



An
Bord
Pleanála

Inspector's Report ABP-311355-21

Development	Erection of a 24m lattice telecommunications structure.
Location	Eir Exchange, Battsland, Dunleer, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	21857
Applicant(s)	Eircom Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Aiden Torris.
Observer(s)	No Observers.
Date of Site Inspection	22 nd March 2022.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is located in the town of Dunleer, approximately 1km to the east of the M1 motorway and between junctions 12 and 13. The R132 and R170 regional roads converge in Dunleer and the main Dublin-Belfast railway line runs along the west side of the town. To date, the majority of development in the town has occurred to the west of the R132 and to the south of the R170.
- 1.2. The subject site has a stated area of 0.082ha and is enclosed with palisade fencing and surrounded by trees. It is currently in use as a utilities site with associated single storey exchange facility in place along the north-western boundary. Access to the site is from the R170 via a single span bridge, (Protected Structure, (Lhs 018-025, NIAH 13830004)), over the White River and along a private road of c. 170m in length.
- 1.3. To the front of the site is an area of hard standing of approximately 20m in width and framed by the disused Railway Station, (Protected Structure Lhs 018-023, NIAH 13830009) and Dunleer Library to the west. There is a detached dwelling on its own site c. 65m to the east of the subject site. The residential development of Woodgrove Heights is c. 70m to the west of the subject site and on the opposite side of the railway line.

2.0 Proposed Development

- 2.1. Planning permission is sought for the removal of a 15m wooden pole and two trees and the erection of a 24m lattice telecommunications structure together with antennas, dishes and associated telecommunications equipment which comprises two ground mounted cabinets with dimensions of 1.65m (h) x 1.34m (w) and 0.66m (d).

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the Planning Authority subject to 6 conditions which are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 21st May 2021 informed the decision of the Planning Authority and includes the following;

- The site is located within the boundary of the Dunleer Local Area Plan 2017-2023.
- The application was assessed under the policies and objectives of the Louth County Development Plan 2015-2021.
- Utility installations are 'open for consideration' under the 'Town Centre' zoning for the site. The proposal to improve telecommunications and broadband services is broadly consistent with the policies set out under Section 9.10 and 9.11 of the Louth County Development Plan, (LCDP).
- The subject site is set back from the public road by 160m and is an existing Eir Exchange, which is well screened with trees. It will not have an adverse visual impact on the surrounding area or the nearby protected structures.
- The proposal will not have an adverse impact on residential amenity by virtue of the distance of the site from the nearest residential developments and the screening around the site.

3.2.2. Other Technical Reports

Environmental Compliance – No objection to the proposal subject to planning conditions.

3.3. Prescribed Bodies

No responses on file.

3.4. Third Party Observations

Three third party observations were received by the PA, one of which is a joint submission from the residents of Woodgrove Heights and Mountain View. The following issues were raised:

- Health concerns from radio waves,
- Proximity to residential development and protected structures,
- Visual impact on nearby residential development,
- Devaluation of property,
- Overbearing impact on residential development,
- Free-standing masts should only be located in villages as a last resort.

4.0 Planning History

No recent planning history for the subject site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Louth County Council. The operative Development Plan for the area is the Louth County Development Plan, (LCDP), 2021-2027, which came into effect on the 11th November 2021.
- 5.1.2. The application was assessed by Louth County Council in accordance with the policies and objectives of the Louth County Development Plan 2015-2021, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2015 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I will consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Louth County Development Plan, (LCDP).

5.1.4. The following sections of the LCDP 2021-2027 are relevant to the proposed development;

Zoning - The site is zoned 'Town Centre' in the LCDP and in the Dunleer Local Area Plan 2017-2023. The objective of this zoning is, *'To support the development, improvement and expansion of town or village centre activities'*.

Within the Town Centre zoning objective, telecommunications structures and utilities are listed as 'Generally Permitted Uses'.

Dunleer is identified as a Self-Sustaining Growth Town in the Settlement Hierarchy for County Louth, (Table 2.4). These towns are identified as 'regionally important local drivers serving their resident population and surrounding catchments and with a reasonable level of jobs and services'.

