



An
Bord
Pleanála

Inspector's Report ABP-318898-24

Development

Construction of 21m telecommunications mast carrying antenna and dishes enclosed within a palisade fenced compound with associated ground equipment cabinets and all associated site works.

Location

Townparks, Ballyhaise, Co. Cavan

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

2360235

Applicant(s)

On Tower Ireland Limited

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

On Tower Ireland Limited.

Observer(s)

Pauline Tully TD

Majella Smith on behalf of Ballyhaise GAA

Tomás O' Rourke

Cllr. Paddy McDonald
Siofán O' Connachtaigh
Tara Hewitt
Michelle Dunne
Bernard and Bernie O' Reilly
Caroline O' Reilly
Grainne Smith
Paula O' Reilly
Charile O' Donoghue and Caitriona O'
Reilly
Sean Quinn
Thomas and Anne-Maire Smith
Enda Fay

Date of Site Inspection

14th of August 2024.

Inspector

Stephanie Farrington

1.0 Site Location and Description

- 1.1. The application site, which has a stated area of 0.014ha, is located on an elevated site in the townland of Townparks, 0.5 kms west of the main street of Ballyhaise, and 0.25 kms from its urban development boundary. The site is currently in agricultural use. Access to the site is provided via the agricultural access from the Local Road L20021-0, Oakwood Lane to the east of the site. A mature hedgerow and treeline form the boundary of the site with Oakwood Lane.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises construction of 21m telecommunications mast carrying antenna and dishes enclosed within a palisade fenced compound with associated ground equipment cabinets and all associated site works.
- 2.2. The following documentation was submitted in support of the application:
- Application Form and Public Notices
 - Application Drawings
 - Technical Justification Report by Three Ireland.
 - Planning Report by Indigo.
 - Visual Analysis with 15 views (existing and proposed) by Indigo

3.0 Planning Authority Decision

3.1. Decision

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

“Having regard to the prominent location of the proposed development adjacent to the built up area of Ballyhaise and the high visibility of the proposed development from the approach roads to Ballyhaise to Cavan town which includes the view from the Protected Structure of St. Mary’s Church (CV0824) it is considered that the

proposed development would have an adverse visual impact on the amenity of the surrounding area which includes the setting of a Protected Structure. The proposed development would therefore contravene Objective ICT 05 of the Cavan County Development Plan 2022-2028 which is to ensure the locations of telecommunications structures minimise and/or mitigate any adverse impacts on communities, public rights of way and the built or natural environment. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports (15/12/2023)

The planner's report recommends a refusal of permission in accordance with the planning authority's decision. The following provides a summary of the issues raised:

- The report accepts the technical justification for the development put forward by the applicant.
- In terms of visual impact, the report outlines that the site would be prominent when viewed from St. Mary's Church, a Gothic Revival Protected Structure c.300 metres away, with no intervening structures.
- The report refers to the open and elevated nature of the site and its close visual relationship to the village of Ballyhaise particularly when viewed from the Cavan town approach road to the village which includes the view from St. Mary's Church, and its location on a local walking route which includes attractive views back towards Ballyhaise. The report outlines that there would be an adverse visual impact arising from the proposed development.
- The report refers to existing residential properties within the vicinity of the site. The report outlines that having regard to the separation distance and the fact that none of the properties overlook the site that an appropriate balance can be achieved between the residential amenity of the area and meeting the requirements for telecommunications coverage in the catchment area.
- The proposed development is situated on actively farmed agricultural land approximately 700 metres south of the proposed National Heritage Area

(Lough Oughter and Associated Loughs pNHA 000007, approximately 870 metres south of the Special Area of Conservation (Lough Oughter and Associated Loughs SAC 000007 and c.4.3 kms east of Lough Oughter Complex SPA). The site of the proposed development is different in physical context and characteristics from all of the above three sites which are based on wetland characterisations / qualifying interests.

