



An
Bord
Pleanála

Inspector's Report ABP-300526-17

Development	Replacement of a 25m telecommunications structure with a 30m telecommunication support structure.
Location	Lambertstown, Kilmessan, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA/170722
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure Ltd.
Observer(s)	1. Emily MacMahon 2. Lorraine and Colin O'Hara.
Date of Site Inspection	10 th May 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.01 ha, is located on the eastern side of the L6203 local road in the townland of Lambertstown, c. 0.5km south of Kilmessan village centre.
- 1.2. The appeal site is rectangular in shape and forms part of a larger agricultural field. It is immediately adjacent to the local road and there is an existing gate access to the site. The site is bounded by a mature hedgerow to the west, and is currently unbounded to the other three sides. The closest dwellings are c. 85m to the east and c. 110m to the south.
- 1.3. There is an existing c. 25m high slim cable-stayed mast in the same field as the appeal site, located c. 100m south of the appeal site, adjacent to the dwelling referred to above.
- 1.4. A disused rail line runs in a north-south direction along the eastern boundary of the field within the appeal site is located. A railway bridge, which is a protected structure, passes over the disused line, c. 50m north east of the appeal site. A small depression to the north of the appeal site is indicated on the drawings submitted as a disused quarry/gravel pit.

2.0 Proposed Development

- 2.1. The proposed development is described in the statutory notices as the off-site replacement of an existing 25m telecommunications support structure and the erection of a new 30m multi-user telecommunications support structure carrying 3 No. 2.6m long antennae, 6 No. 0.6m diameter communications dishes and 6 No. outdoor cabinets all enclosed within a security compound by a 2.4m high palisade fence with a 4m access gate and the relocation of a stone pier at the existing entrance.
- 2.2. The notices state that the development will provide accommodation to Meteor for the provision of voice and mobile broadband services in the area.

2.3. The 'red line' site boundary was amended on foot of a request for further information, to include an additional discrete triangular area around the existing 25m mast.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reason:

- The proposed development is considered to be contrary to the provisions of the Meath County Development Plan 2013-2019 as there is a more suitable alternative location which has not been considered. It is considered that the proposed development would interfere with the character of the landscape, would seriously injure the visual amenities of the area, and depreciate the value of property in the vicinity, would set an undesirable precedent for similar future developments in the rural area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Applicant looked at one alternative site. The unsuitability of that site has not been justified. Proposed site would result in the structure being significantly dominant in scale, height and bulk immediately adjoining the public road.
- The site is located in an area outlined as having medium capacity to accommodate overhead cables, substations and masts.
- Existing trees and hedgerows are not sufficient to screen a structure of this nature to a level that would not result in a serious detrimental visual impact.
- MCC acknowledge the essential need for high quality communications, however the proposed development is not considered to be acceptable given there is a more suitable alternative available.
- Planning Authority is not satisfied that the applicant has demonstrated that adequate sightlines are available. In any future application the applicant is required to submit proposals to achieve sightlines.

3.3. **Other Technical Reports**

- 3.3.1. Environment: No objection subject to conditions.
- 3.3.2. Conservation Officer: No comments.

3.4. **Prescribed Bodies**

- 3.4.1. Irish Aviation Authority: No observations.
- 3.4.2. DAA: No comment.

3.5. **Third Party Observations**

- 3.5.1. A number of third party observations were made at both application stage, and following the receipt of further information. The issues raised in the observations were generally as per the observations on the appeal.

4.0 **Planning History**

4.1. **Appeal Site**

- 4.1.1. I am not aware of any planning history on the appeal site.

4.2. **Surrounding Area**

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 **Policy Context**

5.1. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996**

- 5.1.1. These Guidelines set out the criteria for the assessment of telecommunications structures. The relevant points to this case are summarised below.
 - An authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply.

Such locations might include high amenity lands or sites beside schools (Section 3.2).

- In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions (Section 4.3).
- 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 (Section 4.3).
- An access road may sometimes cause greater visual impact than the actual installation. It should normally be a condition of permission that such roads are grubbed up at the end of the construction period (Section 4.4).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.2. Circular Letter PL07/12

5.2.1. This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances. Section 2.6 relates to 'Health and Safety Aspects' and states that:

- “The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. This Circular Letter reiterates that advice to local planning authorities. 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. These are regulated by other codes and such matters should not be additionally regulated by the planning process.”

