



An
Bord
Pleanála

Inspector's Report ABP-304613-19.

Development	Construction of a 45m high telecommunications support structure carrying antennas, transmission dishes and all associated site works
Location	Bracetown Business Park, Bracetown, Clonee, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA181060
Applicant(s)	Three Ireland (Hutchinson) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission (8 no. conditions)
Type of Appeal	Third Party
Appellant(s)	Peter Salama
Date of Site Inspection	04/09/2019
Inspector	Conor McGrath

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies / Other Consultees	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan – Meath County Development Plan 2013-2019	6
5.2 National Policy.....	8
5.3. Natural Heritage Designations	10
6.0 EIA Screening.....	10
7.0 The Appeal	10
7.1. Grounds of Appeal	10
7.2. Applicant Response	11
7.3. Planning Authority Response	12
8.0 Assessment	12
9.0 Appropriate Assessment – Screening.....	15
10.0 Recommendation	16
11.0 Reasons and Considerations	16
12.0 Conditions	16

1.0 Site Location and Description

- 1.1. The proposed development is located in Bracetown Business Park, Co. Meath, approx. 1.5km northeast of Dunboyne. The M3 Motorway and Navan rail line run north-south approx. 300m and 500m to the west of the site respectively. The business park has road frontage directly on to the R147, which was the old N3 and is accessed off a local road leading to Kilbride. Junction 5 / Pace junction on the M3 and the Parkway railway station lie approx. 1km northwest of the site along the R147.
- 1.2. The business park is mainly comprised of older warehouse type structures with more modern 3-storey, office and commercial structures fronting the regional road. There is an existing antenna structure at the northern end of the lands. The appeal site is on the northeastern side of, and immediately adjacent to the existing vehicular entrance to the business park, with access to be provided from internal roads on its northeastern side.
- 1.3. To the northwest, on the opposite side of the road is a grain / feed merchants and second light industrial unit. To the northeast of the business park is a more recent logistics / industrial development, The Hub, which has planning permission for further expansion. There are residential properties in the surrounding area, including houses northwest along the Kilbride Road, to the south of the business park on the R147, to the north at Tetrarch Grove and on a local road to the south of the R147. The closest residential properties are approx. 150m northwest and 200m north of the proposed mast, with 18 no. houses approx. located within 350m of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a new 45m high telecommunications mast, site compound and associated equipment. The mast comprises a monopole structure with “birdcage” type design, facilitating the attachment of 19 no. dishes at the top of the pole, with an additional 3 no. antennae attached at approx. 28m height. Correspondence submitted with the application indicates that the mast is required to provide coverage to Bracetown Business Park, the M3 and surrounding residential and employment lands.

3.0 Planning Authority Decision

3.1. Decision

In considering the application, the planning authority sought further information in relation to the location and visual impacts of the proposal. It was subsequently decided to grant permission for the proposed development subject to 8 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The development would not be likely to have significant effects on European sites and Stage 2 AA is not required. Telecommunication structures are a permitted use at the location. The structure will be clearly visible and obtrusive and a more suitable location within the landholding should be sought. A visual impact assessment should be prepared. Trees identified as an obstruction issue in the application are located on lands that are currently being considered for development.

Following receipt of further information, reports note that the site is located on low-lying lands within an established business park and will not be highly visible from nearby roadways or protected viewpoints. Permission recommended.

3.2.2. Other Technical Reports

Broadband Officer: The new mast will fill a gap caused by the removal of a previous Vodafone mast within the estate. Coverage at this location and in surrounding employment and residential zoned lands is deficient. Tree coverage can impact on signal strength and improved network coverage and capacity will become more important in the future. The location is a good opportunity for a mast which has the capability of accessing high capacity fibre network. The height would support wider geographic coverage and improve services between the business park and Dunboyne. It will have limited impact on services in all areas of the Strategic Employment Zone and residentially zoned lands north of the R147. Notwithstanding

submissions on visual impact of the development, Comreg's Mobile Coverage Map website demonstrates the need to fill gaps in coverage in this area.

Transportation: No objection.

3.3. Prescribed Bodies / Other Consultees

Dublin Airport Authority: E-mail correspondence on the file from the DAA indicates that the development would not give rise to issues from an aircraft safety or operational perspective.

3.4. Third Party Observations

An observation from Bracetown Residents Group to the planning authority is reflected in the content of the third-party appeal in this case.