- The report outlines that no appropriate assessment screening is included within the application. Given the site's proximity to the natura 2000 site network, screening for appropriate assessment would be required to assess the impact on the European Sites concerned. The report outlines that in the absence of full information, the planning authority is unable to make a competent assessment of the potential impact of the proposed development on the above European Sites, alone or in combination with other plans or projects.
- The report furthermore refers to the requirement for an ecological and bat survey.
- The report refers to the health and safety concerns raised within the submissions on the application and cross refers to the guidance set out within Circular Letter PL07/12 which precludes consideration of such matters from the planning authority's assessment.

3.2.2. Other Technical Reports

- None received.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

A significant number of 3rd party observations were submitted in respect of the application. The following provides a summary of the issues raised:

- Health Concerns

- Visual Impact of the proposed mast particularly in relation to St. Mary's Church and along walking trail
- Insufficient justification for the proposal
- Impact on natural environment
- Impact on property values

4.0 Planning History

Application Site: No planning history.

Part 8 Walkway - The planner's report refers to the permitted Part 8 for a 6km walkway along Ballyhaise village and Oakwood forest "Ballyhaise River and Forest Trail". Oakwood Lane is located along the walkway.

5.0 Policy Context

5.1. Development Plan

Cavan County Development Plan 2022-2028

Settlement Hierarchy

- 5.1.1. Ballyhaise is designated as a Small Town within the Cavan Settlement Hierarchy (Table 5). Section 2.11 of the Plan relates to Small Towns and outlines that these settlements *"provide important hubs for residential, community, employment, recreation, retail and service provision for their rural hinterlands"*.
- 5.1.2. Section 2.11.5 relates to Physical Infrastructure within designated Small Towns and outlines that *"In order for Cavan's Small Towns to develop to their full potential, it is essential that appropriate infrastructure including transportation, water services, energy and telecommunications, and key services including, healthcare services, housing, educational facilities, childcare services and waste management are provided and maintained"*.
- 5.1.3. Small Town Physical Infrastructure Development Objective STI 01 is of relevance as follows: "Support the provision of necessary infrastructure in conjunction with bodies like Irish Water, etc".

- 5.1.4. Section 2.11.9 relates to Natural and Built Heritage. Relevant Natural and Built Heritage Development Objectives include the following:
- STH 05: Prohibit any development that would result in a significant deterioration of habitats and or disturbance of species in any SPA, SAC, NHA.
 - STH 08: Conserve, protect and enhance the built heritage of our towns including all Protected Structures and attendant grounds, ACA's, Records of Monuments and Places in accordance with best conservation practice.
- 5.1.5. Section 2.11.11 relates to Small Towns Specific Objectives. Ballyhaise Specific Objective BHSO 08 is of relevance. This seeks to *"Ensure development in this area respects and is sympathetic to the topography, views and landscape of the area having regard to the elevated nature of the ground"*.

Chapter 6 – Economic

Telecommunications

- 5.1.6. Section 6.14.2 of the Plan relates to telecommunications and outlines that:
"Telecommunications are a key infrastructural element that requires attention. The deficiency of adequate broadband telecommunications within rural areas is a key factor that will inhibit rural enterprise development and growth, while high quality speeds within urban settlements are crucial to attract new investment opportunities. It is anticipated that the roll out of the National Broadband Plan will alleviate this deficiency".
- 5.1.7. Availability of Land and Supporting Infrastructure Economic Development Objectives of relevance include the following:
- ALIE 03: Cavan County Council will engage with service providers to ensure that the required infrastructure is provided in appropriate locations identified for enterprise and employment growth.
 - ALIE 04: 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 throughout Cavan, where appropriate.

Chapter 7 – Transport and Infrastructure

Broadband

- 5.1.8. Section 7.12.1 of the Plan relates to Information Technology and Broadband. The Plan outlines that *“information Communication and Technology Investment is essential for furthering the social and economic development of County Cavan. The provision of an efficient broadband service is critical in the development of a knowledge based economy. To this end, the need to build new infrastructure to provide increased capacity in order to raise the quality of coverage and to meet the demand for services is recognised”*.
- 5.1.9. The following Development Objectives are of relevance:
- ICT 01 Support the delivery of high-capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the county, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices.
 - ICT 02 Support the co-ordinated and focused development and extension of broadband infrastructure throughout the county.
 - ICT 03 Co-operate with the Department of Communications, Energy and Natural Resources and public and private agencies where appropriate, in improving high quality broadband infrastructure throughout the county.
 - ICT 04 Achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress, and sustainable residential amenity and environmental quality.
 - ICT 05 Ensure the locations of telecommunications structures minimise and/or mitigate any adverse impacts on communities, public rights of way and the built or natural environment.
 - ICT 06 Encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new 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.

