



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318334-23

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<b>Development</b>	Telecommunications structure
<b>Location</b>	Grahamsland, Castlefin, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2351220
<b>Applicant(s)</b>	On Tower Ireland Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Parties vs. Grant
<b>Appellant(s)</b>	1. Board of Management, St. Mary's National School 2. Michael & Edel McMenamin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2024
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located in east County Donegal, approximately 1km northwest of Castlefin village centre in the rural townland of Grahamsland. It has a stated area of c. 100m<sup>2</sup> and is annexed from a larger agricultural field. The site and the larger field generally rise from east to west. It is quite elevated with views over undulating countryside to the north, south, and east.
- 1.2. The site is bounded by an existing livestock pen to the north. It is accessed via a narrow county road with a substandard surface to the east. Otherwise, the surrounding area is mainly in agricultural use. There is a small number of one-off rural houses in the vicinity, the nearest being c. 170m to the south. The built-up edge of Castlefin village is c. 400m to the south of the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - erection of a 24m multi-user lattice type telecommunications support structure, carrying antenna and dishes
  - a 2.4m high palisade fenced compound and ground equipment cabinets,
  - new access and gate, post and rail fencing and associated site works.
- 2.2. It is stated that the development forms part of planned upgrade and capacity improvements for the mobile network operators in the area. The applicant is working in partnership with the 'Three' network operator to address a coverage problem area. It is a multi-user structure designed to enable future co-location of equipment.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 5<sup>th</sup> October 2023, Donegal County Council (DCC) issued notification of the decision to grant permission, subject to conditions. The conditions of the decision are generally standard for this type of development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The DCC Planner's Report can be summarised under the following headings:

#### Principle of the development

- Telecommunications improvements are supported by national and local planning policy. The proposal aims to improve service in the area and enable site sharing.
- The application includes a justification for the development. A search was carried out of the target area, and it was identified that no existing base stations options could be shared or upgraded to provide the necessary coverage. Coverage maps have been submitted for consideration of three other existing sites which are currently operating at maximum efficiency.

#### Siting and Design

- The applicant's visual assessment demonstrates that impacts will be generally negligible and would not adversely impact on the amenity of the area.
- Localised visual impacts can be satisfactorily addressed through the agreement of appropriate landscaping and finishes.
- The Planning Authority would have no concerns as to the impact on the setting of the nearest Protected Structures (c. 787m away).

#### Access/Traffic

- Impacts arising from construction and maintenance activity would be limited and no significant concerns arise with respect to access, parking, and traffic safety.

#### Health Impacts

- The location of the nearest school (819m) is noted but as set out in National Guidance, Planning Authorities do not have competence for health and safety matters.
- Any requirement for diversion of the existing water mains should be managed in consultation with Irish Water.
- Surface water impacts will be negligible given the limited site area.

### Noise, lighting, disturbance

- Any disturbance associated with installation will be temporary in nature.
- Any lighting disturbance associated with the mast can be managed by conditions regarding the lighting specification.

### Ecology

- The site is not located within or adjacent to any designated or protected sites.
- The site is c.1km from the nearest Natura 2000 site (River Finn SAC). It is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is considered that Appropriate Assessment is not required in this instance.

### Devaluation of property

- The Planning Authority is not in a position to comment on the value of adjoining properties and the proposal is considered appropriate in land use planning terms.

### Conclusion

The report recommends a grant of permission, and this forms the basis of the DCC decision.

#### 3.2.2. Other Technical Reports

Building Control: All works to comply with applicable legislation.

Fire Officer: No objections.

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

Irish Aviation Authority: There is no requirement for obstacle lighting. This does not preclude the Local Authority from imposing any conditions it may require.

Loughs Agency: No objections subject to standard water protection measures.

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

The planning authority received 39 no. submissions, many of which were on behalf of a large number of individuals. The relevant issues are covered in the grounds of appeal.

## 4.0 Planning History

None.

## 5.0 Policy Context

### 5.1. National & Regional Policy/Guidance

#### Project Ireland 2040

The National Planning Framework (NPF) acknowledges that telecommunications networks play a crucial role in enabling social and economic activity. For rural Ireland, it states that broadband is essential enabling infrastructure that affords rural communities the same opportunities to engage with the digital economy as it does to those who live in our cities and towns. National Policy Objective 24 aims to support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.

