



An
Bord
Pleanála

Board Order
ABP-317745-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/222

Appeal by Protect East Meath Limited care of FP Logue Solicitors of 8/10 Coke Lane, Smithfield, Dublin against the decision made on the 18th day of July, 2023 by Meath County Council to grant subject to conditions a permission to On Tower Ireland Limited care of Entrust Limited of Unit 1D, Deer park Business Centre, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: A new 24 metres monopole telecommunications support structure carrying antennas, dishes, associated equipment, ground-based equipment cabinets, fencing and all associated site development works for high-speed wireless data and broadband services. This is in the curtilage of a protected structure, at Laytown Railway Station, Laytown, Ninch, County Meath. Revised drawings were received by An Bord Pleanála on the 5th day of September, 2023 which reduced the height of the structure to 21 metres.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the condition(s) set out below.

Reasons and Considerations

Having regard to-

- (a) the National Planning Framework,
- (b) the TU Transport and Utility Infrastructure land use zoning objective pertaining to the site in the Meath County Development Plan 2021-2027,
- (c) the location of the monopole structure on the western side of the rail line, a remove from established residential areas,
- (d) Policies INF POL 54, 55, 56, 57, 58, 59 and 60 and Objectives INF OBJ 51, 52 and 53 of the planning authority as set out in the Meath County Development Plan 2021-2027,
- (e) the established character, being of an industrial/utilitarian landscape nature, of Laydown Railway Station including the area surrounding the Protected Structure,
- (f) the utilitarian nature of the monopole structure,

- (g) the 'Courtney Deery – Cultural Heritage Impact Assessment Report' (for the applicant), the planning authority's Architectural Conservation Officer Report and the Anu Heritage Report for the observers,
- (h) the "Architectural Heritage Protection – Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011):
- (i) Policies HER POL 14, 15, 16 and 17 of the planning authority as set out in the Meath County Development Plan 2021-2027,
- (j) the reduction in height to 21 metres at appeal stage and photomontages indicating amended height,
- (k) the separation distance between the application site and the coastline and the nature of the intervening townscape,
- (l) the updated Appropriate Assessment Screening Report submitted at appeal stage which included consideration of an obstacle light at the top of the structure,
- (m) the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July, 1996 and Circular Letter PL 07/12 issued by the Department of the Environment, Community and Local Government in 2012,
- (n) the scale, nature and design of the proposed development, and
- (o) the report of the Inspector,

it is considered that the proposed development would be in accordance with national policy for telecommunications infrastructure and the provisions of the Meath County Development Plan 2021-2027. It is also considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area, would not

adversely impact on the architectural character, setting or heritage of Laydown Railway Station (including the protected structure at this location), would not interfere with any protected views or prospects or Landscape Character Areas of high sensitivity as identified in the Meath County Development Plan 2021-2027, and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination, screening for Environmental Impact Assessment or Environmental Impact Assessment is required.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Nanny Estuary and Shore Special Protection Area (Site code: 004158), or any other European site, in view of the site's conservation objectives.

This screening determination is based on the following:- the nature of the works proposed, the separation distance between the application site and the said River Nanny Estuary and Shore Special Protection Area (Site code: 004158), the nature of the intervening space, the conservation objectives of the European site, the lack of a hydrological connection between the application site and the European site, the absence of a source-pathway-receptor chain between the application site and the European site, and the absence of any *ex-situ* issue arising.

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 particulars submitted to the planning authority on the 26th day of June 2023 and by the further plans and particulars received by An Bord Pleanála on the 5th day of September 2023, 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. The monopole structure shall not exceed 21 metres in height as indicated in drawings and documentation submitted to the Board on the 5th day of September 2023 except to comply with condition number 3 hereunder.

Reason: In the interest of clarity and visual amenity

3. The monopole structure can be fitted with suitable obstacle lighting as close to the top of the structure as possible and visible from every angle in azimuth unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and public safety

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

Reason: In the interest of public health.

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

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

6. Details of the specific colour finish for the telecommunications structure 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 and to protect residential amenity.

7. On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense.

Reason: In the interest of clarity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.



Tom Rabbette

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this ^{LC} 28 day of MAY 2024.