



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311811-21

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<b>Development</b>	Construction of multi-operator telecommunications infrastructure.
<b>Location</b>	Eir Exchange, Ross, Tara, Co. Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	211542
<b>Applicant(s)</b>	Eircom Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Limited
<b>Date of Site Inspection</b>	20 <sup>th</sup> February 2022
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0234426 hectares, is located approximately 12km south east of Navan. The appeal site is located at the junction of the R147 and the L2207. The appeal site is occupied by an existing telecommunications exchange with a single-storey structure on site as well as a wooden pole carrying telecommunication infrastructure. Adjoining uses include a large two-storey dwelling on sizeable ground located to the west and to north is the old Tara Post Office building (Protected Structure), which is in ruins and is barely visible due to vegetation and its overall condition.

## 2.0 Proposed Development

- 2.1. Permission is sought for a development consisting of the construction of multi-operator telecommunications infrastructure comprised of a 21m monopole (overall structure height of 22.5m)) antennas, dishes and associated equipment, together with ground level equipment cabinets, fencing and landscaping.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on two reasons...

1. It is considered that as a result of the absence of sufficient information submitted with the application demonstrating that the proposed development by virtue of its design, scale and siting would not be visually obtrusive and detrimental to the visual amenities of the area, most notably Protected View No 43, 44 & 47 Meath County development plan 2013 panoramic views from the Hill of Tara and Hill of Skryne. Therefore, the proposed development would materially contravene objective LC OBJ 5: To preserve the views and prospects and the amenity of places and features of natural beauty or interest listed in Appendix 12 and shown on Map 9.5.1 from that would interfere with the character and visual amenity of the landscape. 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.

2. It is the policy of Meath County Development Plan 2013-2019 (as varied) To ensure that development in the immediate vicinity of a recorded monument is sensitively sited and designed so that it does not significantly detract from the monument. Where upstanding remains exist, a visual impact assessment may be required (CH POL 7) and to conserve and protect the architectural heritage of Meath (CH POL 10). The proposed development would be visible from and negatively affect the setting of Former Tara Post Office which is listed in the Record of Protected Structures (RPS ref. MH08-101) and the National Inventory of Architectural Heritage (ref. 1403801). The proposed development if permitted, would significantly detract from the Protected Structure and adversely impact upon its setting and character and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning Report (29/09/21): Issues raised regarding visual impact and setting of a protected structure. Refusal recommended based on the reason outlined above.

#### **3.2.2. Other Technical Reports**

Conservation Office (20/09/21) Concerns expressed regarding impact in relation to the Hill of Tara, the Hill of Skyrne and recorded and registered monuments.

Transportation (29/09/21): No objection subject to condition. .

### **3.3. Prescribed Bodies**

None.

### 3.4. Third Party Observations

3.4.1 Submission from Barry O'Brien & Mary Agnes O'Connor, Old Ross Road, Tara, Co. Meath. The issues raised can be summarised as follows...

- Impact on protected landscape, proximity to existing dwellings, inadequate screening, no vehicular access to the site, compliance with IRPA guidelines, failure to address previous reason for refusal, location at a dangerous junction, impact on protected birds, contrary development plan policy and inappropriate scale of development.

## 4.0 Planning History

AA201189: Permission refused for a multi-operator telecommunications structure (24m high lattice tower). Refused based on two reasons including impact on protected views and prospects and setting of a protected structure.

AA140842: Permission granted for retention of an existing 13.6m high monopole telecommunications structure and a 5m high antenna.

NA802682: Permission granted for continuance of use of 13.6m high monopole telecommunications structure and a 5m high antenna.

NA30206: Permission granted for retention of an existing 13.5m high monopole telecommunications structure and a 5m high antenna.

00228: Permission granted to retain wooden pole with antennae use for mobile communications.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2021-2017

#### INF POL 54

To facilitate the delivery of a high capacity Information and Communications Technology (ICT) infrastructure and broadband network and digital broadcasting throughout the County.

#### INF POL 55

To seek to have appropriate modern ICT, including open access fibre connections in all new developments and a multiplicity of carrier neutral ducting installed during significant public infrastructure works such as roads, rail, water and sewerage, where feasible and in consultation with all relevant licensed telecommunications operators.

#### INF POL 56

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, and any subsequent revisions or expanded guidelines in this area.

#### INF POL 57

To promote best practice in siting and design in relation to the erection of communication antennae, having regard to ‘Guidance on the potential location of overground telecommunications infrastructure on public roads’, (Dept of Communications, Energy & Natural Resources, 2015).

#### INF POL 58

To encourage and facilitate pre-planning discussions with service providers and operators prior to the submission of planning applications.

#### **INF POL 59**

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.

#### **INF POL 60**

To assess proposals for the location of telecommunication structures in sensitive landscapes in accordance with the policies set down within the Landscape Character Assessment.

It is an objective of the Council:

#### **INF OBJ 51**

To support the delivery and implementation of the National Broadband Plan

#### **INF OBJ 52**

To require that open access communications cables and associated infrastructure are undergrounded in urban areas with particular reference to Architectural Conservation Areas in order to protect the visual amenities of streetscapes. Proposals for overground cables located within Architectural Conservation Areas will be subject to outcome of development management process.

#### **INF OBJ 53**

To secure 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.

#### HER POL 14

To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.

#### HER POL 16

To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.

#### HER OBJ 56

To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect these views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape.

## 5.2 National Policy

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities Section 4.2 Design and Siting “The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”. “Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and mast and antennae

should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure”.

### Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect

### 5.3 Natural Heritage Designations

None in the zone of influence of the project.