4.0 Planning History

- PA ref. RA/170586: Permission granted in January 2018 for an extension to existing office accommodation at Bracetown Business Park, increasing office development from 8,416sqm to 10,938sqm GFA. Associated works included removal of an existing mobile phone mast on the southeastern side of the site.
- ABP ref. ABP-301714-18: Conditions amended following appeal against a grant of a licence for discharge of treated sewage effluent from Bracetown Business to surface waters of the River Tolka.
- PA ref. RA/160843: Retention permission granted for works in Bracetown Business Park including a single storey structure and covered dock levellers with associated ramp to block 1, immediately adjacent to the appeal site.
- PA ref. RA/170114: Amendments to block 4 in the business park.
- PA ref. DA/50233: Permission granted in 2010 for the construction of a logistics, warehousing and light industrial development on lands to the north of Bracetown Business Park, known as The Hub.
- PA ref. DA/10163: Extension of duration granted for DA/50233.

- PA ref. RA/150972: Permission granted for an extension to The Hub Logistics Park permitted under Reg. Ref. DA50233, all with a maximum building height of approximately 15.75m.

5.0 Policy Context

5.1. Development Plan – Meath County Development Plan 2013-2019

Meath County Council recognises the need for high quality communications and information technology networks in assuring the competitiveness of the county's economy in supporting regional and national development.

Policies:

EC POL 25: To facilitate the delivery of a high capacity Information and Communications Technology (ICT) infrastructure and broadband network and digital broadcasting throughout the county.

EC POL 26: To encourage the further co-ordinated and focused development and extension of telecommunications infrastructure including broadband connectivity in the County as a means of improving economic competitiveness and enabling more flexible work practices e.g. teleworking.

EC POL 27: To encourage coverage and capacity of mobile technology network infrastructure, while endeavouring to reduce the number of telecommunications structures, by ensuring that ComReg's Code of Practice on Site Sharing is implemented and reciprocal national roaming is entered into.

EC POL 33: To promote orderly development of telecommunications infrastructure throughout the county in accordance with the requirements of the "Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities" July 1996, except where they conflict with Circular Letter PL 07/12 which shall take precedence.

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 and to require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

EC POL 38: To assess proposals for the location of structures in sensitive landscapes in accordance with the policies set down in Chapter 9 of this Development Plan.

The landscape character of the area is characterised – Lowland Landscape, of Low value, of high sensitivity.

Section 11.12 notes that telecommunications antennae should be located so as to minimise any negative visual intrusion on the surrounding area, especially on landscapes or streetscapes of a sensitive nature. The preferred location for telecommunication antennae is in industrial estates or areas zoned for industrial use or in areas already developed for utilities.

Support structures should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than latticed or square structure.

5.2. **Dunboyne / Clonee / Pace LAP 2009-2015,**

The 2015 County Development Plan, Volume 5, amended the Dunboyne / Clonee / Pace LAP 2009-2015. The amendments related to land use zoning objectives and included a review of the nature, location and quantum of industrial and employment generating lands. These amendments are reflected in the County Development Plan zoning maps.

Additional policies and objectives include:

CEROBJ3: Lands adjacent to Portan, Clonee

To facilitate the development of lands between Portan Clonee and Bracetown for E2 'General Industry & Employment' and E3 'Warehousing & Distribution' as provided for in Volume I of the County Development Plan. A Master Plan and a detailed Roads Needs Assessment of said lands shall accompany any planning application for the development of these lands.

CEROBJ4: Lands adjacent to Portan, Clonee

To facilitate the development of lands between Portan Clonee and Bracetown for E2 "General Industry & Employment" and E3 "Warehousing and Distribution" purposes solely for the development of major employment proposals, primarily FDI, requiring a significant site area, having regard to this strategic location within the county, as provided for in Volume I of the County Development Plan.

5.3. National Policy:

5.3.1. Telecommunications Antennae and Support Structures Guidelines (1996)

The Guidelines acknowledge that telecommunications proposals have their own locational requirements but must also fit into the national network. There may not always be locational flexibility, however, where required it may involve moving to other sites or providing additional base stations.

Section 1.2 sets out national policy issues. To avoid an unnecessary proliferation of masts co-location of antennae is encouraged. It is policy to support a national network of telecommunications antennae and structures to facilitate top quality telecommunication service throughout the State.

Permissions should normally be granted for five years in order to allow advances in technology to be reviewed.

Chapter 4 outlines guidance for design and siting, visual impact, access roads and poles, sharing facilities and clustering, health and safety aspects, obsolete structures and temporary permissions. Visual impact is among the more important considerations in arriving at a decision on a particular application and will vary with

the general context of the proposed development. Planning authorities should not include monitoring arrangements as part of planning permission conditions.

In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles). Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape.