#### NWRA Regional Spatial & Economic Strategy 2020-2032

Section 6.5 of the RSES deals with 'Broadband Connectivity' and highlights the importance of improving coverage in rural areas. Regional Policy Objective (RPO) 6.36 supports the roll-out of the National Broadband Plan. Section 6.6 deals with the 'Smart Region' and RPO 6.52 aims to facilitate infrastructural needs, including immediate priorities for access to ultra-fast and rural broadband initiatives.

#### Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

These guidelines, hereafter referred to as the Telecommunications Guidelines, set out the criteria for the assessment of telecommunications structures. Section 3.2 sets out that an authority should indicate in their Development Plan an acceptance of the importance of a high-quality telecommunications service, as well as any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools.

Section 4.3 outlines that the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. In rural areas, masts can be placed in forestry plantations to reduce visual intrusion subject to clearance of obstructions, suitable colour scheme, and additional planting. Some masts will remain quite noticeable in spite of best precautions and additional visual considerations will need to be taken into account. In upland/mountainous areas masts may remain visible but should not be discounted, and every effort should be made to share/cluster with existing masts to reduce the visual impact on the landscape (as also outlined in Section 4.5 of the Guidelines).

#### Circular Letter PL07/12 – Telecommunications Antennae and Support Structures

Issued in 2012, this Circular Letter revises elements of the 1996 Guidelines. In summary, the revisions are as follows:

- Temporary permissions should only be used in exceptional circumstances where particular site / environmental conditions apply.
- Separation distances between telecommunication structures and sensitive receptors should not be incorporated into statutory plans.
- Bonds for the removal of structures should not apply.
- A register of approved structures should be maintained.
- Clarification that Planning Authorities do not have competence to assess health and safety matters as these matters are regulated by other codes.

## **5.2. County Donegal Development Plan 2018 - 2024**

### Telecommunications

Section 5.3 of the Development Plan sets out policies and objectives in relation to telecommunications. The overall aim is to facilitate the development of high quality and sustainable telecommunications networks for the county as a critical element to support growth in all areas of the economy and increase the quality of life for the people of Donegal. The following objectives and policies apply to the proposed development:

**TC-O-1:** To facilitate the development and delivery of a sustainable telecommunications network across the County through a range of telecommunication systems, developed with due regard to natural and built heritage and to environmental considerations.

**TC-P-1:** It is a policy of the Council to facilitate the deployment of the National Broadband Plan, the national subvention plan to deliver High Speed Broadband to every rural household outside the commercially served areas as defined on the National Broadband Plan Map and similar projects, subject to any constraints arising from international/national environmental designations and the proper planning and sustainable development of the area.

**TC-P-3:** It is a policy of the Council to require the co-location of new or replacement antennae and dishes on existing masts and co-location and clustering of new masts on existing sites, unless a fully documented case is submitted for consideration, along with the application explaining the precise circumstances which militate against co-location and/or clustering. New telecommunications antennae and support structures shall be located in accordance with the provisions of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996, (or as may be amended) and they shall not normally be favoured within Areas of Especially High Scenic Amenity, beside schools, protected structures or archaeological sites and other monuments. Within towns and villages operators shall endeavour to locate in industrial estates/areas where possible.

### Landscape

The county has been categorised into three layers of landscape value (Especially High Scenic Amenity', 'High Scenic Amenity' and 'Moderate Scenic Amenity'), which are illustrated on Map 7.1.1 of the Plan. The subject site is within an area classified as 'Moderate Scenic Amenity', which is described as landscapes that have a unique, rural and generally agricultural quality. These areas have the capacity to absorb additional development that is suitably located, sited and designed subject to compliance with all other objectives and policies of the Plan.

**Policy NH-P-7** seeks to facilitate development in areas of 'High Scenic Amenity' and 'Moderate Scenic Amenity' of a nature, location and scale that allows the

development to integrate within and reflect the character and amenity designation of the landscape, subject to the other objectives and policies of the CDP.

**Policy NH-P-13** states that it is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

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

The nearest Natura 2000 site is the River Finn SAC (Site Code 002301) located c. 1km to the south.

### 5.4. **EIA Screening**

The development is not of a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Accordingly, I am satisfied that EIA or EIA screening is not required in this case.