- ICT 07 Facilitate the provision of telecommunications infrastructure throughout the county in accordance with the requirements of the 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities' July 1996 and Circular Letter PL 07/12 or any update thereof.

Chapter 10 Natural Heritage

5.1.10. The following Development Objectives for Designated Sites are of relevance.

- NHDS1 Protect and conserve Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas and proposed Natural Heritage Areas.
- NHDS 2 Ensure an Appropriate Assessment is carried out in respect of any plan or project not directly connected with or necessary for the management of the site but likely to have a significant effect on the integrity of a European Site(s), either individually or in-combination with other plans or projects, in view of the site's conservation objectives

Chapter 11 – Built and Cultural Heritage

5.1.11. The following Protected Structures Development Objectives are of relevance:

- RPS1 Protect, conserve and manage the built heritage of County Cavan and to encourage sensitive and sustainable development to ensure its preservation for future generations.
- RPS10 Proposals for large scale developments and infrastructure projects should consider the impacts on the architectural heritage and seek to avoid them. The extent, route, services and signage for such projects should be sited at a distance from Protected Structures, outside the boundaries of designed historic landscapes, and not interrupt specifically designed vistas. Where this is not possible the visual impact must be minimised through appropriate mitigation measures such as high-quality design and/or use of screen planting.

Appendix 16 – Scenic Views and Viewpoints Map

- 5.1.12. Appendix 16 identifies Scenic Viewing Points and Scenic Routes within the County. The site is not located within proximity to any designated view or route.

Appendix 19 – List of Protected Structures

- 5.1.13. St. Mary's Church is designated as a Protected Structure within the CCDP. The Plan outlines the following in respect of the structure:

- RPS No. CV0824 (NIAH 40401618) - Freestanding Gothic Revival gable-fronted Roman Catholic church, built 1823, enlarged 1862, moved to current location 1942. Regional Rating.

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

- 5.2.1. Section 4.2 of the Guidelines relate to design and siting. It notes that the location will be substantially influenced by radio engineering factors. In terms of the visual impact it is also stated that great care will have to be taken when dealing with fragile or sensitive landscapes and with other areas designated or scheduled under the planning acts or other legislation.
- 5.2.2. It is also stated that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation.

5.3. DoE Circular Letter PL 07/12

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

5.4. Natural Heritage Designations

The site is located c. 900m to the south of the Lough Oughter and Associated Loughs SAC (Site Code: 000007) and c. 700m to the south of the Lough Oughter and Associated Loughs Proposed Natural Heritage Area (Site Code: 000007). The Lough Oughter SPA (Site Code 004049) is located c4.4km from the site.

5.5. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

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

- The appeal refers to the service provided by Three Ireland (Hutchison) Limited in the area. The proposed mast will offer other operator's space to co-locate services on the site.
- The appeal sets out a justification for a new site in Ballyhaise. The appeal outlines that Ballyhaise and its rural environs is experiencing deficient 4G coverage and the proposal has been designed to address coverage blackspots. The development will also provide a viable co location space for planned future technology.
- The proposal is in accordance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) in relation to the siting of mast structures.
- The appeal refers to a revised design option (proposed 18m mast) to address the concerns of the planning authority and reduce the visual impact on surrounding areas in the instance that the board considers the proposed 21m lattice structure to be unacceptable. A revised set of drawings and photomontages are submitted for the consideration of the Board.

- The appeal outlines that the impact of mast is reduced with a thinner support structure profile and reduction in height. It is stated that the green colour helps to blend the structure into the skyline. The appeal outlines that by replacing the lattice structure with a lower 18m monopole impacts on the character and setting of St. Mary's Church on the approach roads to Ballyhaise are reduced.
- The appeal outlines that the proposal is in accordance with local, regional and national planning policy which supports improved telecommunication infrastructure services.
- The Board is requested to grant permission for the development.

