



An
Bord
Pleanála

Inspector's Report

ABP-314078-22

Development	Erection of a 36m high lattice support structure carrying antennas and dishes together with associated ground-based equipment containers all enclosed in security fencing.
Location	Raghra, Shannonbridge, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	21588
Applicants	Hibernian Cellular Networks Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Indigo
Date of Site Inspection	19 August 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Raghra, Shannonbridge, Co. Offaly, adjoining the R444 regional road to the north of the village. The site is in a rural area on agricultural land where an existing access to a farm yard, which doesn't appear to have had much recent agricultural activity, is located at the road frontage. The mast location is behind low buildings as viewed from the road. Except for the yard area immediately to the front of the site, trees and hedges screen the site from the road and other areas, including the River Shannon; which is close by to the west. Land in the area falls gently to the west and south. To the east, behind roadside screening, is developed bogland, where the land is slightly higher.
- 1.1.2. A water tower is located to the south, close to the junction of the R444 and the R357, at the edge of the village. There are a number of telecommunications antennae mounted on its circular top.
- 1.1.3. The site is given as 0.051ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the erection of a 36m high lattice support structure carrying antennas and dishes together with associated ground-based equipment containers, all enclosed in security fencing.
- 2.1.2. The application documents include:
- 2.1.3. Planning Statement by Jennings O'Donovan & Partners Limited which includes:
Sites - River Shannon Callows SAC River Shannon Callows SPA and Middle Shannon Callows SPA are identified as the nearest European sites, to which there is no hydrological connection.

Principle of development – the development is consistent with relevant policies set out in the development plan. Need – there is a positive presumption in favour of telecommunication projects at national regional and local level. There is a need to deliver a multiuser lattice support structure in this area which will contribute to the overall social and economic wellbeing of the wider public.

In the section summary / planning balance there is a quote from an un-named source that there should be a 'presumption in favour of development unless material considerations indicate otherwise'.

- 2.1.4. The drawings include elevations (drawing nos 6486-JOD-XX-XX-DR-C-200-005 and 6486-JOD-XX-XX-DR-C-200-005), which show the lattice tower with antennas and link dishes, extending to 36m above ground and a lighting finial above that level. No details of the lighting finial are provided.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority (PA) decided to grant planning permission subject to six standard conditions. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on the file.

The first planning report, dated 18th November 2021, recommended a further information request, which issued 17th September 2021, on 8 points – AA screening report; assessment of alternative locations; ENTP 44 of the development plan; visual impact assessment; entrance shown, not as on the ground, clarify location; provide a site layout detailing the entrance; provide brochure samples of structures; and respond to submissions.

The report includes:

Justification for the proposed development at the chosen location is lacking in detail. No reference or details are provided on the identified gaps in coverage for the surrounding area and the applicant has not outlined how the proposal relates to the context of the operator's overall plans for the county and the provision of appropriate coverage. The applicant has not detailed the method of site selection or

demonstrated that alternative locations for the proposed structure would constitute a less optimal solution than what is currently proposed.

Detailed proposals to mitigate the visual impact of the proposed development per development plan - a visual impact assessment is required.

The PA is satisfied that the development would form part of the National Broadband Scheme.

3.2.2. Other Technical Reports

Roads Design – 16/11/2021 – conditions.

Water Services, 28/10/2021 – conditions.

3.3. Prescribed Bodies

- 3.3.1. DAU re Nature Conservation – 04/11/2021 – proximity to SPA (4096) and SAC (216) the plan/project may pose a collision risk to QI species for the SPA. The drains bounding the field, are hydrologically connected to the SAC.

Any tree or vegetative removal works that are required as part of this development should, where possible, be done outside of the bird nesting season March 1st until August 31st inclusive.

All native hedgerows on site should be retained, except where removal for sightlines is required. Any supplementary planting or new planting should consist of native hedging species such as hawthorn, holly, gelder rose, blackthorn, hazel. Additional information can be found at <https://pollinators.ie/businesses>.

