



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319652-24

<b>Development</b>	Construction of a 18m high telecommunications mast and all associated site works.
<b>Location</b>	Sunnagh More, Drumloughan, Cloone, Co. Leitrim
<b>Planning Authority</b>	Leitrim County Council
<b>Planning Authority Reg. Ref.</b>	2360152
<b>Applicant(s)</b>	Vantage Towers Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Charlie Clancy Gerry Keegan.
<b>Observer(s)</b>	Kenneth Prior.
<b>Date of Site Inspection</b>	14 <sup>th</sup> of August 2024.
<b>Inspector</b>	Stephanie Farrington

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.018ha, is located on an elevated agricultural field approximately 2km southeast of Cloone village. Access to the site is provided via an existing agricultural gated entrance and agricultural track off local secondary road LS-5561-0, which leads east off Regional Road R201. An existing ringfort/rath is located c.300m to the northwest of the site (LE033-029).

## **2.0 Proposed Development**

- 2.1. The proposed development seeks construction of an 18m high lattice tower together with antennae, dishes, and associated telecommunications equipment, all enclosed by security fencing.
- 2.2. The following documentation was submitted in support of the application:
- Completed Application Form and Public Notices
  - Application Drawings
  - Cover Letter
  - Letter of Consent from Landowner
  - Letter of Support from Vodafone
- 2.3. The following documentation was submitted in support of the applicant's response to Leitrim County Council's request for further information.
- FI Response Cover Letter
  - Appropriate Assessment Screening
  - Photomontages
- 2.4. The applicant submitted details of existing and proposed 2G coverage within the vicinity as unsolicited further information.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Leitrim County Council issued a notification of decision to grant permission for the development subject to 7 no. conditions.

3.1.2. The following conditions are of note:

- Condition no. 3: When the structure and ancillary structures are no longer required, they shall be demolished, removed and the site re-instated at the operators' expense.
- Condition no. 7: The applicant shall be responsible for the surface water management of the proposed development. No surface water from the access road shall flow onto the public road. The development shall not impair existing land or road drainage.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

#### Initial Planner's Report (24/01/2024)

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

- The report raises concern in relation to the siting and potential visual impact of the proposed mast on elevated grounds overlooking Cloone village. The report outlines that an insufficient rationale for the proposed lattice format structure has been provided.
- The report outlines that while the applicant has demonstrated that there is a sufficient technical justification for a new telecommunications structure in the general location proposed to improve coverage in this catchment area, it is considered that the information as submitted falls short of that required to fully assess the proposal. The report refers to the visual impact of the proposed development, the need for a structure of the design proposed and evidence of

the consideration of alternative sites & explanation of their unsuitability in this regard.

- The report recommends a request for further information in respect of the following:
  - Item 1: Details of Alternative Sites Considered
  - Item 2: Revised drawings illustrating existing telecommunication services in the area and service to be provided following installation of the proposed development.
  - Item 3: elevation drawings identifying the equipment proposed to be erected on the telecommunications support structure.
  - Item 4: Submission of visual impact assessment and photomontages.
  - Item 5: Appropriate Assessment Screening
  - Item 6: Proposals for upgrading of existing access track
  - Item 7: Response to 3<sup>rd</sup> party submissions

#### Planner's Report on Further Information (12/04/2024)

The planner's report on receipt of the applicant FI request recommends a grant of permission subject to conditions. The following provides an issue of the key issues raised:

- The applicant has provided a reasoned technical justification for the siting of the proposed development.
- The report outlines that the appeal site is not within a designated area, not within a protected view nor within a visually fragile or sensitive landscape. While the visual impact assessment undertaken has demonstrated that the telecommunications structure will be visible from certain locations in the surrounding area, it is noted that, for the most part, views of the structure will be distant, intermittent, and incidental.
- The report concludes that the proposed development would not seriously injure the visual and residential amenities of the area.

- A development contribution charge does not apply to broadband infrastructure in accordance with the Development Contributions Guidelines for Planning Authorities 2013 and the Leitrim County Council Development Contribution Scheme 2023.

### 3.2.2. Other Technical Reports

#### South Leitrim District Engineer (04/01/24 & 02/04/2024)

- No objection subject to conditions relating to surface water disposal, roadside drainage and the protection of the public road.