## 6.0 **The Appeal**

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

The Board has received two third-party appeals against the DCC decision to grant permission. An appeal was submitted by the Board of Management of St Mary's National School, Castlefin, and is accompanied by letters from Castlefin & Districts History Club, the Tidy Towns Association, Castlefin Celtic F.C., and Robert Emmets GAA Club. The other appeal was submitted by Michael & Edel McMenamin of Donaghmore Glebe, Castlefin, and is supported by a large number of other individuals, an excerpt from a health study, and a letter from a local property valuer.

The appeals raise many common concerns which can be cumulatively summarised under the headings below.



### Location and Alternatives

- There has been a failure to consider suitable sites where masts already exist.
- Section 4.3 of the Telecommunications Guidelines states that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.

### Traffic

- There are concerns about increased traffic on the capacity and safety of the road network.
- The development would discourage walking and cycling in the area, which would be contrary to Development Plan policies.
- CDP Policy T-P-4 prohibits new accesses which would result in the adverse intensification of existing access points onto National Roads where the speed limit is greater than 60kph.
- The proposed development 'opens the door' for further development.

### Amenity & heritage

- The development would destroy a natural amenity used by the school for educational purposes.
- Visual damage will destroy the natural local Greenway.
- Wind passing the structure will generate noise pollution (unnatural whistling) that is not in the best interests of the area.
- The area ('the Gallies') adds to the quality of everyday life; is steeped in natural heritage; and has been the subject of poetry and local folklore. The development would severely damage this natural heritage.
- The mast will devalue built heritage given the proximity to Protected Structures (Donaghmore House c. 750m away).
- The area facilitates recreational activities and there are plans to develop a heritage trail. The proposal would be seriously detrimental to these plans.

- The natural heritage of the area (including wildlife, flora, fauna, landscape, views, Donaghmore House) would be severely damaged, which would be contrary to the Development Plan and the County Heritage Plan.
- The impact on local wildlife (including Curlews) has not been considered, including a wildlife reserve approx. 50m from the site.
- An Taisce has not been consulted about the proposed development.
- The structure will have a negative visual impact when viewed from several homes in the surrounding area. It would devalue homes and farmland.
- The visual impact assessment is inadequate.

#### Community Facilities

- The development will result in the loss of school pupil numbers.
- The area is used for training by local sports clubs and this facility would be adversely affected by the proposal.

#### Water services

- The local pipework belongs to a private water group which has not been consulted or given consent for any alterations. Therefore, the application ignores planning and development regulations and should be rejected.
- Condition 11 of the DCC decision is unenforceable as the pipework is not within the remit of Irish Water.
- Adequate space is required on both sides of the pipework for required works.
- There has been no EIAR of the potential impact the soak pit would have on drinking water supply.

#### Health

- There is substantial evidence of the danger of emissions for the school, individual pupils, and the wider community.

#### Planning Authority Assessment

- The planning authority did not give adequate consideration to the submissions received, including a signed petition with over 700 people.

- The planning authority failed to clarify the applicant's reference to the proposal being 'outside of Ballinasloe'.

## 6.2. Applicant Response

The applicant's response to the appeal can be summarised under the following headings.

### Health Concerns

- The appeal includes a statement of compliance with The International Commission on Non-Ionising Radiation Protection (ICNIRP) guideline limits.
- The Telecommunications Guidelines outline that health and safety matters are regulated by other codes and the Board has adjudicated on these matters on multiple occasions.

### Visual Impact

- The application documentation demonstrates that the visual impact is within acceptable limits, and this is supported by the DCC planner's report.

### Technical Justification

- The report submitted with the application shows that all existing sites in the area have been ruled out for co-location. The only site within Castlefin village cannot provide co-location services for the operator.
- Site DO1064 is already co-located with 'Three'.
- 'Three' has a specific requirement for a new site within the Castlefin area and this is supported by the ComReg Coverage Maps.
- The operator would not invest in a new site if co-location opportunities existed, and the structure would facilitate future co-location.

### Water Services

- Pre-development testing will establish the location of any pipework and the applicant will gain all required consents prior to the carrying out of works.

### Local Heritage

- The application documentation demonstrates that the structure is not expected to be visible from protected structures at Donaghmore House and therefore impacts are negligible.