3.4. Third Party Observations

- 3.4.1. A third party observation was received from Indigo which includes:

On behalf of Cellnex they submit that Cellnex have an existing site at Cloniffeen, Shannonbridge, Co Offaly (53.27601, 8.0415287) c 1km south-east of the site. There is a 24m multi-user structure and fenced compound accommodating the wireless telecommunications operators. The site can accommodate additional telecommunications operators if required.

They do not see the need for a second telecoms tower in this area.

3.5. Further Information Request Response

3.5.1. Documents submitted in response to the further information request (22nd April, notice 27th May) include:

A response from Jennings O'Donovan & Partners Limited

A Landscape and Visual Impact Assessment (LVIA)

Photomontages

A technical assessment by digis

Screening for Appropriate Assessment by Doherty Environmental Consultants Ltd.

3.5.2. The response from Jennings O'Donovan & Partners Limited includes:-

Referring to the other reports in response to each further information item; revised drawings in response to request for entrance details and construction details; technical assessment responds to third party observation.

3.5.3. The Screening for Appropriate Assessment by Doherty Environmental Consultants Ltd., includes:-

the site description states that there are no watercourses occurring at or in the vicinity of the site. The field survey noted stagnant drainage ditches with no flows (Feb 2022). The drainage ditches are choked with emergent vegetation – macrophytes, dominated by *Apium nodiflorum* indicating persistent stagnation or low flows. Given the absence of watercourse and the stagnant nature of the drainage ditches there is no hydrological impact pathway connecting the project with to European Sites in the surrounding area.

The construction phase of the project is not considered to have the potential to represent a risk of likely significant effects to the three European Sites and the features of interest in the surrounding area, due to:

Small scale of the project

The minor works required for the installation of the mast, the brief duration of the construction phase

The location outside the surrounding European sites and being buffered from them by a minimum distance of 130m

Absence of a hydrological pathway connecting the project to these European sites.

No potential for impact.

Given that the lattice tower will be 36m in height it is considered to be low.

Studies show that lit structures can be attractive to high-flying birds, especially during low visibility conditions. White strobe lights are less attractive than steady or flashing red lights.

Most towers that result in large bird mortality have guy wires.

Structures placed on migratory flight paths have been shown to present the greatest risk of collision. Migratory flight paths tend to be along a broad front or topographical feature, such as mountain passes or river valleys.

In light of:

The relatively low height of the proposed communications mast of 36m, compared to those that have been identified as representing a risk to bird (ie >60m in height),

The static nature of the proposed mast and its lattice structure which do not require guy wires,

'The provision of white strobe (flashing) obstacle warning lights that will emit light at the near infrastructure-red range of the spectrum',

The location of the mast outside of any surrounding SPAs and in a flat landscape at a remote distance from broad fronts or topographical features typically relied upon by migrating birds,

It is concluded that it will not have the potential to result in likely significant effects to the bird populations of the SPAs in the surrounding area.

3.5.4. The Technical Assessment by Digis, includes:

The coverage analysis was undertaken using the state of the art Atoll Planning tool using updated digital maps of the region for 2G, 3G, 4G and 5G network technologies.

Existing towers encounter a number of significant coverage black spots, due to their low height and low position in the landscape. Detailed analysis shows that 3G coverage is poor for Eir, Vodafone and Mobile network three, STE (secure terminal equipment) coverage is also poor and limited for Eir and almost non-existent for Vodafone in this area. Coverage constraints are resolved and enhanced with the new proposed tower which benefits both from being placed on a high point and being taller.

The proposed new tower will have the capability to handle further expansion in both capacity and technologies, aggregate and consolidate existing services with the opportunity to re-assign equipment and optimise Opex and Capex, and service more communications service providers or additional mobile network operators. This is in comparison to the existing Shannonbridge water tower (MOY020), where the limited outer edge has minimal extra capacity, and the Shannonbridge Three Ireland Monopole, which does not have any spare capacity for expansion.

Sitting on a high point, the modelling shows that the proposed new tower will serve residential and business customers, as well as the major roads in the surrounding countryside.

The height of the proposed new tower is a full 13m above the Shannonbridge water tower and 12m above the Shannonbridge Three Ireland Monopole, with significant beneficial impact on coverage.

Comreg coverage maps are included.