5.3. Meath County Development Plan 2013-2019

5.3.1. The appeal site is located on unzoned lands outside of the development boundary for Kilmessan. I note that the 'R1' zoned rail reservation for Phase II of the Navan rail line runs in north west to south east direction, to the south of the appeal site, bisecting the field within which the site is located. The appeal site is outside of the R1 zoned area, however the local road from which it is accessed is within the R1 area.

5.3.2. Sections 8.2 and 11.12 of the County Development Plan relate to telecommunications. The CDP notes that an efficient telecommunications system is important in the development of the economy. It supports co-location and sharing of existing structures and notes that the preferred location for masts in rural areas is in forestry plantations, provided that the antennae are clear of obstruction and a cordon of trees is retained around the site.

5.3.3. Relevant Policies include:

- **EC POL 25:** To facilitate the delivery of a high capacity ICT infrastructure and broadband network and digital broadcasting.
- **EC POL 26:** To encourage the further co-ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity.
- **EC POL 27:** To encourage coverage and capacity of mobile technology network infrastructure, while endeavouring to reduce the number of telecommunications structures.
- **EC POL 28:** To facilitate the development of telecommunications based services at appropriate locations within the County, subject to environmental considerations.
- **EC POL 33:** To promote orderly development of telecommunications infrastructure in accordance with the requirements of the Guidelines for Planning Authorities and Circular Letter PL 07/12.
- **EC POL 34:** To promote best practice in siting and design in relation to the erection of communication antennae.

- **EC POL 35:** To secure a high quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.
- **EC POL 37:** To encourage co-location of antennae on existing support structures.

5.3.4. Appendix 7 of the Development Plan contains the Landscape Character Assessment for County Meath. According to the maps accompanying the Landscape Character Assessment, the appeal site is located within LCA 6 – Central Lowlands. However, while Kilmessan is located in LCA 6, it is described in LCA 12 – Tara Skryne Hills. LCA 6 is identified as a high value landscape with a medium landscape sensitivity. The LCA states that this area has a medium potential capacity to accommodate communications masts due to the complexity of the area, which has a variety of land uses and a robust landscape structure. Conversely, LCA 12 is identified as having an exceptional landscape value with a high landscape sensitivity. The LCA states that this area has a low potential capacity to accommodate communications masts due to their visual prominence and the high sensitivity of the LCA.

5.4. **Natural Heritage Designations**

5.4.1. The closest Natura 2000 sites are the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) which are located c. 4km to the north west of the appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A first party appeal was lodged on behalf of Cignal Infrastructure Ltd. By 4Site. The grounds of appeal can be summarised as follows:

- Section 37(2)(a) of the PDA is applicable, and the Board may grant permission.

- Signal Infrastructure Ltd. Is not a mobile operator in the sense envisaged by the Telecommunications Guidelines. The Guidelines are out of date and do not consider shared infrastructure providers.
- Signal facilitate multi-operator infrastructure and reduce the demand and proliferation of sites and structures. It is not in their interest to develop sites unless there is a robust technical justification, alternative sites have been considered and there is a strong likelihood that it will be utilised by a number of operators.
- Detailed technical justification was provided with the application and in response to the RFI.
- The development will serve Kilmessan as well as surrounding townlands and numerous national, regional and local roads.
- Telecommunications and broadband infrastructure is supported by the Development Plan. It is also critical to the economic success of the County. Numerous Policies in support of such development. Government policy also supports such development.
- 30m is the minimum height required from an effective engineering operational stance and the location needs to be as close as possible to the geographical/population area to be served.
- Visual impact is acceptable and consistent with Guidelines. A mast already exists within the visual resource of Kilmessan, and the proposed development will not intrude overly on views or prospects.
- The proposed development is compliant with the objectives for such structures set out in Chapter 11 of the Development Plan.
- Proposed development will replace an existing mast. It is not in a residential area, town centre or sensitive landscape. The area is outlined as having a medium capacity to accommodate masts.
- There are no existing sites within 1 – 3km of the appeal site, and only two within 3 – 5km of the site.