### 3.3. Prescribed Bodies

#### Irish Aviation Authority (11/12/2023)

- No requirement for obstacle lighting on the telecommunications structure.

### 3.4. Third Party Observations

4 no. observations were submitted in respect of the application. The issues raised primarily reflect those raised within the grounds of appeal and are briefly summarised as follows:

- Negative Impact on Visual Amenity.
- Impact on Recorded Monument.
- Health and Safety Concerns.
- Lack of Consideration of Alternative Sites.
- Insufficient details within application – lack of AA Screening / NIS.
- Impact on wildlife.
- Unsuitable Site.
- Devaluation of Residential Property.
- Impact of the proposal on future applications for residential development in the area.

## 4.0 Planning History

There is no record of planning history associated with the site.

## 5.0 Policy Context

### 5.1. Development Plan

#### Leitrim County Development Plan 2023-2029 (LCDP)

##### Chapter 2 – Core Strategy

- 5.1.1. The appeal site is located within an unzoned rural area outside of any designated town/village or Graig within the settlement strategy.
- 5.1.2. Strategic Objective 8 of the Development Plan seeks. *To support the development of key infrastructure such as telecommunications, electricity and sources of renewable energy to enable and facilitate economic development.*

##### Chapter 4 – Economic Development

- 5.1.3. Section 4.4. identifies key principles which are important in facilitating the economic growth of the County. These include *“Ensuring that existing and planned infrastructure (including water services, transportation and telecommunications) is in place to serve the identified zoned lands”.*

##### Chapter 9 – Infrastructure and Energy

- 5.1.4. Section 9.18 relates to Telecommunications and outlines that the Council recognises the importance of advanced communications infrastructure for an information-based society, and as a key support for business, education and research. Section 9.18 outlines that the Council will seek to achieve a balance between facilitating the provision of telecommunications services in the interests of social and economic progress and protecting residential amenities and environmental quality.
- 5.1.5. The following policies of the Plan are of relevance:
- Policies 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.
- Objective 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.

#### Chapter 11 – Heritage and Biodiversity

- 5.1.6. Section 11.14 of the LCDP relates to Landscape Character Assessment and Section 11.15 relates to Landscape Designations. The appeal site is located within Area 14 - Corriga Uplands Landscape Character Area as defined within Figure 11.2 and Map 9 of the LCDP. Figure 11.3 and Map 10 identifies Landscape Designations including Areas of Outstanding Natural Beauty (AONB) and Areas of High Visual Amenity (AHVA). The appeal site is not located within any of these areas.
- 5.1.7. Section 11.16 of the Development Plan relates to View and Prospects. Figure 11.4 and Map 11 of the Development Plan identifies Protected Views and Prospects. No protected views or prospects are identified within the vicinity of the site.

#### Chapter 13- Development Management Standards

- 5.1.8. Section 13.20.3 of the Plan relates to Telecommunications and Supporting Infrastructure and outlines that: *“Proposals for telecommunications antennae and support structures will be assessed in accordance with the ‘Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities’ (DoELG,*

*1996), as revised by Circular Letter PL 07/12, and any other publications and material as may be relevant in the circumstances”.*

5.1.9. The Plan outlines that planning applications for new facilities should include:

- A reasoned justification regarding the need for the particular development at the proposed location. This shall detail the significance of the proposed development to the telecommunications network, including a map of the area and existing coverage in the area. A technical explanation shall be provided of the reasons why coverage cannot be provided by existing antennae;
- Details of efforts (i.e. written correspondence) made to share installations or co-locate/cluster with existing structures; this should reference a map showing the location of all existing structures within a minimum 2km radius of the proposed site;
- Evidence of consideration of alternative sites and explanation of their unsuitability;
- Visual impact assessment and mitigation measures (e.g. landscape screening, colour treatment of masts/antennae), and
- Any impacts on rights of way and walking.

**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**

- 5.4.1. The site is not located within or adjacent to any designated European site. The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Lough Oughter and Associated Loughs SAC (Site Code 000007)- 14km
- Lough Oughter Complex SPA (Site Code 004049) -16km
- Lough Sallagh p NHA (Site Code 001808) – 6.3km
- Lough Naback p NHA (Site Code 001449) – 9.2km

### **5.5. EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

- 6.1.1. 2 no. third party appeals were submitted in respect of Leitrim County Council's notification of decision to grant permission for the development. The following provides a summary of the grounds of appeal.