Shannonbridge water tower is identified as 20m high with the telecom equipment located 20m above ground level and 41m above sea level.

The outside circumference of the tower appears to indicate some limited spare capacity; the top is likely to provide a cover from the elements and debris. Such structures are difficult to manoeuvre equipment onto for fixing. They were not designed to be scaled or used for this purpose.

Transect lines are provided using google maps.

Shannonbridge, Three Ireland Monopole, is identified as 24m high with the telecom equipment located 24m above ground level and 38m above sea level.

Transect lines are provided using google maps.

The proposed tower will have antennas at 36m and 30m and link dishes at 33m and 27m.

The relative heights of towers is shown in figure 12 of the report.

In section 6.4 coverage is predicted and mapped.

Section 7 gives the summary & conclusion – where coverage is summarised:

The site is at one of the highest points in this geographical area and ensures an optimised location to serve the entire area.

It will be important to deliver coverage to the entire area, especially the town of Shannonbridge, residential areas of Aughnacabe to the north and Old town to the north west and to regional road R444, R435 to east and R435 to west.

Lower bands will be necessary for coverage of the roads and indoor coverage.

Higher bands will be necessary for delivering the best service quality for the highly populated and busy areas.

3.5.5. LVIA – landscape and visual impact assessment by Macroworks include:-

Located in an area designated as low landscape sensitivity adjacent to high landscape sensitivity north and west - Shannon Callows; and moderate sensitivity to east – bogs. Although there are higher sensitivity areas in close proximity, these are highly vegetated and enclosed, which will limit the possible relationship that these areas have with the site.

There is one key amenity route in the area the R357 as it passes through Cloghan and Shannonbridge. There is the possibility of the site being visible from this route when users travel in an east to west direction.

3.6. Further Reports

3.6.1. The second planning report, dated 18th November 2021, recommending permission, which issued, includes:

Satisfied with further information provided.

Screening for AA – no likely significant impact.

3.6.2. Other Technical Reports

Water Services, 09/05/2022 – conditions.

Municipal Engineer 15/06/2022 – no objection.

4.0 Planning History

None stated.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Offaly County Development Plan 2021-2027, adopted on 10th September 2021, which came into effect 22nd October 2021, is the operative plan. There is general support for telecommunications provision.

Relevant provisions include:

DMS-111 Telecommunications

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 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.

Communications Infrastructure

ENTP-40 It is Council policy to promote and facilitate the sustainable development of a high quality Information and Communications Technology (ICT) network in the county in order to achieve balanced social and economic development whilst protecting the amenities of urban and rural areas. Offaly County Development Plan 2021-2027 Chapter 5 Economic Development Strategy

ENTP-41 It is Council policy to support and facilitate the delivery of the National Broadband Plan and the Offaly Digital Strategy as a means of developing further opportunities for enterprise, employment, education, innovation and skills development.

ENTP-42 It is Council policy to require underground telecommunications ducting to be provided in all new developments and public realm schemes as appropriate, to support the rollout of all digital infrastructure including the National Broadband Plan throughout the county.

ENTP-43 It is Council policy to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and protecting residential amenity and environmental quality. The Council will have regard to the Department of the Environment, Community and Local Governments Guidelines on Telecommunications Antennae and Support Structures (and any future editions) and Circular Letter PL07/12 (Telecommunications Antennae and Support Structures) in assessing development proposals.

ENTP-44 It is Council policy to avoid the unnecessary proliferation of masts in the county through co-location of antennae on existing support structures and masts. Masts and antennae shall be restricted in the following areas:

Upland areas of the Slieve Bloom Mountains, masts will not be permitted in areas above the 150- metre contour, unless it can be clearly demonstrated that it is not possible to locate antennae on the existing mast clusters at Wolftrap Mountain or Coolcreen;

Designated Areas of High Amenity; and

Within significant views or settings of recorded monuments and places, national monuments, protected structures, architectural conservation areas and archaeological sites.