### Noise

- The only source of noise is from cabinet cooling fans. An Acoustic Noise assessment outlines that noise levels will not be significant.

### Property Prices

- The Board has adjudicated on such issues before and outlined an absence of evidence of any adverse impacts.
- It would be reasonable to assume that improved services would enhance value, as has been demonstrated in studies.

### Road Safety

- There would be a minimal increase in traffic movements, as is supported by the Telecommunications Guidelines.
- Adequate sightlines can be achieved from the entrance/exit.
- A construction traffic management plan will be prepared.

## **6.3. Planning Authority Response**

The Planning Authority refers to the contents of the Planner's Report and has no further comment to make.

## **6.4. Observations**

None.

## 7.0 Assessment

7.1. Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- The principle of the development
- Impacts on amenity and heritage
- Traffic
- Water Services
- Health Impacts
- Community Facilities

### 7.2. The principle of the development

7.2.1. In principle, I am satisfied that the proposal is clearly supported by national, regional and local planning policies which seek to improve telecommunications infrastructure in rural areas in the interests of improved connectivity and economic development. However, as raised by the appellants, further consideration needs to be given to its need and justification, the potential for alternatives, and the suitability of the proposed location.

#### Need and Justification

7.2.2. The application includes a Technical Justification Report addressing the need for improved voice and data service provision in the area for local residents and business users. I have reviewed ComReg's online Outside Coverage Map for the area and I note that the rating for 'Three' coverage for the majority of the surrounding area is 'fair' for 3G service and 'fair'/'fringe' for 4G service. The service for 5G ranges from 'fair' to 'fringe' to 'no coverage'. I would also highlight that these maps do not account for indoor coverage, which is likely to be of a lower standard, and that network capacity is another important consideration in addition to coverage. Furthermore, I note that the proposed development would enable other operators (other than 'Three') to potentially improve their coverage and capacity at this location.

7.2.3. The application also includes maps comparing indoor coverage for the area with and without the proposed development. This demonstrates that the proposed development would result in significant coverage improvements. Accordingly, having regard to the existing network deficiencies and the increasing demands for mobile and internet data services, I am satisfied that a justification has been established for improved services in the area.

#### Mast-sharing and Alternatives

7.2.4. I note that the Development Plan and the Telecommunications Guidelines encourage the co-location of antennae on existing support structures and masts. They acknowledge that sites will be chosen in the interests of good quality coverage taking into account topography, population, and other criteria, and accept that in some instances may not be technically possible to share facilities.

7.2.5. The applicant confirms a policy to locate on existing structures where possible and that no existing base station were identified that could provide the necessary coverage required. This includes site references DO0164 (5.7km away), DO0192 (c. 6.8km away), and DO0015 (9.7km away). I note that the 'Three' network is already using existing sites in the area and the aforementioned coverage maps demonstrate that adequate coverage is not being achieved.

7.2.6. One of the appeals also suggests additional alternative sites (DO0195, DL\_4096, and DL031) which have not been considered. I confirm that I have reviewed the ComReg Site Viewer, which shows the location of existing masts in the area. Site DO0195 is c. 7km south of the appeal site and already accommodates the 'Three' network. Sites DL\_4096 and DL031 are similarly located c. 6.5km southeast of the appeal site. For the reasons previously outlined, I would accept that these sites are too far distanced to achieve the desired coverage at the appeal site.

7.2.7. There is an existing low-level structure at the Eircom Exchange within the village centre (Site EIR\_DL\_4896). This site has limited capacity and coverage capabilities in relation to the target area. I also note that the Board refused permission for construction of a 21-metre telecommunications structure in Castlefin village centre under ABP Ref. ABP-308297-20. The refusal *inter alia* outlined that the proposal would be an incongruous structure within the centre of Castlefin, would have an unacceptable visual impact, would seriously injure the amenities of the area and

property in the vicinity, and would compromise the existing uses on site. Therefore, it is reasonable to conclude that such services should be provided outside the village.

- 7.2.8. Having regard to the foregoing, I am satisfied that the applicant has assessed suitable alternative locations and that there are no suitable existing structures for sharing within the 'cell search' area. I consider that the applicant's motivation for the construction of a new mast is reasonable and that it provides for future co-location of other operators, thus reducing the need for separate structures in the future.