6.2. Planning Authority Response

None received within statutory response period.

6.3. Observations

6.3.1. 15 no. observations were submitted in respect of the first party appeal. A list of observers is set out below:

- Pauline Tully TD
- Majella Smith on behalf of Ballyhaise GAA
- Tomás O' Rourke
- Cllr. Paddy McDonald
- Siofán O' Connachtaigh
- Tara Hewitt
- Michelle Dunne
- Bernard and Bernie O' Reilly
- Caroline O' Reilly
- Grainne Smith
- Paula O' Reilly
- Charile O' Donoghue and Caitriona O' Reilly

- Sean Quinn
- Thomas and Anne-Maire Smith
- Enda Fay

6.3.2. The following provides a summary of the key points raised within the observations. The points raised within the observations overlap and have been grouped by issue to avoid undue repetition.

- Impact development on the Character and Setting of St. Mary's RC Church
- Public Health and Safety –The observations raise concern in relation to the impact of the proposals on residential properties and the local national school. The revised proposals do not address this.
- Impact on Oakwood pNHA – The application does not address the impact on the pNHA which is 685m away.
- Insufficient Rationale for the Proposed Mast – The observations on the appeal refer to existing masts within the Ballyhaise area and question the requirement for the proposed mast in light of existing infrastructure within the area. The observations question the accuracy of the identification of a blackspot within the Ballyhaise having regard to the reference to Ballinasloe within the application documentation.
- Impact of the development on views along the Walking Trail- The proposal is contrary to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996 on the basis of its impacts on views along the trail.
- Lack of Environment Impact Assessment with the application.
- Impact of the proposal on bats.
- The observations request An Bord Pleanala to refuse permission for the development.

7.0 Assessment

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

- Visual Impact
- Rationale for Proposed Mast
- Other Issues

The issue of Appropriate Assessment Screening is addressed in Section 8 of this report.

7.2. Visual Impact

7.2.1. Cavan County Council's reason for refusal raises concern in relation to the visual impact of the development from approach roads to Ballyhaise and its impact on the character and setting of St. Mary's Church a Protected Structure. The reason for refusal outlines that:

"Having regard to the prominent location of the proposed development adjacent to the built up area of Ballyhaise and the high visibility of the proposed development from the approach roads to Ballyhaise to Cavan town which includes the view from the Protected Structure of St. Mary's Church (CV0824) it is considered that the proposed development would have an adverse visual impact on the amenity of the surrounding area which includes the setting of a Protected Structure. The proposed development would therefore contravene Objective ICT 05 of the Cavan County Development Plan 2022-2028 which is to ensure the locations of telecommunications structures minimise and/or mitigate any adverse impacts on communities, public rights of way and the built or natural environment. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area".

7.2.2. At the outset, I note that the development objectives of the Cavan County Development Plan support the provision of telecommunications infrastructure within the County (ICT 03 and ICT 04). Cavan County Council's reason for refusal refers to

Development Objective ICT 05 of the CCDP which seeks to *“Ensure the locations of telecommunications structures minimise and/or mitigate any adverse impacts on communities, public rights of way and the built or natural environment”*.

- 7.2.3. The proposed mast is a 21m multi-user lattice type telecommunications support structure. The appeal site is located on a hilltop location to the south-west of Ballyhaise town centre and would be visible from a number of vantage points on the western and southern sides of the town as illustrated on the submitted photomontages. There is no Special Landscape designation in this area. There are no scenic routes or protected views designated within the area within the Cavan County Development Plan. The proposed development is on the route of a local walking trail part of which formed a Part 8 decision by the Council (see Planning History above).
- 7.2.4. A Visual Impact Appraisal prepared by Indigo was submitted in support of the application which contains 15 no. views of the proposed development. It describes this area, as having a medium sensitivity to accommodate changes, and as having a medium/low capacity to accommodate changes. It records the Sensitivity of the viewpoints ranging from Imperceptible to Moderate.
- 7.2.5. Viewpoints 6 and 8 relate to views in the vicinity of St. Mary’s Church, a Protected Structure c. 300m away, to the structure. St Mary’s Church is described as follows within the RPS *“RPS No. CV0824 (NIAH 40401618) - Freestanding Gothic Revival gable-fronted Roman Catholic church, built 1823, enlarged 1862, moved to current location 1942. Regional Rating”*. Table 1 of the Viewpoint Analysis set out within the application Cover Letter identifies views from View 6 as Negative Slight/Moderate and View 8 as Negative Moderate.
- 7.2.6. I have reviewed the submitted viewpoints from St. Mary’s Church and do not consider that these provide for a worst-case scenario assessment of visual impact of the structure. The views do not illustrate the proposed mast in the context of the Church along the approach road to Ballyhaise from Cavan. I share the concerns of Cavan County Council in relation to the potential impact of the development on the character and setting of this structure. I consider that the views attached to the observations on the appeal represent an overstatement of visual impact.