5.2. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

- 5.2.1. These guidelines generally advocate improvements in the country's telecommunications infrastructure and set out the criteria for the assessment of telecommunications structures, including:

4.5 Sharing Facilities and Clustering Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets. The matter of sharing is probably best dealt with in pre-planning discussions. Where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered. On hill tops clustering may not offer any improvement from the point of view of visual intrusion but in urban or suburban areas use of the same structure or building by competing operators will almost always improve the situation. Support structures used by emergency or other essential services are not suitable for sharing with public mobile telephone services

5.3. **Circular Letter PL07/12**

- 5.3.1. This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances.

5.4. **Natural Heritage Designations**

- 5.4.1. The closest Natura sites are the Middle Shannon Callows SPA (site code 004096), River Shannon Callows SAC (site code 000216), located c 125m to the west, and River Suck Callows SAC 004097, located 1km to the south west.

- 5.4.2. Mongon Bog SPA (site code 000580), designated for active raised bogs, degraded raised bogs still capable of natural regeneration and depressions on peat substrates of the Rhynchosporion, is c7km to the north-east; (no hydrological connection).
- 5.4.3. Fin Lough (Offaly) SAC (site code 000576), designated for Alkaline fens and Geyer's Whorl Snail is is c6.5km to the north-east; (no hydrological connection).

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. Indigo have made the third party appeal on behalf of Cellnex. The grounds include:
- In 2020 Cellnex took a long term lease of Shannonbridge Water tower, with exclusive rights to use the structure as a Telecommunications base station and a steel mounting frame was added to the tower with sufficient capacity for multiple operators. The structure, due to its height and elevated position, provided considerable improvements to the existing permitted monopole. Both operators on the pole in Cloniffeen proposed decoupling their shared antennas and upgrading their service by transferring onto the water tower. Eir mobile moved in December 2020, Three in November 2021.
 - They clarify that the site at Cloniffeen was decommissioned on completion of legal termination notice in May 2022 in favour of the new site at the water tower, which provides the full coverage requirements on all current licenced wireless technologies 2g, 3g, 4g & 5g for the operators eir Mobile and Three, to the Shannonbridge area, and also has capacity for other operators should the requirement arise. They apologise for any confusion arising from their previous submission (to the PA).

- Re. the technical analysis by Digis Squared and the use of ComReg online outdoor mobile phone coverage map terrain modelling and a radio modelling predictive software, to assess coverage in the area, ComRegs coverage map is a tool used by the public, but is not intended to be used, nor should it be considered a replacement to the operator's own network analysis. The mapping tool clearly shows that existing infrastructure provides comprehensive 'very good' coverage on all technologies: 2/3/4G to Shannonbridge and the surrounding area. However there are areas that currently appear to have no coverage, as represented in Digi's report. The justification put forward by Hibernian is that the ComReg coverage map identify areas outside of Shannonbridge as having no coverage or fringe cover. The appellants suggest that this misrepresents the reality on the ground. It is clear that the areas described as having no coverage are within an unpopulated bogland area where there would be no particular requirement to provide high speed wireless broadband communications. The operators, under licences issued pursuant to Regulations made under Section 6 of the Wireless Telegraphy Act, 1926, have population coverage obligations to provide next generation services. For the avoidance of doubt, this requirement is not geographic. This approach is considered reasonable as population or predicted user demand in remote rural areas would be so low, that it would be both unnecessary and uneconomic for the operators to deliver high speed wireless networks to such areas. Where individual or specific needs for higher speed data connection arise, there are alternative methods to deliver data connection access, through satellite connections for example.

They argue that to provide for such coverage the new tower should be located within the bogland area.

Cellnex consult with operators and is made aware of locations where additional infrastructure is required to cover subserved customers. There is no such requirement in the area surrounding Shannonbridge.

There is inaccurate representation of existing infrastructure. The water tower is 21.6m above ground level. The antennae extend another 1.7m; overall height 23.3m. It was considered sufficient to allow for the removal of a 24m monopole by Eir Mobile & Three. The equipment is horizontally mounted at

23m with no competitive advantage. In the proposed mast only a single operator would have the top slot at 36m; the second down would be at 30m.

Justification on Capacity Grounds - the water tower can facilitate at least one other operator (i.e. all 3 operators).