#### Location

- 7.2.9. I note that the Development Plan outlines policy (TC-P-3) for the location of telecommunication antennae. In this regard, I note that the appeal site is not within an Area of Especially High Scenic Amenity and is not beside archaeological sites and other monuments. I note the concerns raised about the proximity of the school and protected structures. However, the site is c. 800m from the school and protected structures at Donaghmore and the village are a similar distance. Given the significant separation distance, I do not consider that the proposal conflicts with Policy TC-P-3.
- 7.2.10. I note that the Telecommunications Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. However, the appeal site is c.400m from the built-up area of Castlefin and I do not consider that it is within the immediate surrounds.

#### Conclusion

- 7.2.11. Having regard to the foregoing, I consider that the proposed development would be consistent with national, regional and local planning policy to support telecommunications infrastructure in this rural area. I have considered the applicant's justification for the proposed development, and I am satisfied that there are no reasonable opportunities to share or co-locate the proposed development with other structures. In the absence of other suitable alternative locations, I consider that the proposal for a new structure at this location is acceptable in principle.

### 7.3. Impacts on amenity and heritage

- 7.3.1. In considering visual impact in rural areas, the Telecommunications Guidelines acknowledges that some masts will remain quite noticeable in spite of best precautions. It acknowledges that forestry plantations can help to minimise visual impact and recommends that sites in upland/mountainous areas should not be discounted.
- 7.3.2. CDP Policy TC-P-6 outlines that new structures shall not be located within 'Areas of Especially High Scenic Amenity' but does not have any similar preclusion for the areas of 'Moderate Scenic Amenity', which applies to the appeal site. Policy NH-P-7 seeks to facilitate development in areas of 'Moderate Scenic Amenity' of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape. Furthermore, the site is not affected by any views to be preserved as identified in the Development Plan and as previously outlined, there are no Protected Structures in close proximity of the site.
- 7.3.3. The application includes a 'Visual Impact Appraisal' booklet which compares 'existing' and 'expected' views of the proposed development from 15 no. viewpoints within a radius of c. 2km of the appeal site. It also includes a report which assesses the significance of the visual impacts. Consistent with the report findings, I would concur that the visual impact significance in the closer viewpoints (i.e. views 1, 2, 3) would range from moderate to significant, and that the wider landscape impacts from the remaining views would generally be only slight to imperceptible. As previously outlined, the Telecommunications Guidelines acknowledge that some masts will remain quite noticeable in spite of best precautions. I acknowledge that the proposed development will have significant localised impacts, but I do not consider that this would warrant a refusal of permission given that the overall landscape impacts can be accommodated in accordance with CDP Policy NH-P-7. I have also considered the location and setting of protected structures in the area, and I am satisfied that the proposal would not detract from built heritage given the significant separation distances and the nature of intervening topography and development.
- 7.3.4. I note that the Board has notified An Chomhairle Ealaion, An Taisce, Failte Ireland, the Heritage Council, and the Development Applications Unit of the Department of



Housing, Local Government, and Heritage. No responses have been received in relation to the heritage impacts of the proposed development.

- 7.3.5. I acknowledge that the appeals have raised significant concerns about the local importance of the area as a natural, recreational, ecological, and heritage amenity. However, having regard to the absence of significant designations in terms of landscape character and/or natural heritage designations, together with the limited area of the site and the assessment of the visual impact of the development, I do not consider that a refusal of permission would be warranted in this case.
- 7.3.6. Concerns have also been raised about the impact of the proposed development on the amenity and value of surrounding properties, including impacts relating to noise, lighting, and visual amenity. I acknowledge the surrounding agricultural land and the existence of a small number of houses within c. 180m of the appeal site. As previously outlined, I acknowledge that there would be significant localised visual impacts, but I consider that the structure would be satisfactorily distanced to prevent any unacceptable impacts on residential amenity. I also consider that any lighting or wind-related noise impacts would be minimal and adequately distanced to prevent any unacceptable impacts on residential amenity. And having regard to this assessment and conclusion, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property.
- 7.3.7. Having regard to the foregoing, I do not consider that the proposal would seriously detract from the amenities, character, or heritage value of the area. The visual impact can be further mitigated through landscaping and finishes, which should be agreed with the planning authority as a condition of any permission.