Section 10.4.24 – Telecommunications Support Structures and Antennae –

Objective IU 41 - To ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PI07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

Objective IU 42 - To require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in proposals for new structures.

Section 13.18.3 – contains guidance on Telecommunications Structures and includes the following;

- The assessment of any application for telecommunications structures will have regard to the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996 and Circular Letter PI07/12 published by the DECLG in 2012.
- The co-location of existing structures is encouraged.
- The construction of a new antennae or structure will only be considered when co-location is not a feasible option.

- Structures shall be designed to facilitate the attachment of additional antennae and minimise any visual impact.
- Any boundaries around structures shall be carefully considered and take account of the location of the structure.
- Palisade fencing will not normally be considered acceptable, particularly in built up areas.

Protected Structures - Policy BHC 20 - To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.

Dunleer Local Area Plan 2017-2023

The subject site is located within the boundary of the Dunleer LAP. The policies and objectives relevant to the subject application are listed below.

Within the LAP, Utility Structures are listed as ‘Open for Consideration’ within the Town Centre zoning. In the Development Plan telecommunications structures and utilities are listed as ‘Generally Permitted Uses’. The PA states that *‘whilst the Dunleer Local Area Plan 2017-2023 remains in place, any aspect of this Local Area Plan that is in conflict with the Louth County Development Plan 2021-2027 (such as the Zoning and Flood Map and Composite Map or any of the policy objectives or design standards/guidance) shall cease to have effect’*.

The subject site is in proximity to a Protected Structure, Ref. Lhs 018-013, (NIAH 13830005), – Railway Station, Battsland. A bridge over the White River at the access road to the site is also listed on the Record of Protected Structures, Ref. Lhs 018-025, (NIAH 13830004).

Policy NB 10: To ensure the protection of all structures and/or their setting contained in the Record of Protected Structures as identified in Table 3.1 of the draft Dunleer Local Area Plan 2017-2023.

Policy IN 1 - To facilitate the provision of all infrastructure, including water, waste, transport, energy and communications, necessary to support the existing and future population, industry and economic base of Dunleer in a sustainable manner.

Policy IN 24: All applications relating to telecommunications, broadband and related support structures shall be in accordance with the relevant policies and objectives of the Louth County Development Plan 2015-2021, unless otherwise provided for in this plan.

Policy IN 25: To secure the provision of high-quality broadband and telecommunication infrastructure in the interest of promoting economic growth and competitiveness.

5.2. National Guidelines

5.2.1. National Planning Framework – Project Ireland 2040

Objective 24 – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

5.2.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

4.3 – Visual Impact - The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

4.5 – Sharing Facilities and Clustering – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

5.2.3. **DoECLG Circular Letter PL07/12**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and 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. These are regulated by other codes and such matters should not be additionally regulated by the planning process'*.

5.3. **Natural Heritage Designations**

5.3.1. No designations apply to the subject site.

5.4. **EIA Screening**

5.5. The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations. Having regard to the limited nature and scale of the proposed development and the absence 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal include the following:

- The appellants home adjoins the subject site and the appellant also owns land folio numbers LH4473 and LH1385F. No information is given as to the location of these land folios.
- There is a concern regarding the impact on health from the proposed development. The grounds of appeal state that a minimum distance of 500m from a mast should reduce the risk of cancers and adverse neurological effects on nearby residents.
- In the event of the structure collapsing, damage would occur to the appellants property.
- The mast would have a negative impact on the recently restored old ticket office of Dunleer Railway Station which is listed on the Record of Protected Structures and was recently restored.
- Local estate agents have advised that the proposed development would result in the devaluation of the appellants property.
- The proposal is visually intrusive when viewed from the appellants property.