- Sightlines of 2.4m x 90m can be achieved/provided in both directions and are acceptable to the MCC Transportation Engineer.
- Applicant is willing to accept condition to remove the existing structure.
- Location A (proposed location) is preferable to Location B in terms of screening, accessibility, ground conditions and reduced height of mast required. There is no other alternative site available to Cignal and the Planning Authority has not identified where such a site is.
- The proposed development will not interfere with the landscape character. Photo survey report demonstrates that it will be visible in short and medium range views and would not be an adverse or intrusive feature in long range views.
- Electricity pylons in the local area are of similar height but are more prominent and exposed.
- Proposal is 5m increase in height over the long established existing structure, which is to be removed. To state that the additional 5m equate to serious harm is without foundation.
- Depreciation of property values is not a material planning consideration. There is no evidence that telecommunications structures will result in a loss in property value. Board precedent cited. (PL09.222321, PL02.236307, PL02.243341).
- Proposed development will not result in the creation of an undesirable precedent.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority considers that the matters outlined in the appeal were considered in the course of its assessment. The Board is asked to uphold their decision.

6.3. Observations

6.3.1. Two third party observations were made by Emily MacMahon and Lorraine and Colin O'Hara. The issues raised can be summarised as follows:

- Dates in first party appeal are incorrect.
- Existing mast is lower, not as wide and not as bulky, with no dishes and antenna, cabinets or fencing. It is also not in the same location.
- Site is in a residential area, with a number of houses in the immediate vicinity.
- Trees that applicant is relying on to screen the proposed development are located within the observer's lands and may be felled.
- There is already fibre optic broadband in Kilmessan village and surrounding areas.
- Disruption to traffic safety and freeflow.
- Impact on human and animal health.
- Uncertainty and discrepancies with regard to whether the existing structure will be removed.
- Site is located in Landscape Character Area 12 – Tara Skryne Hills, which is stated to be of exceptional landscape value, high sensitivity and low capacity to accommodate communications masts. LCA refers to historic railway architecture in Kilmessan which would be affected by the proposed development.
- Appellant has not provided details of existing mast. Observer believes height to be less than 25m.
- The existing installation is in no way comparable to the proposed structure and the impact on the local visual resource is incomparable. Existing structure is slender, does not have cabinets, road access, security compound, and is more akin to a tall television aerial. It is off the road and is not visible from observer's property.

- No 'Landscape Impact Report' was submitted, as required by the Development Plan, given the proposed site is in a designated landscape of exceptional value.
- The Three justification report has been used for a number of sites around the country without amendment to the substantive content. Given its generic nature, the report cannot be relied upon by the Board.
- Appellant has not reasonably assessed alternative sites. Only one site in the same landowner's plot was considered.
- The letter from Meteor only states that they are 'potentially' interested in the site. Meteor have not provided a technical justification report, and their website states that there is already very good to excellent 4G coverage in the area.
- Fibre broadband is imminent to Kilmessan and the surrounding area, and the utilisation of the proposed development by operators would be limited.
- Refusal is consistent with Policy ED POL 6. This is an inappropriate and unsuitable location.
- MCC attempted to facilitate the telecommunications development, but the limitations in the application resulted in it being rejected.
- The erection of a 30m mast in such close proximity to the road and village would clearly interfere with the character of the village and seriously injure the visual amenities of the area.
- Proposed development is not compliant with Policies EC POL 33, 34, 36 and 38.
- Appellant is incorrect to state that the site is not in a residential area.
- Object to the assertion that there is a cordon of trees. The hedge and spindly trees do not mitigate the visual impact of the proposed development.
- Due to the suboptimum and inappropriate location of the site, the scale of the structure is greater than would be necessary if it were located in a more elevated site.

- The appellant is incorrect to discount the short to medium range views in considering whether the structure would appear as a dominant/intrusive feature in the visual resource.
- Proposed development would significantly impede the vision for Kilmessan set out in the Development Plan.
- Any existing pylons are located at a substantial distance from the roadside and are not prominent. Any comparison with the proposed structure is irrelevant.
- Proposed structure will be constant and obtrusive in the observer's view from their home.
- It is clear that the proposed development would interfere with the character of the landscape and would seriously injure the visual amenities of the area.
- Proposed development would depreciate property values.
- The vast majority of telecommunications applications have been granted by MCC. The fact that this was refused is due to it being a clearly unsuitable site.