Safety, security and access. – the water tower is accessible 24/7 365. Equipment cabinets are located at ground level and the antenna and transmission equipment are accessible by either MEWP (elevated work platform) access or rope access. There are mandatory wind speed limits for access to exposed towers.

The application has referred to Vodafone as a potential candidate for co-location. They may have ample coverage in the area. Vodafone is not explicitly supporting the application.

The applicant has not met the requirements and standards relating to sharing facilities and co-location of antennae; has not demonstrated that additional mobile coverage, if required, could not be achieved by co-location on existing telecommunications structures, as advised by the Guidelines; and therefore has not demonstrated that the proposed development is necessary.

6.2. Applicant Response

6.2.1. Jennings O'Donovan & Partners Limited have responded on behalf of the applicant to the grounds of appeal, including:

- Responding to the statement that Cellnex have a long term lease of Shannonbridge Water tower, they state that there is no proof / evidence for the statement. They refer to an attached Land Registry Folio for the water tower (note that no such Land Registry Folio is attached), in which, they state there is no reference to a lease with Cellnex but there is reference to various other registered items.
- Responding to the 'clarification' – Cellnex stated to the PA that they had a 24m monopole on a fully operational site c1km away, with capacity for further extension which could accommodate further wireless service providers, as the grounds of submission. Now they are correcting their statement. They were

clearly aware of the ongoing decommissioning of that site at the time of their submission to the PA.

- The applicant states that the purpose of the proposed tower is to provide coverage to the entire hinterland area and not just the village, hence the height proposed. The Digi Squared report serves a generic overview of possibilities/potentials that the site, mast type and proposed mast height would/could offer, (eg not just the three mobile phone operators, but also radio stations, broadband companies and the full array of wireless operators).
- It should be noted that the new ComReg licensing system is moving away from population coverage to geographic based coverage.
- Responding to the statement that they have provided an inaccurate representation of existing infrastructure, they have not. The Digi Squared Technical Report states that the water tower height is approx. 20m. Neither party carried out local landscape/topographic survey and the Digis report used terrain maps from trusted sources. Cellnex's graphical representations of the topography are also misleading. The scale of the graphs is unclear, there are changes between figures, some figures have been excluded/cut off so the extent of the topographical changes are unclear. The ground elevation level of the water tower, according to the Indigo appeal, is 41m; 3 of the 4 graphs indicate topographic obstructions over 41m.
- Responding to the statement regarding servicing. The purpose built, freestanding lattice support structure provides the following benefits:
 - No need for machinery, no need for ropes access,
 - No need for further development, as rooftop sites require further structure being built to hold/secure antennas.
 - Safer and simpler equipment handling during maintenance, repair, upgrade, and installation or removal of large fixed and heavy equipment.
 - Less traffic and smaller crews required to carry out works as no need for delivering and collection of machinery onto and from the site nor additional machine operators.

- The justification for the need is referred to vis a vis Shannonbridge water tower and Shannonbridge Three Ireland Monopole; discounting Charlestown tower. The existing Shannonbridge water tower provides limited surface area over which to attach telecoms equipment. The proposed development eliminates potential accessibility issues and the height would make it more advantageous. The Shannonbridge Three Ireland Monopole does not have any spare capacity and was not considered suitable for an additional network rollout eg. 5g.
- Detailed analysis shows that 3g coverage is poor for Eir, Vodafone and Mobile network Three; LTE coverage is poor and limited for Eir and almost non-existent for Vodafone. Section 3.2 of the Digis Squared Report refers.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority has responded to the grounds of appeal, referring the Board to the reports on file.

7.0 **Assessment**

- 7.1. I consider that the main issues which arise in relation to this appeal are screening for appropriate assessment, need and visual impact, and the following assessment is dealt with under those headings.

7.2. **Screening for Appropriate Assessment**

- 7.2.1. The proposed development is the erection of a 36m high lattice support structure carrying antennas and dishes together with associated ground-based equipment containers, all enclosed in security fencing. The site is not located within a European site and would not result in loss of habitat.
- 7.2.2. In response to the request for further information a report titled Screening for Appropriate Assessment by Doherty Environmental Consultants Ltd. was submitted.
- 7.2.3. I am satisfied that the only sites with any potential for effect are Middle Shannon Callows SPA (site code 004096) and River Shannon Callows SAC (site code 000216), located c 150m, straight line distance to the west and north, and the River

Suck Callows SPA 004097, located about 1km , straight line distance to the south west.

