were found. However, it was found that the limited height, lighting, guy wires and the small size of the development, it does not create a significant risk for bird collision and no significant effect on the qualifying species for either SPA.*
- Having regard to the above the Planning Authority is satisfied that the project does not require to be progressed through to Stage II Appropriate Assessment under the Habitats Directive".*

7.4.7. Having regard to the nature of the development, and the separation distance to any 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.

8.0 Recommendation

8.1. I recommend that permission is refused for the development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the height, design, scale and location of the proposed development on an elevated and exposed site within an area of High Visual Amenity as identified in the County Development Plan 2015-2021, it is considered that the proposed development would be visually obtrusive and would adversely impact the considerable visual amenities of the area. The proposed development would therefore be contrary to Policy 134 of the County Development Plan which seeks to ensure that telecommunications structures are sited, so not to adversely impact on the visual amenities of any area. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted, the Board is not satisfied that sufficient evidence has been presented that this exposed and visually sensitive greenfield site is the only site available in the proximity of the village of Keshcarrigan which could accommodate the proposed development. The proposed development would therefore conflict with Policy 101 of the Leitrim County Development Plan 2015-2021 which states that development in an area of High Visual Amenity will only be permitted where the applicants have demonstrated a very high standard of site selection, site layout and design and the development could not be accommodated in a less-sensitive location.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Stephanie Farrington
Senior Planning Inspector

5th of September 2022