6.3.2. Lorraine and Colin O'Hara also resubmitted their earlier observations as well as a number of photographs.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. I consider that the key issues in determining the appeal are as follows:

- Principle of proposed development.
- Site selection.
- Landscape and visual impact.
- Depreciation of property values.
- Other issues:

- Roads and traffic.
- Removal of existing structure.
- Human and animal health.
- Development contributions.
- Appropriate Assessment.

7.2. Preliminary Matters

- 7.2.1. The applicant contends that the provisions of Section 37(2)(a) of the Planning and Development Act 2000, as amended, are applicable in this instance, and further contends that the Board may grant permission, having regard to the criteria set out in section 37(2)(b).
- 7.2.2. I note, however, that the Planning Authority did not refuse permission on the basis that the proposed development materially contravenes the Development Plan, merely that it is contrary to the provisions of the Plan. I therefore consider that the Board is not constrained by the provisions of section 37(2)(b) in its assessment of the appeal.

7.3. Principle of Proposed Development

- 7.3.1. Policy regarding telecommunications structures and broadband provision is contained under Sections 8.2 and 11.12 of the County Development Plan. The rationale for the proposed development, as outlined by the applicant, is to improve the coverage and capacity of mobile telephony and broadband services in Kilmessan and surrounding rural areas. I consider that the proposal to improve telecommunications and broadband services is consistent with the Policies set out in the abovementioned sections of the County Development Plan (e.g. Policies EC POL 25 – 29 and EC POL 33) and the recommendations under national policy as set out under the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996).
- 7.3.2. The applicant set out the technical justification for the proposal in the planning report and Meteor 'Radio Site Justification Kilmessan' submitted with the planning application, and subsequently in the Three Ireland 'RF Technical Justification Report'

submitted in response to the request for further information. The Three Ireland report states that the site is proposed to cover Kilmessan, surrounding townlands, N3, R154, R161 and various secondary roads in order to cater for the massive increase in demand for high speed data in recent years. A site with good elevation is stated as being necessary, and a series of existing and proposed coverage maps for the various types of mobile and data services are provided. Having reviewed the information submitted, I am satisfied that the applicant has demonstrated an adequate technical justification for the proposed development.

- 7.3.3. However, notwithstanding the technical justification and the general objectives and policies in the County Development Plan and national guidelines encouraging improved telecommunications infrastructure, the appropriateness of the appeal site in the context of the planning issues identified in Section 7.1 above shall be examined in the remainder of this report.

7.4. Site Selection

- 7.4.1. Policies EC POL 34 and EC POL 35 of the Development Plan seek to promote best practice in siting and a high quality of design of telecommunications infrastructure. Policy EC POL 37 seeks to 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. It also states that 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. Section 11.12 states that the preferred location for telecommunications antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities. Similarly, the Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. 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.
- 7.4.2. The applicant states that they are an infrastructure provider which specifically facilitates co-location to the communications sector. In this regard, they have submitted reports from Meteor and Three Ireland stating that the structure would be of use to them in improving mobile and data services in the area, and have stated that it could accommodate three operators as well as smaller broadband operators.

