



An  
Bord  
Pleanála

## Inspector's Report ABP-316566-23

### Development

Erect a 24m high lattice telecommunications support structure together with antennae, dishes and associated telecommunications equipment all enclosed in security fencing with a new access track.

### Location

Laghta (Td), Kinlough, Co. Leitrim.

### Planning Authority

Leitrim County Council

### Planning Authority Reg. Ref.

22215

### Applicant(s)

Vantage Towers Ltd

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Vantage Towers Limited

### Observers

- (1) Noel McGowan & Martina McGowan  
(2) Kevin McGowan

**Date of Site Inspection**

15<sup>th</sup> July 2023

**Inspector**

Colin McBride

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.0596 hectares, is located to the west of the settlement of Kinlough in the rural area approximately 500m west of the main Street. The appeal site is part of an existing field with the main body of the site located at the south eastern corner of the existing field and along its eastern boundary (access track). The site is accessed off an existing laneway that serves agricultural lands and a number of existing dwellings and links into the public road to the east of the site. Adjoining lands to the north, south, east and west are agricultural lands similar in nature to the appeal site. The nearest dwelling is an existing two-storey dwelling located approximately 250m to the east of the site off the same laneway providing access to the site. The boundaries of the site are defined by existing hedgerow along the eastern and southern boundaries and no existing boundaries to the north or west. Levels on site are flat. Levels to the south of the site are slightly elevated relative to the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought to erect a 24m high lattice telecommunications support structure together with antennas, dishes and associated telecommunications equipment, all enclosed in security fencing with a new access track.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission refused based on two reasons...

1. On the basis of the information submitted with the planning application, the Planning Authority is not satisfied that sufficient and compelling evidence has been presented demonstrating that this site is the most suitable site available in proximity of the village of Kinlough which could accommodate the proposed development. In particular, the Planning Authority considers that there is an alternative location within the landholding from which the development is proposed which would increase the separation distance from all sensitive receptors and improve visual assimilation of the structure into the receiving landscape. Furthermore, the Planning Authority are not satisfied that the option of co-locating on the existing Garda Station mast or adding a headframe was adequately considered. In this regard the proposed development has not therefore demonstrated sufficient regard for the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities, (Department of the Environment, July 1996) which requires that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. Furthermore the proposed development is considered contrary to TEL POL 4 of the Leitrim County development Plan 2023-2029 which seeks to ensure that telecommunications structures are located to minimise and/or mitigate any adverse impacts on communities, residential properties, schools and the built or natural environment. 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**

Planning Report (30/11/22): Further information required including details of all buildings in the vicinity, demonstration of consideration of alternative locations, co-location options and justification for the proposed location, submission of accurate elevation drawings, submission of visual impact report and photomontages, a

construction management plan, site layout plan with vehicle tracking and swept path analysis, submit statement of compliance with IRPA guidelines and submit a screening for Appropriate Assessment.

Planning Report (31/03/23): It was considered insufficient justification was provided for the development in the context of alternative sites or co-location and that the site was not the most appropriate location for development in the context of its location in the immediate vicinity of Kinlough and would be contrary to the Telecommunication Guidelines and Development Plan policy. Refusal was recommended based on the reasons outlined above.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

3.4.1 127 submissions. The issues raised can be summarised as follows...

- Proximity to school and existing houses, health impact, co-location with existing telecommunication infrastructure, adequate capacity existing, contrary development plan policy, devaluation of property, traffic impact/inadequate access, impact on biodiversity and environment.

## 4.0 Planning History

No planning history on the appeal site.

P.21/226: The applicant/appellant in this case applied for permission to construct a 30m high lattice telecommunications support structure together with antennae, dishes and associated site works within the curtilage of Kinlough House. This application was withdrawn.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Leitrim County Development Plan 2023-2029

TEL POL 1 To promote and facilitate the provision of a high quality telecommunications infrastructure network throughout the county having regard to the requirements of the "Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities".

TEL POL 2 To support service providers in the development of key telecommunications infrastructure.

TEL POL 3 To support the delivery of high capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the county, in order to ensure economic competitiveness and in enabling more flexible work practices.

TEL POL 4 To 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.

TEL POL 5 To ensure that telecommunications structures are located to minimise and /or mitigate any adverse impacts on communities, residential properties, schools and the built or natural environment.

TEL OBJ 1 To ensure that all areas of the county have adequate mobile communication coverage and in particular to require service providers to provide services in areas where existing coverage is poor.



