



An
Bord
Pleanála

Inspector's Report

ABP-306279-19

Development	Permission to replace existing 12.4m high telecoms structure with a 21m high lattice communication structure, carrying communication dishes and antennae within an existing 2.4 metre high fenced compound
Location	Academy Street, Limekilnhill, Navan, Co . Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA190020
Applicant(s)	ESB Telecoms Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	First Party
Appellant(s)	ESB Telecoms Ltd.
Observer(s)	None.
Date of Site Inspection	18 th February 2020
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

1.1. The appeal site lies on the southern side of Navan Town. It comprises a c.0.874ha site on the western side of the R147, a regional road that connects Navan Town and the M3. Belmont House, a Protected Structure, lies to the south of the site. The existing telecom structure lies within a fenced telecoms compound to the west of an existing ESB Networks substation. 38kV and 10kV power lines cross the site. East of the site is retail development and a petrol station. North of the site, along Academy Street is two storey residential development. Approximately 500m north of the site the Navan to Dublin Railway line crosses Academy Street and north of this, the Navan Town Conservation Area (see attachments).

2.0 Proposed Development

2.1. The proposed development, as revised by way of significant further information (November 2019), comprises the replacement of the existing 12.4m high telecom structure with a 21m lattice communication structure carrying communication dishes and antennae within an existing 2.4m high fenced compound. It is stated in the planning application (Planning Report) that the increase in height of the tower will facilitate the upgrading of mobile broadband services in the vicinity to 5G and allow for up to 4 companies to co-locate on the structure (the existing structure carries equipment for two operators Eir and Three). The planning application includes a visual impact assessment of the development from Academy Street, north of the railway line, and from Belmont House.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 6th December 2019 the planning authority granted permission for the development subject to 6 conditions. Condition no. 5 requires that the antenna and mounting configuration be in accordance with the details submitted with the application and shall not be altered without prior grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 5th March 2019 - Recommends further information in respect of visual impact (on Protected Structures including, Belmont House, approach roads and Architectural Conservation Area of Navan Town) and revised drawings (accurately scaled).
- 3rd December 2019 – Considers that the development does not form a visually obtrusive feature on the landscape and would be in accordance with policies of the Meath County Development Plan. It recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- Conservation Officer (19th February 2019) – Recommends further information, drawings not to scale, visual impact on Belmont House, ACA of Navan Town and surrounding Protected Structures. In his subsequent report (27th November 2019) the Conservation Officer states that he is satisfied with the information received.

4.0 Planning History

4.1.1. It is stated in the planning application that the existing telecoms compound was formed under Class 31(k) and 31(e) of the Planning and Development Regulations, 2001, as amended, and did not require planning permission. Other relevant planning applications in respect of the site and surrounding land comprise the following:

- ABP-306021-19 – An application for strategic housing development on lands to the south of the appeal site (Belmont), for 544 residential units, creche and associated works, is currently with the Board.

5.0 Policy Context

5.1. National Policy

- Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, DoECLG, 1996 and Circular PL07/12.

5.2. Development Plan

- 5.2.1. The appeal site is zoned in the Navan Development Plan 2009-2015, as varied, as 'E2', General Enterprise and Employment. Telecoms structures are permitted in the zoning.
- 5.2.2. Section 8.2.3 of the Meath County Development Plan 2013 to 2019 deals with Telecommunications Antennae. The Plan recognises the essential need for high quality communications and information technology networks in the county, in line with government policy, and sets out a preferred approach which includes co-location to minimise the number of masts (Policies EC POL 25 to EC POL 38).
- 5.2.3. Section 11.12 of the Meath County Development Plan 2013 to 2019 deals with Development Management and Telecommunications. It sets out information to be provided by developers to facilitate the evaluation of development proposals. These include compliance with government guidelines on Telecommunications, reasoned justification of the need for the development at the location, consideration of alternative sites, evidence of consultation with other operators, measures to mitigate visual impacts and evidence of compliance with IRPA Guidelines (or equivalent).

5.3. Natural Heritage Designations

- 5.3.1. The River Boyne, c. 150m to the north east of the site, is designated as a European site, the River Boyne and River Blackwater SAC (site code 002299) and SPA (site code 004232).

5.4. EIA Screening

- 5.4.1. The proposed development comprises minor construction works, is not located in an environmentally sensitive site and is not likely to give rise to significant environmental effects or to warrant environmental impact assessment.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appellant appeals condition no. 5 of the permission for the following reasons:
- The proposed development is a multi-operator structure and will be shared by various communication network operators.
 - The telecoms industry is fast moving, highly competitive and innovative environment, with new technology becoming available on a constant basis. In response to technological advances mobile operators are constantly rearranging their networks with the aim of maximising coverage to their customers in the most efficient manner.
 - Condition no. 5 places unnecessary restrictions on the appellant's customers, the network operators, considering the need for flexibility to provide modern telecoms services.
 - The existing exemptions set out in Class 31(h) of the Planning and Development Regulations, 2001 (as amended) weigh industry's need for site capacity and flexibility with the other concerns limiting the equipment allowed on structures over 15m to 18 pieces of equipment.
 - Request that the condition be removed.