- 7.4.3. As noted above, there is an existing c. 25m high slim cable-stayed telecommunications support structure c. 100m south of the location of the proposed 30m high structure. With the exception of this existing structure, the next closest telecommunications sites are c. 5km to the south and north east.
- 7.4.4. The applicant contends that the existing structure, by virtue of its lightweight design, is not capable of accommodating the necessary additional equipment and antennae to facilitate multiple operators. Having inspected the site, and noted the slimline nature of the existing structure and the lightweight equipment attached to it, I see no reason to query the applicant's contention in this regard. It is proposed to remove this structure should planning permission be granted for the new structure.
- 7.4.5. Having regard to the demonstrated need for improved telecommunications services in the Kilmessan area, the lack of viable existing alternatives for co-location in the area, and the proposal to remove the existing cable-stayed structure, I consider that the proposed construction of a new telecommunications support structure in the Kilmessan area is justified, and the key issue is therefore whether the appeal site is a suitable site for such a development.
- 7.4.6. The Planning Authority, in refusing permission, considered that there was "a more suitable alternative location which has not be [sic] considered". From reviewing the Planning Officer's report, it would appear that the site referred to by the Planning Authority is location B, the alternative site within the same landholding that the applicant addressed in their response to the request for further information. Location B is c. 115m south west of the appeal site and is at a lower level, which the applicant contends would require a higher structure, as well as having issues with ground conditions. While the applicant discounted location B, the Planning Authority considered that its unsuitability had not been justified.
- 7.4.7. I note that location B appears to have been considered solely in the context of the request for further information, and there is no substantive evidence within the application or appeal regarding any alternative sites within the wider Kilmessan area that were considered by the applicant. I note, however, that observers have stated that other landowners in the area were approached by the applicant.
- 7.4.8. The Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages and that 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. What is proposed in this instance does not appear to be specially designed or adapted for the locality, however it would replace an existing site, albeit that it is c. 100m from the existing structure. While the appeal site may not be the most optimal site for such a structure in the Kilmessan area, it is intended to serve the village and therefore must be located in reasonable vicinity to the village centre. The separation distance between the appeal site and the closest dwelling is c. 85m, and the site is outside of the development boundary for Kilmessan and not in the immediate vicinity of a built-up area or school. While there is a scattering of one-off housing in the area surrounding the appeal site, it is primarily a rural area, not a residential area.

- 7.4.9. In conclusion, therefore, I consider that the proposal to locate the new structure within the same field as the existing structure which would be removed, and to make it available for co-location by multiple operators is generally consistent with the provisions of the Development Plan and the Guidelines and I consider the proposed development to be generally acceptable, subject to consideration of its landscape and visual impact.

7.5. Landscape and Visual Impact

- 7.5.1. The Planning Authority considered that the proposed development would interfere with the character of the landscape and would seriously injure the visual amenities of the area.
- 7.5.2. With regard to the visual amenities of the area, the proposed telecommunications support structure and compound would be located to the south of Kilmessan village, on the western side of a medium sized agricultural field, immediately adjacent to a local road. The appeal site essentially comprises the footprint of the proposed telecommunications compound, and the existing structure to the south which is to be removed. No additional landscaping or mitigation works are proposed within the appeal site.
- 7.5.3. There is an existing hedgerow along the local road which is c. 1.5 – 2m high and which contains a number of mature trees. It appears from the drawings submitted

that it will be necessary to trim/remove portions of this existing hedgerow to construct the site access and to achieve the required sightlines. Having regard to the proximity of the proposed telecommunications support structure to the roadside and the lack of significant localised screening, the telecommunications support structure will be highly visible from the local road. The associated cabinets and fenced compound will be less apparent due to the presence of the hedgerow.

- 7.5.4. While it is proposed to remove the existing 25m high structure and replace it with the proposed structure, I would agree with the observer that the existing structure, due to its very slender design, proximity to a house, lightweight antennae and lack of associated cabinets and compound is more akin to a particularly tall domestic television aerial in appearance than a telecommunications installation. As a result of this and the distance between the existing and proposed structures, I therefore consider that the proposed development will have an additional visual impact.
- 7.5.5. The surrounding area is relatively flat, albeit gently undulating, with a well-defined field system demarcated by mature hedgerows and trees. In addition, the mature double line of tree planting along the disused railway line will serve to lessen the intrusiveness of the proposed support structure from areas to the north and east. The upper section of the support structure will, however, be visible from a relatively wide area. The extent of such visibility can be seen in the 360 degree panoramic photo survey report submitted by the applicant in response to the request for further information. The applicant also submitted photomontages of the proposed development from a number of viewpoints, and having inspected the site I would concur that these form a reasonably representative sample of the views of the structure that will be available.
- 7.5.6. As noted above, there is a considerable degree of mature tree and hedgerow planting in and around Kilmessan village which serves to limit the long range views available. Where the structure will be visible due to its 30m height, it will generally be seen against a backdrop of trees due to the site location, or with partial screening of its lower portion due to mature vegetation in the intervening land. Having regard to these characteristics of the appeal site and the wider area, and noting that the 30m height is required to effectively function over as large an area as possible, I do not consider that the magnitude of the impact of the proposed development on the visual amenities of the area would be so significant as to warrant refusal.