## 5.2 National Policy

5.2.1 Telecommunications Antennae and Support Structures Guidelines for Planning Authorities Section 4.2 Design and Siting “The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

“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”.

“Only as a last resort and if the alternatives suggested in the previous paragraph 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 structure 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” (relates to larger towns and city suburbs).

### Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special

( Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect.

#### 5.2.2 Circular Letter: PL 07/12:

##### 2.3: The Development Plan and Separation Distances

"Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network".

#### 2.6 Health and Safety Aspects

"The Circular Letter reiterates that advice to local planning authorities. 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".

### **5.3 Natural Heritage Designations**

Lough Melvin SAC (000428).

### **5.4 EIA Screening**

5.4.1 Having regard to the nature and scale of the proposed development, comprising of construction of a telecommunications support structure together with antennae, dishes and associated telecommunications equipment, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

## **6.0 The Appeal**

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

6.1.1 A first party appeal has been lodged by Charterhouse Infrastructure Consultants on behalf of the applicant, Vantage Towers Ltd. The grounds of appeal are as follows...

- The appellant outlines that there is technical justification (technical justification report submitted with application and appeal submission) for the proposal with a need for improved coverage in the area.
- There is no existing infrastructure available to provide the level of service required for the surrounding area. The appellant outlines that the existing mast at the Garda Station is no suitable in regards to elevation, the lack of control over such to make alteration of necessary improvement including



increased height that it is not sufficient to support the level of equipment required to provide the additional coverage necessary.

- The site was selected due to the topography of the surrounding area and was further determined by the ability to acquire a site on which the landowner would give consent to locate on. The Councils preferred site is located on the same landholding and to the north of proposed development site with a copse of trees next to an old barn and farmhouse. The appellant contends that to use this site would require a 30m high mast to achieve a similar level of service and little improvement in respect of visual impact over the proposed development.
- The appellants note that the visual impact can be mitigated by existing trees and vegetation and appropriate colour.
- The appellant highlights the difference in the level of coverage between the proposed developments in comparison to use of the existing mast on the Garda Station.
- The appellants note that the proposed development is consistent with development plan policies and objective regarding telecommunications infrastructure including TEL POL 5 (TEL POL 4 referred to incorrectly in refusal reason).
- Design and siting falls within the scope of section 4.2 of the telecommunications guidelines, noted that site is sited away from existing dwellings and the school. The appellant refers to ref PL26.247800 and the fact that national guidelines provide no restrictions on distance between structures and dwellings with the main requirement being compliance in regard to non-ionising radiation.
- The visual impact of the proposal is satisfactory and does not impact any scenic routes protected views, areas with special designations, protected structure or archaeological sites.
- The appellant emphasises that the proposal is consistent with the objectives of the National Broadband Plan, National Planning Framework and the

National Development Plan. The proposal is also consistent with the recommendations of the Telecommunications guidelines.

## 6.2. Planning Authority Response

### 6.2.1 No response.

## 6.3 Observations

### 6.3.1 Observation by Noel McGowan & Martina McGowan

- The observers refer to their submissions in relation to application and refute the grounds of appeal.
- Proximity to the observers home with adverse visual impact and injurious to residential amenity.
- Insufficient justification for the new support structure and a failure to demonstrate that co-location is not option.
- Failure to justify that the site location is appropriate and that sufficient examination of alternative less sensitive sites has been carried out. The proposal is contrary the Telecommunications Guidelines regarding location of structures within the immediate surrounds of smaller towns or villages and in close proximity to schools.
- The proposal would have an adverse visual impact in the surrounding area, which is scenic area and would impact on multiple views in the area and the siting is at visually prominent location.
- There is lack of details regarding equipment to be attached to the support structure.
- Health concerns are raised regarding potential for a proliferation of such structures and exposure beyond acceptable limits.
- Traffic impact of construction and maintenance vehicles on a narrow road/laneway with obstruction of other road users.
- The location is on the flight path for emergency services.

- Inadequate Appropriate Assessment screening with failure to recognise the presence of a stream along the eastern boundary of the site discharging to Kinlough Stream.
- Impact on biodiversity with the site in a protected area for such.
- The applicant has failed to address third party concerns.