7.2.4. Screening summary matrix

European Site	Qualifying Interest features and Conservation Objectives:	Connections to site and issues that require examination in stage 1 Screening for AA
River Shannon Callows SAC (site code 000216),	<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Lowland hay meadows</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i></p> <p><i>Lutra lutra</i></p>	<p>Boundary of SAC is c150m from the site.</p> <p>No loss of habitat.</p> <p>Possibility of indirect effects through surface water during construction.</p>
Middle Shannon Callows SPA (site code 004096)	<p>Whooper Swan</p> <p>Wigeon</p> <p>Corncrake</p> <p>Golden Plover</p> <p>Lapwing</p> <p>Black-tailed Godwit</p> <p>Black-headed Gull</p> <p>Wetland and Waterbirds</p>	<p>Boundary of SPA is c 150m from the site.</p> <p>Possibility of indirect effects through surface water during construction.</p> <p>During operation, possible collision risk to birds.</p>
River Suck Callows SPA (site code 004097)	<p>Whooper Swan</p> <p>Wigeon</p> <p>Golden Plover</p> <p>Lapwing</p> <p>Greenland White-fronted Goose</p> <p>Wetland and Waterbirds</p>	<p>Boundary of SPA is c 1km from the site.</p> <p>During operation, possible collision risk to birds.</p>

- 7.2.5. With regard to pollution during construction, it is stated in the screening report that there is no watercourse at or in the vicinity of the site, that stagnant drainage ditches are present with no flows and therefore there is no hydrological impact pathway connecting the project with to European Sites in the surrounding area.
- 7.2.6. The land falls to west and south west with higher ground in the bog to the east. It is not a closed drainage system. Even sluggish drainage would have the capacity to flow to the Shannon from the subject site. The DAU submission to the PA, stated that the drains bounding the field, are hydrologically connected to the SAC.
- 7.2.7. I acknowledge the small scale of the project, that only minor works are required for the installation of the mast, and that the construction phase would be of brief duration. I do not accept, however, that there is an absence of a hydrological pathway connecting the project to these European sites.
- 7.2.8. In relation to the potential for operational impacts,
It is stated that the lattice tower will be 36m in height, considered to be a low structure. It is stated that studies show that lit structures can be attractive to high-flying birds, especially during low visibility conditions, with white strobe lights being less attractive than steady or flashing red lights. The proposed structure does not have guy wires, most towers that result in large bird mortality have such wires. Structures placed on migratory flight paths have been shown to present the greatest risk of collision; which tend to be along a broad front or topographical feature, such as mountain passes or river valleys.
- 7.2.9. Their conclusion that it will not have the potential to result in likely significant effects to the bird populations of the SPAs in the surrounding area is based on: the relatively low height; no guy wires; the obstacle warning lights; the location of the mast outside of any surrounding SPAs and in a flat landscape remote from broad fronts or topographical features typically relied upon by migrating birds,
- 7.2.10. The DAU submission to the PA, stated that the development may pose a collision risk to QI species for the SPA.
- 7.2.11. No information regarding the proposed lighting was provided with the application. The document titled 'Screening for Appropriate Assessment', does not provide

information on the proposed lighting, but its assessment of potential impact is based on assumptions regarding mitigating the impact by lighting choice.

- 7.2.12. Aircraft warning lights, which would be placed on the proposed mast, would be subject to the requirements of the Irish Aviation Authority (IAA), and the requirements of the International Civil Aviation Organisation (ICAO), and no information has been provided in relation to their requirements.
- 7.2.13. It is stated that the location of the mast, outside of any surrounding SPAs and in a flat landscape, at a remote distance from broad fronts or topographical features typically relied upon by migrating birds, suggests that it will not pose a risk. It is further stated that structures placed on migratory flight paths have been shown to present the greatest risk of collision; migratory flight paths tend to be along a broad front or topographical feature, such as mountain passes or river valleys.
- 7.2.14. It is not clear that this location is a similarly sensitive location. It is in a river valley and the river itself is a distinctive linear feature which could be followed by birds in migration. A report from an ornithologist would be required to clarify this matter and to determine the likely impact of the lighting on the birds, for which the protected sites have been designated.
- 7.2.15. Due to the inadequacy of the information it is not possible to reach a definitive conclusion of no likely significant effects. The possibility of significant effects cannot be excluded on the basis of objective information. Should the Board be minded to grant permission, a Natura Impact Statement should be provided, giving particular emphasis to ornithological impact, before any decision can be reached.