5.3.2. Circular Letter: PL 07/12 Telecommunications Antennae and Support Structures Guidelines (October 2012)

This circular updates elements of Telecommunications Antennae and Support Structures Guidelines published in 1996. The circular letter advises that the practise of planning permission on a temporary basis should cease. Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission. Only in exceptional circumstances should a permission issue with conditions limiting their life.

Bonds for the removal of redundant structures should no longer be sought and future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

Planning authorities should maintain a register of approved telecommunications structures.

This Circular Letter reiterates that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. 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.

The letter notes that the Draft Guidelines on Development Contributions require that all future Development Contribution Schemes must include waivers for broadband infrastructure provision.

5.4. Natural Heritage Designations

There are no sites designated for nature conservation purposes in the vicinity of the appeal site. The closest sites is the Rye Water Valley / Carton SAC (001398), approx. 7km southwest of the site.

Other sites located approx. 17 / 18km to the east and south east include:

- Malahide Estuary SPA (004025) and SAC, (000205).
- South Dublin Bay and River Tolka SPA (004024)
- North Bull Island SPA (004006)
- North Dublin Bay SAC (000206)

The site is located within an existing business park / industrial estate, served by existing roads. There are no emissions from the site and no direct connections to any conservation site.

6.0 EIA Screening

- 6.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity and the lack of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Peter Salama, on behalf of Bracetown Residents Group, makes the following points in the appeal against the decision of Meath County Council to grant permission for the proposed development:

- There are health concerns about the effect of radio waves from telecom masts and associated equipment.
- It is wrong that planning authorities do not take responsibility for health and safety in order to prevent adverse impacts.
- There are always possible alternative locations which will not have adverse health impacts.
- Correspondence attached to the appeal in respect of health impacts refers to a 500m radial distance.
- There are 26 residential properties within 500m of the proposed mast and approx. 100 additional properties within 1km, as well as adjoining employees.
- The development will impact on property values in the area. (Opinion of estate agent attached.)
- The visual impact of this substantial mast is not acceptable to local residents.
- The height of the mast will result in visual domination of the surrounding area.
- It is not clear why the mast should be located at this location, which is subject to obstruction by trees. An alternative site should be sought which does not require this height of structure.
- The subsequent addition of antennae by other operators will increase its size and impact.

7.2. Applicant Response

The first party make the following comments in response to the third-party appeal:

- Health concerns are not a planning issue. The development will accord with Comreg and ICNIRP limits.
- Licensing and monitoring of emissions is a matter for Comreg.
- There is no evidence that telecommunications masts impact on property values and this matter was the subject of consideration by Board inspectors previously.
- This area is designated as a strategic employment zone and accommodates significant levels of development. Improved telecom infrastructure will contribute to the development of these lands.
- Further development of these employment zoned lands will assist in the assimilation of the structure into the landscape.

- The location is acceptable in principle and meets the technical requirements for the development.
- The structure will facilitate co-location by other operators as required.
- The site has the capacity to absorb the structure and while visible, it will not be visually obtrusive.
- Appellant's concerns regarding further development at the site could be addressed by conditions de-exempting the attachment of further equipment to the structure.
- Alternative sites within the landholding were not technically feasible and would not provide screening from the wider area.
- The potential visual impact is acceptable given siting within an industrial estate and adjacent to the M3.

7.3. **Planning Authority Response**

In response to the third-party appeal, the planning authority make the following comments:

- All matters raised in the submission were considered in the assessment of the application by the authority.
- The height of the structure was necessitated by surrounding tree clusters.
- Health concerns are not a planning issue and are a matter for Comreg to monitor. Control of emissions is governed by licence.
- It is stated that there is no evidence of impacts on property values
- The development is consistent with the provisions of the Development Plan.
- The decision to grant permission should be upheld.

8.0 **Assessment**

8.1. It is proposed to consider the appeal under the following broad headings:

- Location and Visual Impact
- Health Impacts
- Property Values

8.2. Location and visual impact

The development plan characterises this as a lowland area of low value but high sensitivity. The proposed structure at a height of 45m, is substantial and is significantly taller than other structures in this area. Structures in the adjoining business park rise to approx. 12 in height, with somewhat higher structures permitted to the northwest of the site.