### 6.3.2 Observation by Kevin McGowan

- The observers refer to their submissions in relation to application and refute the grounds of appeal.
- Proximity to the observers home with adverse visual impact and injurious to residential amenity.
- Insufficient justification for the new support structure and a failure to demonstrate that co-location is not option.
- Failure to justify that the site location is appropriate and that sufficient examination of alternative less sensitive sites has been carried out. The proposal is contrary the Telecommunications Guidelines regarding location of structures within the immediate surrounds of smaller towns or villages and in close proximity to schools.
- The proposal would have an adverse visual impact in the surrounding area, which is scenic area and would impact on multiple views in the area and the siting is at visually prominent location.
- There is lack of details regarding equipment to be attached to the support structure.
- Health concerns are raised regarding potential for a proliferation of such structures and exposure beyond acceptable limits.
- Traffic impact of construction and maintenance vehicles on a narrow road/laneway with obstruction of other road users.
- The location is on the flight path for emergency services.

- Inadequate Appropriate Assessment screening with failure to recognise the presence of a stream along the eastern boundary of the site discharging to Kinlough Stream.
- Impact on biodiversity with the site in a protected area for such.
- The applicant has failed to address third party concerns.

#### 6.3.3 Observation by Kara Warnock & Victoria Warnock.

- The observer live in close proximity to the site and have concern that the visual impact of the proposal.
- There is a lack of justification for the new structures on the basis that there is an existing support structure in Kinlough.
- The observers raise concerns regarding the health impacts of the proposal.
- The applicant has failed to address third party concerns.

## 7.0 Assessment

- 7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Appropriateness of the location, technical justification

Visual Impact/views and prospects/protected structure

Section 37(2)

- 7.2 Principle of the proposed development:

- 7.2.1 The proposal is for a telecommunication support structure and associated telecommunication equipment including antennae, and dishes design to improve 4G and 5G coverage in the area. Development Plan policy includes a number of policies supportive of improved telecommunication infrastructure and such are listed above in the planning policy section. The principle of the proposed development is acceptable



with the main issues being the appropriateness of the location, siting and adequate justification for the structure being demonstrated.

### 7.3 Appropriateness of location, technical justification:

7.3.1 The proposal is for the provision of a telecommunication support structure and antennae, dishes and associated telecommunication infrastructure on a site in the rural area adjoining the settlement of Kinlough. The reason for refusal relates to the fact that PA considered that this site not to be the most suitable site to accommodate the proposed development with an alternative location within the same landholding deemed more suitable as it would increase the separation distance from all sensitive receptors and improve visual assimilation of the structure into the receiving landscape. The PA were also not satisfied that the option of co-locating on an existing support structure in the village (Garda Station) was adequately considered.

7.3.2 In relation to location of the development would note that the application includes a technical justification for the proposed development indicating that there are service/coverage deficiencies in the area the proposal is set to address (4G and 5G coverage) and provide a structure that will facilitate multiusers/co-location. The applicant has included coverage maps and outlines that the topography of the area also dictates that the location of the proposed development. The information on file including the appeal outlines that the existing support structure on the Garda Station is not suitable with the issue of elevation a consideration with the top portion of the existing support structure reserved for use by emergency services. I am satisfied based on the information submitted that there is sufficient technical justification for the proposal in this areas there is justification for a new support infrastructure on the basis that existing support structures are either not available or suitable for required purpose of improving 4G and 5G coverage.

7.3.3 Having regard to the justification for a new support structure, the next consideration is whether the location, siting and design proposed is in accordance with the proper planning and sustainable development of the area. The reason for refusal is on the

basis that there is in the PA's view a more suitable site. In this regard the appeal site and must be assessed on its merits and not on the basis that there is potentially better site on the same landholding. As noted earlier in this section, the applicant has demonstrated a technical justification for additional telecommunication structure in this area and has provided a reasonable justification why the existing support structure in the village is not a viable option.

#### 7.4 Visual Impact/siting and design:

7.4.1 Permission was refused on the basis that the site was not deemed to be most suitable site on the landholding for the support structure and telecommunication equipment with a location further north west beside some farm buildings considered more suitable due to existing trees. As noted above the proposal must be assessed on its merits. The appeal site is in the south eastern corner of an existing field. The site is flat and is not elevated in relation to the surrounding area or the village to the west. There are established hedgerow boundaries along the south and eastern boundaries of the site and lands to the south of the site are slightly elevated relative to site levels giving more screening when the site is viewed from the south. In response to the PA's further information request the applicant submitted a number of photomontages (5) from the surrounding area illustrating the visual impact of the development.

7.4.2 I am satisfied that the photomontages submitted give an accurate impression of the likely visual impact of the support structure in the surrounding area. I would consider that the overall visual impact of the proposal is unlikely to be significant in the area, the site is low lying and there is a level of existing screening of the site due to existing vegetation and the nature of the structure is slender and low lying rather than bulky in scale and on an elevated site. The support structure would have no visible impact from any scenic routes, protected views, is not located in a landscape with special designations. I would be of the view that the overall visual impact of the proposal is satisfactory in terms of the visual amenities of the area, landscape character and would not be highly visible or obtrusive from the identified views and prospects. In

this regard I am satisfied on the basis of visual impact that the proposed site is suitable in this case for the proposal.