Gerry Keegan

6.1.2. The appeal raises concern in relation to the delayed notification of the decision of LCC to grant permission for the development (decision date 15/04/24 and notification date 29/04/24). The appeal raises concern in relation to the delayed notification of the planning authority's decision and the limited timeframe to make an appeal.

6.1.3. A copy of the appellant's submission on the application is attached to the appeal. The following provides a summary of the key points raised:

- Visual intrusiveness of the mast on Brady's Hill.
- Devaluation of property in the vicinity.
- Impact on future applications for housing in the area.
- Impact on groundwater.
- Proximity to Ringfort.
- Impact of the development on the quantity and quality of breeding buzzard's habitat in the area.
- Impact on flight path for Geese and Swans.
- Heath Risk associated with the structure.
- No consideration of alternative sites to accommodate the development.

Liam Madden on behalf of Charlie Clancy

6.1.4. The following provides a summary of the third-party appeal submitted on behalf of Charlie Clancy:

- The appeal raises concern in relation to the visual impact of the proposed lattice metal tower. The appeal refers to application by Oak Holdings for timber communications structures including the 2025 Tower in Neunkirchen. The appeal outlines that such structures represent an improvement to the lattice structure.
- The appeal cites to the reference to temporary permission within the application and Condition no. 3 of LCC's decision and refers to the dated nature of national guidance.

- The appeal outlines that the development is contrary to Telecommunications Policy 5 which requires minimising any potential adverse impacts on the natural environment and Policy 4 which relates to co-location of masts.
- The appeal refers to the letter of support from Vodafone submitted in conjunction with the application and outlines that the requisite €20 observation fee was not submitted.
- The appeal questions the site selection process and raises concern in relation to the siting of the proposal on elevated grounds overlooking Cloone village and surrounding townlands.
- The appeal refers to the design issues raised within the request for further information and invitation by the planning authority to redesign. It is stated that this was not addressed by the applicant.
- The appeal refers to decision of ABP to refuse permission for a similar proposal in Quin, Co. Clare on foot of concerns in relation to the visual impact of the development on Quin ACA and non-compliance with the DOE Guidelines on Communications.
- The appeal requests that permission is refused for the development.

## 6.2. Applicant Response

6.2.1. A response to the grounds of appeal was submitted on behalf of the applicant. The following provides a summary of the key points raised:

- The appeal response outlines that wooden towers are in development but not available in Ireland to date. The steel lattice design is considered to be the most appropriate design response for the location in question. The 18m height is at the minimum to achieve required coverage and the lattice design facilitates an easier sharing facility.
- The appeal outlines that the wooden structure in Neunkirchen, as referred to within the grounds of appeal, is between 30m and 40 m high and would not be appropriate on the appeal site. The appeal furthermore outlines that the alternative 10m to 27m high wooden structure would not be suitable as it

includes an upper steel lattice section which would not make a visual improvement compared to the proposal.

- The appeal response outlines that the appellant has misunderstood the requirements of Condition no. 3 of the Planning Authority's decision. The appeal outlines that the condition does not imply the grant of temporary permission. It is a standard condition in relation to reinstatement applied by Planning Authorities.
- The applicant considered the requirements of TEL POL 5 of the Leitrim County Development Plan which relates to the location of telecommunication masts. Compliance with this Policy is addressed within the applicant's further information (FI) response which considers the overall impact of the proposed development.
- Vantage Towers has a sharing policy and the proposed lattice lends itself for use as a sharing facility.
- The appeal response refers to the letter of support from Vodafone submitted in support of the application. The letter was attached as an Appendix to the application cover letter and is not a submission or observation.
- The appeal response provides a justification for the height and design of the proposed structure. The proposed 18m height is to the minimum height to facilitate coverage.
- The visual impact of the structure is illustrated within the photomontages submitted in response to LCC's FI request and described within the visual impact assessment (VIA) as ranging from medium to minimal.
- The fence is required for health and safety reasons. Screen planting will be provided in accordance with the requirements of Condition no. 4 of LCC's decision and the fence will be painted dark green in accordance with the requirements of Condition no. 5.
- The appeal response refers to the difference context pertaining to the appeal site and the site of the proposed telecommunication structure in Quin, Co. Clare wherein permission was refused by ABP on foot of concerns relating to impact on an Architectural Conservation Area (ACA). In particular, it is stated

that the appeal site is located in a rural rather than urban location and is not located within an ACA.