- 7.5.7. With particular regard to the O'Hara property, I note that the existing mast is located c. 110m from their property, while the proposed structure would be c. 200m distant and would be seen rising above the intervening planting which provides partial screening to the structure. Having regard to the separation distance and the availability of partial screening, I do not consider that the proposed development could be considered to be an overly dominant or overbearing feature.
- 7.5.8. With regard to landscape character, according to the maps accompanying the Landscape Character Assessment, the appeal site is located within LCA 6 – Central Lowlands. However, there appears to be a discrepancy in the Character Assessment, as Kilmessan is located in LCA 6, but is described in LCA 12 – Tara Skryne Hills.
- 7.5.9. LCA 6 is identified as a high value landscape with a medium landscape sensitivity. The LCA states that this area has a medium potential capacity to accommodate communications masts due to the complexity of the area, which has a variety of land uses and a robust landscape structure. Conversely, LCA 12 is identified as having an exceptional landscape value with a high landscape sensitivity. The LCA states that this area has a low potential capacity to accommodate communications masts due to their visual prominence and the high sensitivity of the LCA. Having inspected the site and surrounding area and having had regard to topographical maps, I am satisfied that the appeal site can be considered to be located towards the eastern edge of the Central Lowlands (LCA 6), rather than within the more valuable and sensitive Tara Skryne Hills (LCA 12). The land surrounding the appeal site is gently undulating and exhibits a complex and robust character, with a range of uses and a patchwork of fields with extensive tree planting and hedgerows.
- 7.5.10. Skryne and the Hill of Tara are located in the uplands area further to the north east of the appeal site. There are a number of protected views in the vicinity of these two sites, which are generally in the opposite direction to the appeal site, with the exception of view 44 which is a panoramic view from the Hill of Tara and view 47 which is a panoramic view from Skryne Church.
- 7.5.11. Having inspected the long range views towards the appeal site, I consider that its visibility and visual intrusiveness will not be significant from the vicinity of the protected views listed above given the distance, the presence of a 220kV power line

that cuts across the view, with multiple pylons of a similar design to the proposed telecommunications support structure, and the proximity of the site to what is perceived as the general clutter of Kilmessan village with its varied roofscape, telephone poles and mature vegetation. The dense double row of mature trees along the disused railway line will also serve to embed the structure within the landscape, ensuring that only the upper portion of the structure is visible in the sensitive long-range views from the east. This is demonstrated in the 360 degree photo survey referred to above.

7.5.12. In conclusion, while the proposed development will have a negative visual impact, I do not consider that it would be of such significance as to warrant refusal of planning permission, and neither do I consider that the proposed development would be unduly intrusive within the landscape or that it would have a significant impact upon any protected views. I therefore do not recommend that permission be refused on this basis.

7.6. Depreciation of Property Values

7.6.1. Part of the reason for refusal was that the proposed development would result in a depreciation of property values in the vicinity. This issue was also raised in the observations. The applicant contends that depreciation of property values is not a material planning consideration and that there is no evidence that telecommunications structures will result in a loss in property value.

7.6.2. While some people may not wish to purchase a house close to a large telecommunications structure, others may have no such difficulty. I therefore see no fundamental reason why such a structure would materially affect property values where said property is not immediately adjacent to the structure. The provision of high quality mobile telephone and broadband coverage in a rural area is an amenity that, in my opinion, would help to off-set any marginal loss of value that may be associated with a nearby telecommunications support structure. I note in this regard that there is a separation distance of c. 85m between the structure and the closest house, which I consider adequate to ensure that it would not be overbearing or overly visually intrusive to such an extent as to significantly affect the amenities of nearby properties and their values.

7.6.3. In the absence of any substantive evidence to the contrary, I do not recommend that depreciation of property values should form the basis of a reason for refusal of planning permission.

7.7. **Other Issues**

7.7.1. **Roads and Traffic**

7.7.2. The observers contend that the proposed development will impact on traffic safety. I note that while traffic safety did not form part of the reasons for refusal, the Planning Officer stated that the Planning Authority was not satisfied that the applicant had demonstrated that adequate sightlines are available at this location, and that in any future application the applicant is required to submit proposals to carry out works to achieve sightlines in accordance with the DMRB.