- 7.2.7. I consider that the proposed 21m lattice format mast would be prominent when viewed from St. Mary's Church with no intervening structures. On the basis of the information submitted in the conjunction with the application I consider that both the height and the lattice design of the mast render it visually prominent when viewed from the approach roads to the town in the context of St. Marys Church.

Revised Proposal

- 7.2.8. The applicant has submitted revised proposals for the mast to address the concerns raised in relation to visual impact within Cavan County Council's notification of decision to refuse permission. A revised 18m monopole mast structure is proposed as an alternative for consideration of the Board in the instance that the 21m lattice structure is deemed unacceptable. The appeal is accompanied by revised drawings and viewpoints. I have considered the revised option as submitted by the applicant.
- 7.2.9. On review of the revised proposal and photomontages, I consider that the applicant has sufficiently addressed the planning authority's reason for refusal as they relate to the impact of the proposal on the character and setting of St. Mary's Church and views from the approach roads to Ballyhaise. I consider that the revised proposal would form a less visually prominent feature in the landscape.
- 7.2.10. The observations on the appeal raise concern in relation to the visual impact of the development on the permitted walking trail in Ballyhaise. Oakwood Lane forms part of the permitted route. The observations outline that the mast will intrude on views along the walking trail and is contrary to the guidance set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996 on this basis. I consider that views of the proposed 18m high telecommunications structure from the walkway would be intermittent and in the most instances screened by the existing boundary treatment.
- 7.2.11. Having regard to the above reasons and considerations I consider that the applicant has sufficient addressed Cavan County Council's reasons for refusal in the revised proposals.
- 7.2.12. I note that the proposed monopole is indicated as green in colour within the revised proposals submitted to the Board. I recommend that this should be grey to negate against visual impact. I am satisfied that this can be addressed by means of

condition in the instance that the Board is minded to grant permission for the development.

7.3. Rationale for Proposed Mast

- 7.3.1. The observations on the appeal outline that Ballyhaise is well served by telecommunication infrastructure and has an excellent service. The observations question the need for the proposed additional mast within Ballyhaise.
- 7.3.2. I refer to the Technical Justification Report submitted in support of the application. This sets out a rationale for the proposed development namely to improve service in the Ballyhaise area. The appeal furthermore outlines that Ballyhaise and its rural environs is experiencing deficient 4G coverage and the proposal has been designed to address coverage blackspots. The development will also provide a viable co location space for planned future technology.
- 7.3.3. The observations question the rationale for a new mast on the basis of existing infrastructure serving the village. Section 3.1 of the reports addresses restrictions on locating on existing telecoms structures and outlines that no existing stations would provide the necessary coverage to the specific area. The observations refer to the existing mast in Ballyhaise 1.1km from the appeal site. This site is dismissed within Section 3.2 of the assessment on the basis that it is unable to cover the specific area due to terrain.
- 7.3.4. The observations question the need for the proposed additional mast and reference in the application to the village as a blackspot (reference to Ballinasloe in page 12 of the cover letter). However, on the basis of the information set out within Section 4 of the Technical Justification Report I am satisfied that the applicant has demonstrated deficiencies in the existing services and provided a justification for the need for the proposed mast within Ballyhaise.
- 7.3.5. Having regard to the information submitted in conjunction with the first party appeal I consider that a rationale has been provided in relation to the siting of the proposed telecommunications structure. I furthermore consider that the applicant has demonstrated that options for co-locating the structure are not feasible.