- Cloone is subject to weak coverage, particularly for enhanced 4G and 5G services.
- The appeal response requests An Bord Pleanála to uphold the decision of Leitrim County Council and grant permission for the development.

### **6.3. Planning Authority Response**

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

- The submissions received from the appellants during the course of the application were carefully considered.
- The PA's response cross refers to the planner's reports dated the 24<sup>th</sup> of January and the 12<sup>th</sup> of April 2024 in which all aspects of the development is assessed.
- For the most part the appeals do not raise any new planning issues which have not been assessed during the course of the application.
- The appeal response refers to two specific issues raised within the appeal by Mr. Liam Madden on behalf of Mr. Charlie Clancy in relation to (1) temporary permission (2) observation fee.
- The PA's response outlines that the application did not seek temporary permission and Condition no. 3 attached to LCC's notification of decision to grant permission for the development does not restrict the duration of the permission. The condition relates to reinstatement of the site in the event of the structure and support structures ceasing to operate.
- LCC's appeal response furthermore clarifies that a €20 observation fee does not apply to the applicant.
- The PA consider that a reasoned technical justification was provided for the siting of the structure at the location proposed.

- The appeal response furthermore outlines that a reasonable rationale was provided by the applicant for the lattice type structure and height of the proposed mast.
- The PA consider that the proposal would not have a detrimental impact on the visual amenities of the area. The site is not located within a visually sensitive or designated area and there are no protected views within the vicinity. Any views of the structure are considered to be distant, intermittent and incidental.
- There are no recorded monuments within the zone of influence of the appeal site. RMP Ref: LE33-029 “Ringforth- Rath” is located to the west and outside of the appeal site.
- The PA does not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. The PA is satisfied that the project does not require Stage II Appropriate Assessment under the habitat’s directive.
- The appeal response cross refers to the national and development plan policy which support telecommunication infrastructure, and the technical justification submitted in support of the application. It is considered that the benefits of the development outweigh any limited visual impact.
- The PA request ABP to uphold the decision of LCC and grant permission for the development.

#### **6.4. Observations**

An Observation from Kenneth Prior was submitted in respect of the appeal. The following provides a summary of the key issues raised:

- The observation raises concern in relation to the visual impact of the proposal.
- The observation raises Health and Safety concerns in respect of telecommunication masts and refers to the case on the farm in Daingean, Co. Tipperary.
- The observation raises concern in relation to the impact of the mast planning applications for homes in the area.

## 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:

- Siting and Rationale for Proposed Mast
- Design and Visual Impact
- Compliance with Policy TEL POL 5 of Leitrim County Development Plan
- Other Issues

In addition to the above, the issue of Appropriate Assessment Screening is addressed in Section 8 of this report.

### 7.2. Siting and Rationale for Proposed Mast

7.2.1. The proposed development seeks construction of an 18m high lattice tower together with antennae, dishes, and associated telecommunications equipment, all enclosed by security fencing on an agricultural field approximately 2km southeast of Cloone village, Co. Leitrim.

7.2.2. A technical justification for the proposed mast is set out within the application documentation and the applicant's response to LCC's request for further information. This outlines that Vodafone's current service within Cloone village and surrounding area is inadequate to fulfil the current and forecast demand for new technologies and communication services ("fringe" 4G coverage and no 5G coverage). In this regard it is stated that current consumer demand is unmet and has a negative impact on the local community. The Cover Letter outlines that the proposal will enhance 4G and 5G connectivity in Cloone and the surrounding area and improve coverage on the local road network. The applicant's submitted Unsolicited Further Information which illustrates existing and proposed 2G coverage within the area. The coverage improves from an existing range of fair/fringe to very good. On the basis of the information set out within the application I am satisfied that the applicant has submitted a sufficient technical justification for the proposed mast.