6.2. Applicant Response

A response was received from the applicant on the 8th October 2021 and includes the following:

- Eir 4G coverage is currently not available in Dunleer. The structure that Eir is currently operating from is c. 100m to the south of the site and only offers 3G technology. This structure is heavily loaded with equipment and adding further equipment would not allow Eir to meet its technical objectives for the area.
- The proposed structure is designed to accommodate Eir and potentially other operators which would avoid the need for additional structures in the area.
- The site is an established utility site and an existing Eir Exchange. It is set back from the public road and is surrounded by trees, which substantially reduces the visual impact of the proposal.

- Only the top section of the structure will be visible and due to the existing trees, views will be intermittent.
- The structure is unlikely to have an adverse visual impact on the nearby protected structure (NIAH13830005).
- There is existing access and parking on the site so minimal works are required.
- The development would help to achieve the objectives contained in the National Broadband Plan (2012), the National Planning Framework and the National Development Plan, which support improvements in telecommunications infrastructure.
- In response to the appellants arguments, the applicant states that health concerns are separate planning matters. However, Eircom Ltd. has stringent health and safety policies and codes for its maintenance crews and for the public, both for physical safety and for standards set by the International Non-Ionising Radiation Committee.
- The appellant's boundary is approximately 25m from the structure. In the unlikely event that the structure falls the damage to the nearby property would be minimal. The tree cover would also minimise the impact.
- With reference to the protected structure, the planners report concluded that the character of the protected structure would not be compromised by the proposed development.
- There is no empirical evidence to show that telecommunications infrastructure near dwellings leads to devaluation of the property. Communications and broadband activity are so essential that it could be concluded that residential development not served by this infrastructure are more likely to suffer devaluation.

6.3. **Planning Authority Response**

A response from the PA was received on the 7th October 2021 and includes the following:

- The national guidance for Telecommunications Structure, (Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996), does not specify a minimum separation distance between residential properties and lattice towers or antennae.
- Health issues are not a planning issue per se in relation to telecommunication structures.
- In relation to concerns regarding the collapse of the structure, such structures would be constructed to engineering and construction specifications and such concerns are not planning considerations.
- The site location is appropriate as it is at an existing Eir Exchange, which is in accordance with national guidance.

6.4. **Observations**

- No observations were received.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- Justification for Development
- Visual Impact & Protected Structure
- Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located within the boundary of Dunleer town and is zoned 'Town Centre'. The objective of this zoning is, *'To support the development, improvement and expansion of town or village centre activities'*. Within the Town Centre zoning objective, telecommunications structures and utilities are listed as 'Generally Permitted Uses'. The site is an established utilities site with planning history going back to 1967 for a telephone exchange.
- 7.2.2. I am satisfied that the principle of the development is acceptable and that the proposed development can be considered within the existing zoning objective and subject to the provisions of the Louth County Development Plan and national guidance.

7.3. Procedural Issues

- 7.3.1. The grounds of appeal include a number of concerns that are regulated by separate legal codes and are not considered to be planning issues. The issues raised related to concerns about the impact of the telecommunications infrastructure on public health and damage to private property caused by the collapse of the structure.
- 7.3.2. The issue of health and safety is not within the remit of the Board and as such will not form part of this appeal. The Commission for Communications Regulations (ComReg) is the statutory body responsible for the regulation of the electronic communications sector and are the relevant body to contact regarding health and safety concerns. Furthermore, Government guidance contained in the Telecommunications and Support Structures guidelines 1996 and Circular Letter PL07/12, state that Planning Authorities and An Bord Pleanála should be primarily concerned with the appropriate location and design of telecommunications structures and do not have the competence for health and safety matters in this regard.
- 7.3.3. With regard to the potential for damage to private property, the construction of the structure would be regulated by engineering requirements and building regulations. Should it arise, any damage to property caused by the structure is a civil matter to be

resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.4. Justification for Development

7.4.1. The applicant states that Eir 4G coverage is currently not available in Dunleer. It is also stated that it would not be possible to provide 4G infrastructure from the structure that Eir currently transmits from as there is no capacity. This structure is c. 100m from the subject site and is heavily loaded with equipment from Three Ireland, Vodafone and Eir and developing below the existing dishes would not provide required 4G coverage improvement. In order to rectify this deficiency in service, the applicant contends that a new structure is required. This new structure would be capable of accommodating multiple operators which would negate the need for additional structures in the area.