7.4. Other Issues

Public Health and Safety

- 7.4.1. The observations on the appeal raise health concerns in relation to the siting of the proposed mast in the vicinity of existing residential properties and the national school at Ballyhaise.
- 7.4.2. Circular Letter PL07/12 states that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. It also notes that telecommunication infrastructure is regulated by other codes and such matters should not be additionally regulated by the planning process.

Impact on Residential Amenity

- 7.4.3. Having regard to the separation distance of the proposed mast to existing residential properties and the fact that none of the properties overlook the site I am satisfied that the proposed development will not adversely impact on the residential amenity of the area.
- 7.4.4. I note the concerns raised in the observations on the application in respect of the devaluation of neighbouring property. However, having regard to the distance between the proposed telecommunications structure and existing residential properties, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Impact on Proposed Natural Heritage Area and Ecology / Bats

- 7.4.5. The observations raise concern in relation to the impact of the proposal on the Oakwood pNHA and outline that this is not addressed within the application. I note that the Lough Oughter and Associated Loughs Proposed Natural Heritage Area is located c.700m to the north of the appeal site.
- 7.4.6. The appeal site is located on farmed agricultural land and is different in characteristics from the designated Lough Oughter and Associated Loughs pNHA. The site is not located within a protected habitat and forms part of an agricultural field.

- 7.4.7. The observations on the appeal raise concern in relation to the impact of the proposed mast on bats. I note that the planner's report which informs the decision of the CCC to refuse permission for the development recommends the submission of an ecological and bat survey.
- 7.4.8. Having regard to the characteristics of the appeal site which comprises of an open agricultural field enclosed by post and rail fencing and the limited scale and footprint of the development, I am satisfied that the proposed development is not likely to have a significant impact on habitats and wildlife in the area.
- 7.4.9. There are no buildings on site which would accommodate bat roosts. However, I note the presence of an established treeline along the boundary with Oakwood Lane. In this regard I note these concerns are managed under the provisions of the Wildlife Act 1976. Notwithstanding the above granting permission for a mast would not constitute consent for a developer to disturb bats or to interfere with their breeding or resting places. The developer would still be obliged to comply with the provisions of the NPWS's licensing regime and a derogation licence may be required for any works should they disturb or interfere with bats.

Lack of Environmental Impact Statement

- 7.4.10. The observations outline that an Environmental Impact Statement was not submitted in support of the application. In this regard I note that the proposed development does not fall within a class for which an EIAR is required.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located on unzoned agricultural land on the outskirts of Ballyhaise. The closest Natura 2000 site is the located c. 900m to the north of the site the Lough Oughter and associated Loughs SAC (Site Code: 000007).
- 8.3. The proposed development comprises of the construction of a telecommunications mast and site development works on the 0.014 ha site as detailed within Section 2 of this report.

- 8.4. No nature conservation concerns were raised in the planning appeal with respect to Natura 2000 sites. The proposed development is situated on actively farmed agricultural land approximately 700 metres south of the proposed National Heritage Area (Lough Oughter and Associated Loughs pNHA 000007, approximately 900m metres south of the Special Area of Conservation (Lough Oughter and Associated Loughs SAC 000007) and c.4.3 kms east of Lough Oughter Complex SPA. The site of the proposed development is different in physical context and characteristics from the above three sites which are based on wetland characterisations / qualifying interests.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature and scale of the development.
 - The lack of proximity between the appeal site and any Natura 2000 site and the lack of direct connections between same.
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2022-2028, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12 and the existing pattern 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 character and setting of St. Mary's Church (Protected Structure reference RPS CV0824) or the visual amenities of the area or of property in the vicinity. 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 appeal on the 19th of January 2024, 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. Prior to commencement of development, details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority.

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

3. The proposed telecommunication monopole shall have a maximum height of 18m.

Reason: In the interest of clarity.

4. 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.

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

Reason: In the interest of public health.

6. Details of a proposed landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

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.

Stephanie Farrington
Senior Planning Inspector

20th of August 2024