



An
Bord
Pleanála

Board Order
ABP-318234-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23761

Appeal by Anne Marie and Bernard Garry care of F.P. Logue Solicitors of 8 to 10 Coke Lane, Smithfield, Dublin against the decision made on the 18th day of September, 2023 by Meath County Council to grant, subject to conditions, a permission to On Tower Ireland Limited care of Indigo, 4 Site House, Raheen Business Park, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Install a 24-metre multi-user lattice type telecommunications support structure, carrying antenna and dishes enclosed within a 2.4-metre-high palisade fenced compound together with associated ground equipment cabinets and associated site works, including a new access track, all on lands at Mullagha, Rathkenny, County Meath.

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 conditions set out below.

Reasons and Considerations

Having regard to the Meath County Development Plan 2021 - 2027, INF POL 56 'to promote orderly development of telecommunications infrastructure' and HER POL 52 'to protect and enhance the quality, character, and distinctiveness of the landscape', and to the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities", issued by the Department of the Environment and Local Government in July 1996, it is considered that the need for the proposed installation outweighs the limited detriment to visual amenity and landscape character. The proposed development, subject to compliance with the conditions set out below 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of a colour scheme for the telecommunications support structure and all associated structures and equipment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, and the agreed colour scheme shall be applied to the structures and equipment upon erection.

Reason: In the interest of visual amenity.

3. A low intensity fixed red obstacle light shall be fitted to the mast and shall be visible from all angles in azimuth. Details of this light, its location on the mast, and the lighting sequence shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, and the light shall be installed and operated in accordance with the agreed details.

Reason: In the interest of air traffic safety.

4. Prior to the commencement of any works associated with the development, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate proposals for the collection and disposal of construction waste, the housing of equipment, lighting, and noise, dust and vibration control. The agreed CEMP shall be implemented in full.

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

5. Site development and building works shall be carried out between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the residential amenities of properties in the vicinity.

6. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to monitor all site clearance works, topsoil stripping and groundworks.
 - (a) The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of objects of archaeological interest.

- 7. 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.

- 8. The telecommunications structure shall be made available on reasonable terms for the provision of mobile telecommunications antennae by any licensed telecommunications operator who wishes to

co-locate.

Reason: To avoid the development of a multiplicity of telecommunications structures in the area, in the interest of visual amenity.

9. In the event of the telecommunications mast and antennae ceasing to operate for a period of six months, the telecommunications support structure, all associated structures and equipment and the access track shall be removed at the owner's expense and the site shall be returned to its original condition within six months of their removal.

Reason: In the interest of visual amenity.



Stephen Brophy

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

Dated this 27th day of June 2024.