7.4.2. A review of nearby structures was carried out by the applicant to determine their suitability for co-location. There are two structures in proximity to the site:

- a 30m lattice structure at Battsland c. 100m from the site and
- a 15m monopole structure at Drumcar Road c. 1km from the site.

These sites were discounted as the structure at Battsland is already heavily loaded with equipment for different providers and would not have capacity at the required height for additional equipment. The site at Drumcar Road was deemed to be too far away from the proposed site and would not effectively mitigate against the coverage issues for the area.

7.4.3. I have reviewed the ComReg coverage maps for Dunleer. At the time of writing, the maps showed that the most populated areas to the south and west of the site had an Eir 4G service that was defined as 'Fringe'. The existing 4G coverage around the site for all providers, apart from Eir, was defined as 'Good', or 'Very Good'. However, the maps showed that this service was not consistent for all providers and there were pockets within the town where the service was 'Good' or 'Fair'. There was also a distinct difference in quality between the service to the west of the site which includes the National School, the Garda Station and the area to the east, which is less populated. The area to the west was defined as 'Good', whereas the residential

developments of Woodlands and Riverdale to the east generally had a 'Very Good' service.

- 7.4.4. The telecommunications guidelines recommend that only as a last resort should free-standing masts be located in a residential area or beside schools. Guidance also states that if such sites are to be considered they should already be developed for utilities, masts and antennae should be designed and adapted for the specific location with preference given to monopole structures. The subject site is located beside a railway line and is approximately 160m from the main street. It is already in use as a utility site that accommodates telecommunications infrastructure and has an access road and direct access to the public road. The nearest residential development would be at Woodgrove Heights which is c. 60m to the east of the site and separated by the railway track. A detached house is located c. 65m to the south-west of the site and is bounded by large trees.
- 7.4.5. I am satisfied that the proposed development for a 24m lattice tower on an existing utilities site, c. 65m from the nearest residential development would provide an improvement in 4G service to Dunleer and the surrounding area and would allow for the future co-location of service providers. It is therefore in accordance with national guidance contained in the Telecommunications Guidelines and the provisions of the LCDP as set out in Section 13.18.3.

7.5. Visual Impact & Protected Structure

- 7.5.1. The subject site is located within the town centre of Dunleer. There are no protected views across the site and the surrounding area is not designated as a visually sensitive landscape. When looking east from the R170, the view towards the site is blocked by large trees. The approach road to the site is also framed by large trees and planting, as is the site itself. Views of the mast would be most pronounced from the areas to the south and west of the site where the top of the mast would be visible above the existing tree line. However, views from the centre of the town would be intermittent and mainly blocked by existing buildings.
- 7.5.2. The top of the mast would also be visible from the residential developments to the east and west of the site. However, the lower level would be screened from sight by existing trees around the site and by the railway line and the buildings when viewed

from the housing estate to the east. I am satisfied that the existing buildings and trees will mitigate against the visual impact of the proposal from areas in close proximity to the site. Views from further away will be intermittent and as the receiving environment is not designated as a sensitive landscape, they would not result in a negative visual intrusion within the wider landscape.

7.5.3. Concerns were raised in the grounds of appeal regarding the impact of the structure on the protected structures in close proximity to the site. The closest protected structure is the single-storey, red-brick railway station which is c. 20m to the north-east of the site. As noted above, only the top of the mast would be visible above the existing trees when in close proximity to the site. It is proposed to retain the majority of the boundary planting around the site and I am satisfied that, given the separation distance and the existing screening, that the proposed mast would not result in any undue negative impact on the character and setting of the protected structure.

7.5.4. The second protected structure in proximity to the site is a single-span bridge which crosses the White River at the entrance to the approach road from the R170. The bridge is c. 160m from the subject site and is framed by stone walls on either side. The large trees framing the approach road to the site would obstruct any direct views from the bridge and given the separation distance between the site, I am satisfied that the character and setting of the protected structure will not be negatively impacted.