- 7.2.3. The appeals on the application question the rationale for the development on an elevated hilltop location in Cloone and raise concern in relation to the lack of consideration of alternative sites. The appeals assert that the development is contrary to TEL POL 4 of the Leitrim County Development in this regard which seeks: *“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”*.
- 7.2.4. The issue of the siting of the proposed mast and potential co-location with existing mast infrastructure was raised within LCC’s request for further information (Item 1). The applicant’s FI response refers to the topographical constraints of Cloone and outlines that the village and surrounding area are on lowlands and the surrounding lands and mountain to the east interrupt and block coverage. A site on higher ground is therefore required to provide coverage. The FI response furthermore outlines that the application site to the southeast of the village is the only technically suitable location to provide coverage. The site provides links to the existing network and coverage over the target area.
- 7.2.5. On the basis of the information set out within the application and appeal response, I am satisfied that the applicant has demonstrated deficiencies in the existing telecommunications coverage within Cloone and the surrounding areas and provided a sufficient technical justification for the proposed mast. I furthermore consider that the applicant has provided a sufficient justification for the siting of the structure and demonstrated that given the topographical constraints of the area and requirement for an elevated location to address existing coverage deficits options for co-locating the structure are not feasible. In this regard I do not consider that the proposal is contrary to TEL POL 4 of the Leitrim County Development Plan 2023-2029.
- 7.2.6. The policies of the Leitrim County Development Plan support the provision of high-quality telecommunications infrastructure throughout the County (TEL POL 1, TEL POL2, TEL POL3). I consider that the principle of the proposed mast is acceptable at this location.



### 7.3. Design and Visual Impact

- 7.3.1. The appeals and observation on the application raise concern in relation to the siting of the proposal on elevated grounds overlooking Cloone village and the visual impact of the structure on the surrounding area.

#### Design

- 7.3.2. The proposed mast is an 18m high lattice tower together with antennae, dishes, and associated telecommunications equipment. The appeal submitted on behalf of Charlie Clancy raises concern in relation to the design of the structure and outlines that wooden structures are provided within other locations. The applicant's appeal response outlines that while options are being considered for alternative design of masts, such options are not yet available in Ireland. The appeal response outlines that the wooden structure in Neunkirchen, as cited by the appellant, is between 30m and 40 m high and would not be appropriate at the appeal site. The alternative wooden design option (ranging from 10m to 27m) would also not be suitable as it includes an upper steel lattice section which would impact on the visual amenity of the area. I consider that the applicant has provided a sufficient rationale for not pursuing alternative design options.
- 7.3.3. The application documentation outlines that the lattice design will facilitate co-location and the proposed 18m height is the minimum required to provide coverage to the catchment area. I am satisfied that the applicant has provided a sufficient justification for the lattice design and 18m height of the proposed mast.

#### *Visual Impact*

- 7.3.4. The appeals and observation on the application raise concern in relation to the visual impact of the proposal. In considering the grounds of appeal, I note that the appeal site is not located within a visually sensitive location. The appeal site is not identified within a high amenity area or within the path of any scenic routes or protected views as identified Leitrim County Development Plan.
- 7.3.5. The issue of visual impact of the proposal was raised within Leitrim County Council's request for further information (FI). The applicant submitted a visual impact assessment and photomontages in response the FI response. 7 no. viewpoints were submitted as detailed in the Table below.

<b>Viewpoint</b>	<b>Location</b>	<b>Predicted Impact</b>
Viewpoint 1	L5561 Sunnagh More (431m northwest of site).	Minimal, intermittent and momentary
Viewpoint 2	Unnamed Road, Sunnagh More (549m southwest of site).	Medium to minimal
Viewpoint 3	L5561 Sunnagh More (872m to northeast).	Due to dense trees and bushes, overhead cables and topography of the area the proposal assimilates into the area
Viewpoint 4	R201 Sunnagh Beg (1.6km to the north).	Minimal, intermittent and momentary
Viewpoint 5	Car Park Entrance, Keeldra Lough (2.5km southwest of the site).	Not visible due to trees in foreground. In absence of trees, it would be difficult to identify due to distance.
Viewpoint 6	Parking bay, Cloone Community Centre (2km to the northwest)	Difficult to identify the structure due to distance, backdrop of the hill and trees behind it.
Viewpoint 7	St. Mary's Church car park, Cloone village (2.1km to the northwest)	Difficult to identify the structure due to distance, backdrop of the hill and trees behind it.