- 8.2.1. Correspondence on the file indicates that there are gaps in 3G and 4G network coverage in this area and that coverage in the business park and adjoining employment zoned lands is only fair. The application is proposed as part of wider network strengthening whereby it will act as a hub to connect other mast locations in the wider area into the fibre network (Metropolitan Area Networks (MANs)). It is noted that a previously existing Vodafone mast within the business park was removed to facilitate redevelopment works permitted under RA/170586.
- 8.2.2. The application argues that the height of the structure is necessitated by the presence of mature trees within 500m of the site, which require all dishes to be installed at sufficient height to provide adequate coverage. I note the reports and conclusions of the planning authority Broadband Officer in relation to this application and the justification for the proposal and conclude that there is a requirement for additional telecommunications infrastructure in this location. The ability of the site to act as a hub for other masts in the wider area is a significant advantage of this site.
- 8.2.3. The applicants undertook some review of alternative sites within these lands, however, they argue that this remains the most technically feasible location. It is also argued that given the height of the structure, relocation within the landholding will not reduce the viability of the structure in the wider area and would only provide possible screening at lower levels.
- 8.2.4. The location of the development on these extensive employment zoned lands accords with provisions of the development plan and telecommunications guidelines. There are extensive development works currently underway at the southern end of these employment lands, at Loughsallagh close to the Clonee exit from the M3. It is expected that further development of these employment lands will take place in the future in accordance with the objectives of the development plan and that the existing character of the area will be subject to change.

- 8.2.5. I consider that the issue therefore relates to the overall height of the proposed mast and the acceptability thereof. The application was accompanied by photomontages of the development from a number of locations in the surrounding area. I have visited these locations and regard the submitted images as a reasonable representation of the views available. Direct views to the structure from surrounding residential properties will be limited due to orientation and intervening trees. The main visual impacts will therefore arise from the surrounding road network, wherein the structure will appear as a substantial feature in the landscape.
- 8.2.6. In considering this case, I have visited the site of other masts of similar scale. I consider that while the proposed structure will be visible across a wide area, having regard to the technical rationale for the proposal and in the context of the wider development objectives for this area, the visual impacts arising would not be unacceptable.

8.3. Health Impacts

- 8.3.1. The third party appeal raises concerns regarding potential health impacts arising from the proposed telecommunications mast, and has attached two articles in this regard.
- 8.3.2. Emissions from telecommunications equipment is subject to licensing and monitoring by Comreg and planning policy guidance in relation to health matters is clear. I refer to the guidelines published in 1996 by the Department, but more particularly, to the Circular letter issued to planning authorities in 2012. As noted in the circular letter, planning authorities do not have competence in relation to health and safety matters, which are subject to regulation under other codes. I therefore make no recommendation on the basis of potential health impacts arising from the proposed development.

8.4. Property Values

The appeal site and adjacent lands to the north and extending significantly to the south are zoned for employment and enterprise uses. It can be anticipated that the character of the area will change significantly over coming years. The proposed

development is of a type which is acceptable in principle under this employment zoning. There will be views to the structure from adjoining roads, however, views to the structure from residential properties will be more limited. In the context of the pattern of existing and proposed development in the surrounding area, I do not consider that it can be established that the proposed development will give rise to negative impacts on property values in this area.

9.0 **Appropriate Assessment – Screening**

The closest European sites are as identified in section 5.3 above include:

- Rye Water Valley / Carton SAC (001398), approx. 7km southwest of the site.

Other sites located approx. 17 / 18km to the east and south east include:

- Malahide Estuary SPA (004025) and SAC, (000205).
- South Dublin Bay and River Tolka SPA (004024).
- North Bull Island SPA (004006)
- North Dublin Bay SAC (000206)

The proposed development is located on zoned lands within an existing serviced business park. There is significant separation from designated sites and there is no connection between the proposed development and those European sites. While the business park discharges wastewater to the River Tolka under license, the proposed development does not itself give rise to any wastewater discharge. A screening assessment undertaken in respect of ABP-301714-18 concluded that the discharge was not likely to have a significant effect on any European Site.

It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 001398 or 004024, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

10.0 Recommendation

10.1. That permission be granted for the proposed development

11.0 Reasons and Considerations

Having regard to:

(a) National strategy regarding the improvement of mobile communications services and the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 issued by the Department of the Environment and Local Government, and Circular Letter: PL 07/12 Telecommunications Antennae and Support Structures Guidelines,

(b) the policies and objectives of the Meath County Development Plan 2017 – 2023, for Communications Technology and the extensive enterprise and employment zoning objective for these and adjoining lands,

(c) the demonstrated need for further telecommunications infrastructure in this area,

(d) the existing pattern of development and landscape features in the vicinity of the site,

it is considered that, notwithstanding the scale of the proposed structure and subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

12.0 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 on the 1st day of April 2019 and 15th day of April 2019, 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.
 - a. In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall at their own expense remove the mast, antenna and ancillary structures and equipment.
 - b. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.

Reason: In the interests of orderly development.

3. 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

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. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety

6. Details of the proposed colour scheme for the telecommunications structure, ancillary structures 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.

7. 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

Conor McGrath
Senior Planning Inspector

05/09/20189