7.6. Residential Amenity

7.6.1. The grounds of appeal also raised concerns regarding the impact of the proposal on the residential amenity of the adjoining property. The house would be c. 65m from the proposed development, but the garden would back onto the subject site. The top of the proposed structure would be visible from the house and garden but as previously noted the existing trees and planting would screen the lower section of the mast. I am satisfied that the proposed structure would not result in an overbearing impact on the adjoining house by virtue of the existing screening and the separation distance from the house.

7.6.2. I note the concerns raised in the grounds of appeal in respect to the devaluation of neighbouring property. However, having regard to the assessment and conclusion

set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.7. Appropriate Assessment

- 7.7.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.7.2. The proposed development is for the removal of an existing 15m wooden pole and the construction of a 24m lattice telecommunications structure together with antennas, dishes and associated telecommunications equipment and two ground mounted cabinets. The development site is within an established utility compound and does not require any ground works, new access roads or water connections.
- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.7.4. The closest European sites are,
- Stabannan-Braganstown SPA, (Sitecode 004091), which is c. 6km to the north-west of the site:
 - Dundalk Bay SPA and SAC, (Sitecodes, 004026 & 000455), which are c. 6.5km to the north-east and

- Clogher Head SAC, (Sitecode 004459) is c. 12km to the south-east of the site.

7.7.5. The qualifying interests and conservation objectives are outlined below:

Stabannan-Braganstown SPA	
Ref. IE004091	
Distance from site; c. 6km to the north-west.	
Qualifying Interests	Greylag Goose (<i>Anser anser</i>) [A043]
Conservation Objectives	To maintain or restore the favourable conservation condition of the Greylag Goose.
Dundalk Bay SPA	
Ref. IE004026	
Distance from Site; c. 6.5km to the north-east.	
Qualifying Interests	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>
Conservation Objectives	To maintain or restore the favourable conservation condition of the qualifying interests.
Dundalk SAC	
Ref. IE000455	
Distance from Site; c. 6.5km to the north-east.	
Qualifying Interests	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Conservation Objectives	To maintain or restore the favourable conservation condition of the qualifying interests.
Clogher Head SAC	
Ref. IE001459	
Distance from Site; c. 12km to the south-east.	
Qualifying Interests	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>

Conservation Objectives	To maintain the favourable conservation status of habitats and species of community interest.
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7.9.33. There is no direct hydrological connection to these sites, and they are at some remove from the designated sites overland. There is an indirect hydrological connection from the site to Dundalk Bay via the White River, which is c. 135m to the west of the site. White River converges with the River Dee c. 3km to the north of the site and then flows to Dundalk Bay. Any potential pollutants from the site would be via surface water run-off during the construction phase. However, as the proposed development will have limited groundworks any potential pollutants in the surface water run-off will be minor in nature and would be unlikely to make their way into the White River by virtue of the separation distance between the two sites.

7.9.34. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development and the location of the site in a developed utility compound with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise, and it is not considered that the 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 be granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development for the replacement of an existing telecommunications support structure with an a 24m lattice structure carrying telecommunications equipment with ancillary ground-mounted infrastructure, the proposed development would be in accordance with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996 and with the policies and objectives of the Louth County Development Plan 2021-2027, and the Town Centre zoning for the site, and would

not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th September 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The proposed mast and all associated equipment shall be removed from the site when it is no longer required and the site shall be reinstated to its predevelopment condition.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping shall be carried out no later than the first planting season following commencement of development on site.</p> <p>Existing hedgerows, trees and shrubs on site shall be preserved. All planting shall be adequately protected from damage until established. Any</p>

	<p>plants which die or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Details of the material finish and colour of the telecommunications support structure and associated equipment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The applicant shall provide and make available at reasonable terms, the proposed communications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.</p> <p>Reason: In the interests of visual amenity and the proper planning and development of the area.</p>

Elaine Sullivan
 Planning Inspector

23rd March 2022