#### 7.5 Health Impacts/adjoining amenities:

7.5.1 As noted in the previous section, I am of the view that the proposal has a satisfactory visual impact in the surrounding area and views of the support structure are partial views and such is reasonably separated from the nearest dwellings with intervening fields and vegetation. On the issue of health impacts the national guidelines provide no restriction in terms of distances between such structures and dwellings and the main requirement is compliance with standards in regards to non-ionising radiation. I would note that it's not uncommon for such structures or antennae to be in close proximity to residential development (particularly in urban areas) and that there is no requirement for a set separation distance. I would refer to Circular Letter: PL 07/12 and its recommendations in regard to separation distance, in the case of health impacts it is noted that such are regulated outside the planning process (non-ionising radiation). I would also highlight the existing support structure at the Garda Station is closer to the school (Four Masters National School) than the proposal.

#### 7.6 Traffic:

7.6.1 The issue of traffic was not considered to be an issue of concern in the planning assessment of the development, however is raised in the third party observation with concerns regarding the impact of construction and operational traffic on the narrow laneway accessing the site. The applicant was requested to information including vehicle tracking, swept path analysis and details of construction traffic management, which the applicant did submit in response. On this issue I would note the appeal site has established vehicular access through the existing laneway serving agricultural lands and some dwellings further west of the site. The access laneway is single-track access however, I would be of the view that the temporary nature of construction works and the likelihood that operational traffic would be sporadic in nature is such that I do not envisage any significant or adverse traffic impacts.



## 7.7 Biodiversity/other issues:

7.7.1 The issue of biodiversity was not a reason for refusal, however is raised in the observations. The issue of Appropriate Assessment is dealt with under a later section of the report. The submissions raise a number of issues including that the proposal will be detrimental to biodiversity and wildlife as well as the fact there are invasive species in close proximity to the site with a lack of assessment of such. In terms of overall impact the application site is currently part of an existing field that is agricultural in use and consists of improved grassland. There are existing hedgerow boundaries located to the east and south of the site. I would of view that the impact of proposed development on biodiversity is limited. The footprint of the development site is not significant (enclosure) and is located within a field that is actively farmed. The proposal does not entail a significant loss in existing habitat and that habitat as noted is improved grassland. There is no proposals to remove existing trees and hedgerows, which would be the most valuable feature in terms of habitat at this location. The construction period of the development is likely to cause some level of disturbance, however such is a temporary period and can mitigated by construction management (Construction Management Plan submitted). The operational nature of such structures means that they have a passive impact with sporadic maintenance. In relation to invasive species, the footprint of the site appears to fall within the grassed area of the field and the hedgerows are not within the confines of the site. I would be of the view that any concerns regarding invasive species could be dealt by way of conditions such as the requirement to submit an invasive species management plan. I would consider that the proposed development would result in no significant habitat loss at this location, with the habitat designation being improved grassland. Notwithstanding such the footprint of the site is limited to the degree that the proposal is unlikely to displace any species of conservation significance. I am satisfied the proposal could be carried out without any significant effects on habitats or species of conservation value.

## 8.0 Appropriate Assessment

### 8.1 Applicant's Stage 1 – Appropriate Assessment Screening



3.1.1 The applicant has engaged the services of Moore Group-Environmental Services Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

8.1.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

8.2 Compliance with Article 6(3) of the EU Habitats Directive

8.2.1 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.2.2 The subject lands comprise approximately 0.0596 ha, located to the west of Kinlough town centre. The site is a greenfield site (agricultural field). The site has mature hedging around its eastern and southern perimeter of the site and is accessed via a laneway that emanates from Kinlough to the west of the site.

8.2.3 The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the

outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.2.4 The screening report identifies 1 European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Lough Melvin SAC</p> <p>Conservation Objectives:</p> <p>To maintain (otter and salmon) and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetes-Nanojuncetea [3130]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinia caerulea) [6410]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	(000428)	1.05km

8.2.5 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites. The following is found in summary:

Site	Connection	Comment
Lough Melvin SAC	No	No pathway or connectivity to the habitats and/or species of the designated site.