#### **7.4. Traffic**

- 7.4.1. I note the limited width and substandard surface condition of the adjoining road, as well as the appellants' concerns about traffic capacity and safety for all road users. However, the proposal does not involve a new access onto a National Road and, accordingly, CDP Policy T-P-4 does not apply as has been suggested.
- 7.4.2. Having regard to the nature of the development, I am satisfied that traffic generation would be limited to construction and servicing requirements. The construction stage would be limited in duration and would not be particularly traffic intensive.

Furthermore, I do not consider that the traffic associated with servicing would be significant. The site is located along a straight stretch of road where traffic volumes and speeds are limited given the nature of the adjoining road. Accordingly, I do not consider that the proposed development would compromise safety or convenience for motorists or other vulnerable road users at this location.

## **7.5. Water Services**

- 7.5.1. It has been submitted that the local water pipe network belongs to a private water group (not Irish Water) and that consent for any alterations to same has not been granted. In response to the appeal the applicant has outlined that the precise route of the pipework is not known but confirms that pre-construction investigations will clarify this matter. Once clarified, the applicant confirms that agreement for any works to the pipework will be sought from the relevant controlling body.
- 7.5.2. In this regard, I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended), which outlines that a person shall not be entitled solely by reason of a grant of permission to carry out any development.
- 7.5.3. I note that concerns have also been raised about the potential environmental impacts of the proposed soak pit on drinking water supply. However, having regard to the limited scale of the proposed development and any associated surface water run-off, I do not consider that there will be any significant environmental effects for water supplies or otherwise.

## **7.6. Health Impacts**

- 7.6.1. I acknowledge that the appeals raise serious concerns about the health implications of the proposed development. However, the applicant has included a statement of compliance with ICNIRP guidelines, and I would highlight that the 1996 Telecommunication Guidelines advise that applications should not be determined on

health grounds. The updating 2012 Circular reiterates that advice by stating that Planning Authorities should be primarily concerned with the issues of location and design and that health and safety matters should be regulated by other codes. Accordingly, I do not consider that refusal of permission would be warranted on health grounds.

## **7.7. Community Facilities**

- 7.7.1. The appeals raise concerns about the impact of the proposed development on local community facilities. It is submitted that school numbers would be reduced as a result of the adverse impacts, and also that opportunities for the use of the area by local sports and recreation groups would be adversely affected. However, having regard to the foregoing assessment, I do not consider it reasonable to conclude that there would be adverse impacts such that local community facilities would experience significant effects.

## **8.0 Appropriate Assessment Screening**

- 8.1. I consider that there would be limited potential for impacts at construction stage as a result of the release of sediment and other pollutants to watercourses/groundwater that may be hydrologically linked with the Natura 2000 network. At operational stage, any potential for effects is limited to impacts on the quantity/quality of surface water to the surrounding drainage network and the water quality of Natura 2000 sites.
- 8.2. The nearest Natura 2000 site is the River Finn SAC (Site Code 002301) located c. 1km to the south. There are no surface water features on or immediately adjoining the site that would provide a direct pathway between the development and the Natura 2000 site. And having regard to the distance of the site from any potential hydrological links, the limited extent of the proposed works, and the significant hydrological buffer and assimilative capacity between the appeal site and the Natura 2000 network, I do not consider that there is any likelihood of significant effects in this case.
- 8.3. Having regard to the above preliminary examination, it is concluded that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in

combination with other plans or projects on a European site. No mitigation measures have been relied upon in reaching this conclusion.

## 9.0 Recommendation

I recommend that permission should be granted, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the provisions of the County Donegal Development Plan 2018-2024, the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and the associated Circular Letter PL 07/12, the existing pattern and character of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area including heritage, property, and facilities, would not seriously interfere with infrastructural services, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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. 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.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the proposed mast.

**Reason:** In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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

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

6. The proposed structure and all associated antennae, equipment and fencing shall be demolished and removed from the site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

**Reason:** In the interest of orderly development.

7. The construction of the development shall be managed in accordance with a Construction Traffic 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 the timing and routing of construction traffic to and from the construction site, associated directional signage, proposals to facilitate the delivery of abnormal loads to the site, and to measures to obviate queuing of construction traffic on the adjoining road network.

**Reason:** In the interests of public safety and residential amenity.

8. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenity of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Stephen Ward  
Senior Planning Inspector

3rd March 2024