6.2. Planning Authority Response

- 6.2.1. The planning authority (27th January 2020) state that it is satisfied that the matters outlined in the appeal have been considered in the course of the planning application.

7.0 Assessment

7.1. The applicant has applied for permission to replace an existing 12.4m high telecoms structure with a larger, higher lattice tower, to a height of 21m. From the information on file the replacement tower will facilitate rollout of 5G and additional users. Both of these objectives are supported by government and development plan policy which seek to support the development of telecommunications in the country, subject to environmental and health safeguards, notably the requirement for telecommunication infrastructure to comply with the compliance with the International Radiation Protection Association (IRPA) Guidelines. Having regard to this, my inspection of the appeal site and surrounding area, and the information on file including the visual impact assessment, I am satisfied therefore that this appeal relate only to condition no. 5 of the permission.

7.2. Class 31, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, provides exemptions for statutory undertakers to provide telecommunications development including, under Class 31(h), *'the attachment of additional antennae to an existing support structure'*. For structures over 15m, the limitations include the following:

- The total number of antennae shall not exceed 18, of which not more than 12 antennae shall be dish type (whether shielded or not).
- *'The dimensions of any such antenna provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type already attached to the structure'*.
- In any other case, the dimensions of any such antenna provided shall not exceed stated size restrictions (see attachments).
- The attachment of such antennae shall not result in the field strength of the non-ionising radiation emissions from the site exceeding limits specified by the Commission for Communications Regulation.
- The attachment of such antennae may be carried out by way of a platform only where the antenna support structure already incorporates a platform.
- The height of the existing structure (including any antenna thereon) shall not be exceeded.

- 7.3. The application drawings, 'Academy St PL 10, Elevation' and 'Proposed Continuous Elevation North East' (Drawing No. Athlumney 38kV) indicate antennae in three groups at the top of the mast, including both box and dish types (c.15).
- 7.4. Condition no. 5 of the permission restricts the antenna and mounting configuration on the proposed lattice tower to be in accordance with these details submitted. The reasons put forward are to 'clarify the nature of the development' and to 'facilitate a full assessment of any future alterations to the network'.
- 7.5. In response to the appeal, the planning authority state that the matter was addressed in their assessment of the application. I can find no specific reference to an explanation for this condition in the Planning report. However, in their assessment of the planning application, the planning authority raised concerns regarding the visual impact of the development on the Architectural Conservation Area of Navan town and Belmont House to the south, a protected structure. The appeal site is on elevated ground above Academy Street and, with the additional height proposed in this appeal, would be more visible than the existing structure, extending beyond the height of existing structures. It is possible, therefore, that the restriction has been put in place to safeguard any future visual issues arising with a change in technology.
- 7.6. However, the Classes of development set out in the Planning and Development Regulations, 2001 (as amended) are permitted on the basis that the development '*by reason of its size, nature or limited effect on its surroundings.. would not offend against the principles of proper planning and sustainable development*' (Section 4 (2)(a) Planning and Development Act, 2000 (as amended)). I do not consider, therefore, that the planning authority has adequately justified the need for condition no. 5, over and above the safeguards already put in place by the limitations of Class 31(h) of the Regulations. Notwithstanding this, I consider that if the Board are minded to grant permission for the development a condition should be included to better clarify the dimensions and type of antennae proposed in this instance. This would also provide an appropriate benchmark for any future alterations to the arrangement of antennae brought forward under Class 31(h).

8.0 Appropriate Assessment

- 8.1. Having regard to location of the proposed development, within an established urban area, and the modest nature of the proposed development which comprises the replacement of an existing small structure, 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.

9.0 Recommendation

- 9.1. I recommend that condition no. 5 be omitted and replaced with a new condition no. 5 as detailed below.

10.0 Reasons and Considerations

Having regard to the provisions of the National Planning Framework, the Meath County Development Plan 2013 - 2019, the “Telecommunications Antennae and Support Structures Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in 1996 and associated Circular Letter PL 07/12, and Class 31(h) of the Planning and Development Regulations, 2001 (as amended), it is considered that (i) condition no. 5 of the planning authority’s grant of permission is unnecessarily restrictive and should be replaced, and (ii) subject to compliance with a revised condition that clarifies the nature of the development, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

5.	Prior to the commencement of development, detailed design of the proposed antenna including total number, size and type, shall be submitted to the planning authority for written agreement. Reason: In order to clarify the nature of the development.
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Deirdre MacGabhann

Planning Inspector

25th February 2020