7.3.6. The applicant's visual impact assessment concludes that the proposed structure will be identifiable from certain points, seen intermittently and is hidden from other points. The assessment concludes that the overall visual impact of the development varies from medium at most visual points to minimal.

7.3.7. Having reviewed the visual impact assessment and associated photomontages and having visited the site and surrounding area I do not consider that the proposed development would have a negative visual impact on Cloone village or the

surrounding area. While I note that the mast is visible from certain viewpoints including within Cloone village I do not consider that it forms a prominent or dominant feature in the landscape. I refer to the requirements of Conditions no. 4 and 5 of LCC's notification of decision to grant permission for the development which relate to the provision of screen planting and specifications for compound fencing. I recommend the inclusion of these conditions in the instance that the Board is minded to grant permission for the development.

- 7.3.8. The appeal submitted by Liam Madden on behalf of Charlie Clancy refers to the decision of An Bord Pleanála to refuse permission for a mast at Quin, Co. Clare on grounds including impact on the character of the Quin Architectural Conservation Area (ACA) (ABP Ref: 312196-21). The applicant's appeal response outlines that the site circumstance differ in that the application site is not located within an urban area or adjoining an ACA. I have assessed the application on its individual merits and having regard to the site context. In considering the grounds of appeal, I note that there are no Architectural Conservation Area designations in Cloone or within the vicinity of the site and the site is not located within a visually sensitive location. I am satisfied that the reason for refusal cited by the appellant under ABP Ref: 312196-21 does not apply to the subject application.

#### **7.4. Compliance with Policy TEL POL 5 of Leitrim County Development Plan**

- 7.4.1. The appeal submitted on behalf of Charlie Clancy outlines that the proposal is contrary to the requirement of TEL POL 5 of the LCDP 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*". In this regard, I note that the appeals raise particular concern in relation to the impact of the proposal on residential amenity, wildlife and the existing national monument in the vicinity of the site. I consider the issues raised in turn as follows.

##### *Impact on Residential Amenity*

- 7.4.2. The appeal site is located within an existing agricultural landholding and the closest residential properties are located c. 300m to the south and c.500m to the northwest and southwest. 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.

- 7.4.3. I note the concerns raised within the appeals 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.
- 7.4.4. The observation on the appeal raises concern in relation to the impact of the proposal on future applications for residential development within the area. The appeal site is located within an unzoned rural area outside of the settlement boundary of any Town/Village or designated Graig within the Leitrim County Development Plan. Any future applications for residential development would be assessed on the individual merits and in accordance with relevant development plan provisions.

#### *Impact on Wildlife*

- 7.4.5. The appeal from Gerry Keegan raises concern in relation to the impact of the proposal on breeding grounds for buzzards and impact on flight paths for swans and geese. The appeal site is not located within a protected habitat and forms part of an agricultural field. Having regard to the characteristics of the appeal site and the limited scale and footprint of the development (appeal site area of 0.018ha), the existing character of development within the immediate vicinity which includes an extensive agricultural area, I am satisfied that the proposed development is not likely to have a significant impact on habitats and wildlife in the area.
- 7.4.6. In terms of impact on flight paths I consider that no significant flight paths related to protected birds have been identified in this area. On site inspection, I noted that there were existing overhead wires and structures similar to a mast within the immediate vicinity of the site as identified within the applicant's photomontages. There is no reason to believe a bird would not fly over or around the proposed structure.