### 8.3 Applicant's Screening Report Assessment of Likely Significant Effects:

8.3.1 The submitted AA Screening Report considers the assessment of likely significant effects. The nearest water course is Kinlough Stream 500m to the north of the site, which discharges to Lough Melvin with no connectivity between the site and the existing watercourse.

8.3.2 Potential direct and indirect impacts that may result in significant effects during the construction phase include vegetation clearance, demolition, surface water runoff from excavation, dust, noise, vibration, impact on groundwater/dewatering, storage of excavated/construction materials, access to site and pests. Significant effects are ruled out on the basis of site being located within a boundary of field of improved grassland.

8.3.3 Potential direct and indirect impacts that may result in significant effects during the operational phase include direct emission to air and water, surface water runoff containing contaminants, lighting disturbance, noise/disturbance, changes to water/groundwater due to drainage abstraction. Presence of people, vehicles/activities, physical presence of structures (collision risk). Significant effects are ruled out on the basis that the site is at a distance from the designated site and there will be no disturbance of qualifying interests.

8.3.4 There is no risk of habitat loss or fragmentation or any effect on any qualifying interest habitats or species either directly or ex-situ.

8.3.5 In-combination effects are considered in the applicant's report and following the consideration of a number of planning applications in the area (permissions granted within 500m of the site), there is no potential for in-combination effects given the scale and location of the development.

### 8.4 Applicants' AA Screening Report Conclusion:

8.4.1 The AA Screening Report has concluded that the possibility of any significant effects on identified designated European sites can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

## 8.5 Appropriate Assessment Screening:

8.5.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

8.5.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there is one Natura 2000 sites sufficiently proximate to the site to require consideration of potential effects. This is listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.5.3 The third party observations indicate that there is hydrological connection between the application site and the SAC through an existing stream running along the eastern boundary that discharges to Kinlough Stream. At the time of my site visit it was readily apparent the presence of a stream along the eastern boundary with



mature vegetation along the eastern boundary of the field the site is taken from. I concur with the conclusions of the applicant's screening, in that there is only the possibility for significant effects on the following European site (associated with distance), as a result of potential impact associated with contamination of surface and/or ground water during construction and/or operation; and impacts associated with disturbance/habitat loss during construction and/or operation. This potential exists due to the location of the application site within close proximity to a water course in terms of surface water drainage, which discharges to the Lough Melvin SAC (1.05km from the appeal site). I consider that significant effects on any other designated Natura 2000 sites can be ruled out given the lack of source pathway receptors between the application site and other designated sites.

8.5.4 I am of the view in relation to Lough Melvin SAC that significant effects as a result of deterioration of water quality can be ruled out on the basis of firstly the physical separation of the site from the designated site, there is the possibility of a hydrological connection through a stream along the eastern boundary of the site discharging to Kinlough Stream, which runs 500m north of the site and subsequently discharging to Lough Melvin SAC. I would consider that the implementation of construction management measures during the construction phase would prevent discharge of sediment and pollution materials to surface and groundwater. I note various measures proposed during the construction and operational phase of the development (Construction Management Plan) and I am satisfied that these are standard construction processes and cannot be considered as mitigation measures. These measures are standard practices for development sites and would be required for a development order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. The operational phase does not include production of foul water and standard surface water management measures are sufficient to prevent pollution of surface water or groundwater. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites, from surface water runoff, can be excluded given the interrupted hydrological connection and dilution factor and the nature and scale of the development.

8.5.5 The application site is part of an existing field in active agricultural use (improved grassland). Given the separation of application site from the designated site, the conclusions of the AA screening report is that it not likely that the application site provides significant ex situ habitat to support the protected species (otter) of the SAC is accepted.

8.5.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application as noted above is 1km from the Lough Melvin SAC. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 site so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

8.5.7 In-combination effects are considered in the applicant's screening report and following the consideration of a number of planning applications in the area, which are mainly relating to other residential/domestic development, there is no potential for in-combination effects given the scale and location of the development and the fact that such is subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

8.5.8 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000428, Lough Melvin SAC or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European site.
- The scale of the proposed development involving a change in the condition of lands from agricultural lands to an enclosure housing a telecommunications support structure and associated telecommunications equipment.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

## **9.0 Recommendation**

- 9.1. I recommend a grant of permission subject to the following condition.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Leitrim County Development Plan 2014-2020 and 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, 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 and, would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. 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.

Reason: In the interest of clarity.

2.

(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

3. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the



provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

7. 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.

Reason: 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.

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall provide details of intended construction practice for the development, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

**Reason:** In the interest of amenities, public health and safety.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Colin McBride  
Senior Planning Inspector

17<sup>th</sup> July 2023