7.3. **Need**

- 7.3.1. The need for the proposed development is the main grounds of the third party appeal. The appellants state that the water tower at Shannonbridge provides adequately for operators, having room for the third operator, Vodafone, on the tower perimeter. The adequacy of the tower is, they say, evidenced by the fact that the two operators who are now established on the tower, moved there from a mast at Cloniffeen in the past year or two. The appellants critique the methodology of the applicant in assessing need, stating that they consult with operators and are made

aware of locations where additional infrastructure is required, to cover subserved customers; there is no such requirement in the area surrounding Shannonbridge.

- 7.3.2. I note that in another appeal currently before the Board, the applicants (also the current applicants) Hibernian Cellular Networks Ltd, state, that the starting point is the identification of an area where there is a coverage deficit, 'this is carried out in conjunction with the mobile network operators'¹.
- 7.3.3. The appellants state that the areas identified in the Digi's report as having no coverage or fringe cover are within an unpopulated bogland area where there would be no particular requirement to provide high speed wireless broadband communications. They further state that operators under licences issued pursuant to Regulations made under Section 6 of the Wireless Telegraphy Act, 1926 have population coverage obligations to provide next generation services, this requirement is not geographic.
- 7.3.4. The applicant response states that the new ComReg licensing system is moving away from population coverage to geographic based coverage.
- 7.3.5. The Guidelines refer to avoiding unnecessary proliferation of masts, and the applicant has not clearly established a need based on population coverage. The Board may wish to clarify the assertion that the ComReg licensing system is moving away from population coverage to geographic based coverage.
- 7.3.6. The failure to establish a need for the structure is a reason to refuse permission.

7.4. Visual Impact

- 7.4.1. A Landscape and Visual Impact Assessment was submitted in response to a request for further information. It assesses the proposed development from 8 viewpoints, stating slight to imperceptible significance of visual impact in each case. It notes that the site is located in an area designated as low landscape sensitivity adjacent to high landscape sensitivity north and west - Shannon Callows; and moderate sensitivity to east – bogs. Although there are higher sensitivity areas in close proximity, these are highly vegetated and enclosed, which will limit the possible relationship that these areas have with the site. There is the possibility of the site being visible from the one

¹ Application submission Offaly Co Co Planning register reference 21643, ABP 314087

key amenity route in the area the R357 as it passes through Cloghan and Shannonbridge, in an east to west direction.

7.4.2. The assessment of lack of significant visual impact, is largely based on the presence of abundant screening, provided by the trees and hedgerows in the area.

7.4.3. Should the Board be minded to grant permission it is recommended that it should be a temporary permission, for fifteen years, as a condition of the permission, since the screening provided is not permanent and in order that the visual impact can be re-assessed after that time period has elapsed.

8.0 Recommendation

8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

- 1 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of European sites, Nos 000216, 004096 and 004097, in view of the sites' Conservation Objectives, having regard to hydrological connectivity with the sites and the possibility that the development may pose a collision risk to qualifying interest species for the SPAs. In such circumstances the Board is precluded from granting permission.

- 2 On the basis of the information provided with the application and appeal the Board is not satisfied of the need for the proposed telecommunications structure and in the absence of need being established the proposed development would give rise to an unnecessary proliferation of masts and thereby be contrary to the proper planning and sustainable development of the area.

Planning Inspector

7th September 2022

Appendix 1: Photographs

Appendix 2: Offaly County Development Plan 2021-2027, extracts

Appendix 3: Map of Natura Sites

Appendix 4 Telecommunications Antennae and Support Structures Guidelines, extracts