7.7.3. Having regard to the nature and scale of the proposed development, I am satisfied that the duration of construction will be relatively limited and that the level of construction traffic generated will be relatively low. Similarly, having regard to the nature of the development, I am also satisfied that traffic generation during the operational phase will be minimal.

7.7.4. I note that the footprint of the proposed development is small, comprising an area of 13.6m x 10m. Of this, an area of 4.6m x 10m will be available for a vehicle to park.

7.7.5. The sightline drawings submitted by the applicant in response to the request for further information indicate 90m sightlines in each direction at a point 2.4m back from the road edge. The drawings state that the existing hedge will be trimmed/maintain to improve/maintain the sightlines, however having inspected the site it is clear to me that portions of the existing hedgerow would have to be removed rather than trimmed in order to achieve these sightlines, particularly to the north.

7.7.6. The hedgerows in question are within the 'blue line' land ownership boundary, and subject to appropriate reinstatement of the set back hedgerow, I consider that adequate sightlines can be achieved.

7.7.7. In conclusion, having regard to the low level of traffic that this local road experiences, the low level of traffic associated with the proposed development and the ability to

provide adequate sightlines, I consider that the proposed development would not result in the creation of a traffic hazard or otherwise impact on road and traffic safety.

7.7.8. Removal of Existing Structure

7.7.9. The observers contend that there is a lack of clarity in the planning application, and express concern that the existing cable-stayed telecommunications structure could be retained or replaced in the future, leading to two structures in close proximity.

7.7.10. It is clear to me that the proposed structure is an off-site replacement for the existing structure and the drawings indicate that the existing structure is to be removed. However, if the Board is minded to grant permission, I consider it appropriate in the interests of visual amenity and clarity that a condition be included requiring the removal of the existing telecommunications support structure within a specified time period following the coming into operation of the proposed support structure.

7.7.11. Human and Animal Health

7.7.12. The observers at both application stage and appeal stage raised the issue of potential human and animal health impacts arising from the proposed development. Circular Letter PL07/12 issued by the Minister under section 28 of the Planning and Development Act 2000, as amended, 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 goes on to state that these are regulated by other codes and such matters should not be additionally regulated by the planning process. The issue of health and safety will therefore not be considered further within this report.

7.7.13. Development Contributions

7.7.14. The Meath County Development Contribution Scheme 2016-2021 states that a contribution of €5,000 is payable in respect of 'telecommunications mast (except broadband'. An associated footnote states, inter alia, that contributions shall not apply to any structure for the provision of broadband.

7.7.15. As the proposed use of the telecommunications support structure is for broadband and mobile telephony, I consider that it is exempt from the requirement to pay a

development contribution, in accordance with the provisions of the Development Contribution Scheme.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and scale of the development proposed, the limited extent and duration of the associated construction works, and the distance to the nearest designated sites, namely the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) which are 4km to the north west, no Appropriate Assessment issues arise and it is not considered 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to:

- (a) the national strategy regarding the provision of mobile communications services,
- (b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,
- (c) the policy of the planning authority, as set out in the Meath County Development Plan 2013-2019, to support the provision of telecommunications infrastructure,
- (d) the location of the site outside of any area with a significant scenic or landscape designation in the development plan for the area, and

- (e) the nature and scale of the proposed telecommunications support structure, and the proposal to remove the existing telecommunications support structure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or landscape character of the area, or the residential amenities of the area, would not result in the creation of a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted to the planning authority on the 20th day of October 2017, 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. Within eight weeks of the coming into operation of the telecommunications support structure hereby permitted, the existing cable-stayed telecommunications support structure and associated fencing shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of clarity and the visual amenities of the area.

3. 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 prior to commencement of development.

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

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

Reason: In the interest of public health.

5. The site access and the access track serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of traffic safety.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed with respect to the boundary hedgerows.

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

7. Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement 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.

8. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include reinstatement/reinforcement of the hedgerow along the roadside, 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.

Niall Haverty
Planning Inspector

7th June 2018