### *Impact on National Monuments*

- 7.4.7. National Monuments in the vicinity of the site include an existing ringfort/rath c. 300m to the northwest of the site (LE033-029). The ringfort is described within the NMS website as follows: *“situated just off the crest to the NE of a slight N-S ridge which is on the NW-facing slope of a drumlin. This is a grass-covered circular area (int. diam. 37.6m E-W; 35.6m N-S) defined by an overgrown earthen bank (Wth of base 5m; int. H 1.2m; ext. H 2m) except at N where it has been removed, and an external fosse (Wth of top 6.5m; Wth of base 3.5m; ext. D 1.2m). The original entrance is not identified”*.
- 7.4.8. The appeals on the application raise concern in relation to the impact of the proposed mast on the Ringfort. The proposed mast is located 300m to east of the ringfort and separated from the monument by an open agricultural field. The proposed mast does not impinge on the physical extent of the ringfort, nor is it located within its zone of notification. While the mast is clearly visible from the recorded monument, I do not consider that it represents a form of development which detracts from its character or setting.

### *Impact on Groundwater*

- 7.4.9. The appeal from Gerry Keegan raises concern in relation to the impact of the proposal on groundwater. Having regard to the characteristics of the appeal site which comprises of an open agricultural field and the limited scale and footprint of the development (appeal site area of 0.018ha) I consider that there would be limited potential impact on groundwater.

### *Conclusion*

- 7.4.10. On the basis of the above, I am satisfied that the proposed development will not detrimentally impact on existing communities, residential properties, schools and the built or natural environment. I am therefore satisfied that the proposal is not contrary to the provisions of TEL POL 5 of the Leitrim County Development Plan.

## **7.5. Other Issues**

### *Public Health and Safety*

- 7.5.1. The 3<sup>rd</sup> party appeals, and observation raise health concerns in relation to the proposed mast. In considering the grounds of appeal, I note that 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.

#### Procedural Issues

- 7.5.2. The appeal from Liam Madden refers to the letter of support from Vodafone submitted in support of the application. The appellant outlines that no observation fee was submitted in conjunction with the observation. I note that the correspondence from Vodafone was submitted in conjunction with the application rather than as an observation. I am satisfied that no observation fee would apply in this instance.
- 7.5.3. The appeal from Liam Madden furthermore refers to temporary permission and refers to Condition no. 3 of LCC's decision in this regard. I have reviewed the application and am satisfied that the application does not relate to temporary permission. I am also satisfied that LCC has not applied conditions restricting the lifetime of the permission. Condition no. 3 of the PA's decision relates to reinstatement of the site in the event that there is no longer a requirement for the proposed infrastructure.
- 7.5.4. The appeal from Gerry Keegan raises concern in relation to the lapse in timeframe between the planning authority's decision and notification of the decision to observers on the application given the statutory appeal timeframe. This relates to a procedural matter and is not a matter for the Board to adjudicate upon. I note that an appeal was received by the Board from the appellant within the statutory timeframe and I have considered the contents same within this assessment.

## 8.0 AA Screening

### Compliance with Article 6(3) of the Habitats Directive

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

### Background on the Application

- 8.2. The applicant submitted an Appropriate Assessment Screening Report prepared by Moore Group Environmental Services in response to Leitrim County Council's request for further information. It provides a description of the proposed development, identifies European sites within a possible zone of influence and identifies potential impacts in relation to the nearest designated site, namely the Lough Oughter and Associated Loughs SAC ((Site Code: 000007) which is located 14km to the northeast.
- 8.3. The AA Screening outlines that there is no connectivity to this or any other European site. The applicant's Screening Report concludes that *"the proposed development is not likely to either directly or indirectly significantly affect the qualifying interests or conservation objectives of the European sites considered in this assessment"* and *"an appropriate assessment is therefore not required"*.
- 8.4. I am satisfied that there is adequate information in relation to the European sites to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

### Need for Stage 1 Appropriate Assessment Screening

- 8.5. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.
- 8.6. The proposed development is not directly connected with or necessary to the management of a European site and accordingly is subject to the provisions of Article 6(3).

### Brief Description of the Development

- 8.7. The proposed development comprises of the construction of a telecommunications mast and site development works on the 0.018 ha site as detailed within Section 2 of this report.

### Submissions and Observations

- 8.8. The appeal from Gerry Keegan raises concern in relation to the impact of the proposal on flight paths for Swans and Geese. I note that the Whooper Swan is a qualifying interest of the Lough Oughter Complex SPA as detailed in the table below.

### European Sites

- 8.9. The subject site is located on unzoned agricultural land on the c. 2km to the southeast of Cloone Village. The closest Natura 2000 site is the located over 14km to the northeast of the site, namely the Lough Oughter and associated Loughs SAC (Site Code: 000007). I note that the Lough Oughter Complex SPA is located over 16km from the appeal site. I note that the site of the proposed development is different in physical context and characteristics from the Natura 2000 sites which are based on wetland characterisations / qualifying interests.
- 8.10. The applicant's Screening Report outlines that there is no direct connectivity between the appeal site and the closest Natura 2000 site and there are no hydrological connections. The table below provides a summary of closest Natura 2000 sites.

European Site (Code)	Qualifying Interests	Distance	Connections	Considered further in Screening
Lough Oughter and Associated Loughs SAC (000007)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation. Bog woodland. Lutra lutra (Otter)	14km	No	No



Lough Oughter Complex SPA (004049)	Great Crested Grebe (Podiceps cristatus). Whooper Swan (Cygnus cygnus). Wigeon (Anas penelope). Wetland and Waterbirds.	16km	No	No
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#### Identification of likely effects

- 8.11. Section 5 of the applicant's AA Screening Assessment relates to "Identification of Potential Impacts and Assessment of Significance". This outlines that the proposed development is located in the corner of a field of improved grassland. There are no notable surface water features onsite and no direct hydrological pathways to offsite surface water bodies. The AA Screening outlines that there is no connectivity to any European sites within or outside of the potential Zone of Influence.
- 8.12. Table 1 of the report provides an Assessment of Likely Effects on the on the Lough Oughter and Associated Loughs SAC (Site Code 000007). This outlines that there is no real likelihood of any significant effects on European sites in the wider catchment area.
- 8.13. I note the concerns raised within the appeal in relation to impacts on flights paths of Swans and Geese. As detailed in the table above, the Whooper Swan is listed as a qualifying interest of the Lough Oughter Complex SPA (Site Code 004049). In terms of impact on flight paths I consider that no significant flight paths related to protected birds have been identified in this area. On site inspection, I noted that there were existing overhead wires and structures similar to a mast within the immediate vicinity of the site as identified within the applicant's photomontages. There is no reason to believe a bird would not fly over or around the proposed structure.

#### Cumulative Impacts

8.14. Section 5.2 of the applicant's AA Screening Assessment relates to potential in-combination effects and Table 2 provides a summary of permitted developments within the vicinity. The report outlines that any permitted development would have been considered on their merits and in accordance with the Habitats Directive. No predicted in combination effects are envisaged.

#### Mitigation Measures

8.15. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### Applicant's AA Screening Conclusion

8.16. The applicant's Screening Report concludes that given:

- The distance between the proposed development and any European sites, approximately 14km.
- The lack of direct connectivity between the proposed development and any hydrological pathway.
- Lack of predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.

8.17. It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on any European site, in the absence of any mitigation and there are no predicted impacts on any European site, in the absence of any mitigation. An appropriate assessment is not, therefore, required.

#### Screening Determination

8.18. 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 the Lough Oughter and Associated Loughs SAC (000007), the Lough Oughter Complex SPA (Site Code 004049) or any other 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.

- 8.19. 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.
- 8.20. 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 Leitrim County Development Plan 2023-2029, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12, 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 principle of the development is acceptable at this location, the proposed development would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would not have unacceptable impacts upon wildlife or the environment including designated European Sites. 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, as amended by the further plans and particulars received by the planning authority on the 7<sup>th</sup> and 14<sup>th</sup> of March 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.
4. 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.

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

**Reason:** In the interest of clarity.

6. The proposed palisade compound fencing and access gates shall be dark green in colour, unless otherwise agreed in writing with the Planning Authority.

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

7. Landscaping of the site shall be carried out in accordance with a landscaping scheme [which shall include hedging planted inside the boundary fence], which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

8. 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.

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

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

10. 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.

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Stephanie Farrington  
Senior Planning Inspector

20<sup>th</sup> of November 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	319652-24			
<b>Proposed Development Summary</b>	18m high lattice tower together with antennae, dishes, and associated telecommunications equipment, all enclosed by security fencing.			
<b>Development Address</b>	Sunnagh More, Drumloughan, Cloone, Co. Leitrim			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>	X	N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_