## 5.4 EIA Screening

The proposed development is not of a class (Schedule 5, Part 2(10) of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Towercom on behalf of the applicant, Eircom Limited. The grounds of appeal are as follows...

- The appellant outlines that there is technical justification (technical justification report submitted with application and appeal submission) for the proposal with a need for improved coverage in the area. Improved telecommunication infrastructure is consistent with objectives of the Meath County Development Plan.
- The design and visual impact of the proposal is consistent with the recommendation of the national guidelines. With provision of a monopole design or minimum height.
- The visual impact of the development does not impact on landscape character to the extent that merits refusal and is a sufficient distance from protected views so as to be difficult to view and it can be coloured to reduce visual impact.
- The proposed structure will not impact upon the setting of the protected structure. And the nature of the structure is reversible and there is existing screening that hide the lower part of the structure. The monopole structure would be less intrusive than the lattice structure previously proposed.

### 6.2. Planning Authority Response

6.2.1 Response by Meath County Council

- The PA notes that the applicant has failed to demonstrate the proposal would not impact upon protected views. The proposal would also impact upon the setting of a protected structure. The PA request that the Board uphold the decision to refuse permission.

## 7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Appropriateness of the location, technical justification

Visual Impact/views and prospects/protected structure

Section 37(2)

7.2 Appropriateness of location, technical justification:

7.2.1 The proposal is for the provision of a telecommunication support structure within the existing Eir exchange at the junction of the R147 and L2207. The site is an established site for telecommunication infrastructure (existing 13.5m high support structure plus 5m high antenna on site) and the application is accompanied by a technical justification for the proposed structure, which demonstrates such is required to improved coverage in the area. The proposed structure is multi-user structure capable of facilitating co-location. I would consider that the proposal is consistent with both Development Plan and National policy in regards to improving telecommunication infrastructure and there is adequate justification for the proposal at this location as well as use of an established site for such purposes.

7.3 Visual Impact/views and prospects/protected structure:

7.3.1 Permission was refused on the basis that the applicant failed to demonstrate the proposal would not have a visually obtrusive in the area and in particular from Protected View No 43, 44 & 47 Meath County development plan 2013 panoramic views from the Hill of Tara and Hill of Skryne. The proposed development was deemed to be a material contravention of objective LC OBJ 5 of the Meath County Development Plan 2013-2019. A new development plan has superseded the Plan

under which the development was assessed and the new plan in place has an equivalent objective, HER 16 with the views and objectives the same as the previous plan and identified on Map 8.6.

7.3.2 The views and prospects question are located at the Hill of Tara to the north west and Hill of Skryne to the north, which are both upland areas relative to the appeal site. Having inspected the site and the surrounding area I would consider that the overall visual impact of the proposal is unlikely to be significant in the area and from the views and prospects. The site is low lying and located adjacent a regional route at its junction with the L2207. There is a level of existing screening of the site due to existing vegetation and the nature of the structure is slender and low lying rather than bulky in scale and on an elevated site. I would question whether the proposed structure would be visible at all from the views and prospects due the overall distance from the view in question, the use of slender monopole on site and intervening topography and vegetation. I would be of the view that the overall visual impact of the proposal is satisfactory in terms of the visual amenities of the area, landscape character and would not be highly visible or obtrusive from the identified views and prospects. In this regard I do not consider that the proposal is contrary to any of the objectives of the County Development Plan let alone a material contravention.

7.3.3 Permission was also refused due to impact on the setting of a protected structure. The protected structure in question is the former Tara Post Office (RPS 90162) described as a detached two-bay four-storey thatched with windbreak porch, built c.1820, whitewashed render stone/earth walls, sash windows-derelict. The structure in question is to the north of the site and is currently in exceptionally poor condition and is covered in vegetation. Notwithstanding the perilous condition of the existing protected structure, I would be of the view that the proposal does not significantly impact on the setting of such. The development and appeal site is separate from the curtilage of the protected structure and the design and slender nature of structure added to existing screening on site would be sufficient to ensure the proposal would have an acceptable visual impact at this location. I would be of the view that the

proposal would be acceptable in context of overall visual amenity, architectural heritage and compliant with Development Plan policy.

## 7.5 Section 37(2)(b):

7.5.1 Refusal reason no. 1 stated that “the proposed development would materially contravene objective LC OBJ 5: To preserve the views and prospects and the amenity of places and features of natural beauty or interest listed in Appendix 12 and shown on Map 9.5.1 from that would interfere with the character and visual amenity of the landscape”.

Under Section 37(2)...

(2) (a) Subject to *paragraph (b)*, the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

(c) Where the Board grants a permission in accordance with *paragraph (b)*, the Board shall, in addition to the requirements of section 34 (10), indicate in its decision the main reasons and considerations for contravening materially the development plan.

7.5.2 In relation to this issue I would note that the proposal was assessed under the previous development plan, which has since been superseded by the Meath County Development Plan 2021-2027. I am satisfied based on the assessment above that the proposal would be acceptable in the context of Development Plan policy in general and in the context of protected Views and Prospects.

7.5.3 Notwithstanding such I would consider that the proposal would meet the criteria set out under Section 37(2)(b)(iii) in that the proposal is compliant with Section 28 guidelines in the form of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities with such outlined in previous sections of this report. I also consider that Section 37(2)(b)(iv) also applies having regard to long established pattern of development in terms of the use of the site for telecommunications infrastructure.

## 8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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 a grant of permission subject to the following condition.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2014-2020 and the DOEHLG Section 28 Statutory Guidelines; "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive, impact on the setting of a protected structure or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

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

Reason: In the interest of clarity.

2.

(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 removal of the telecommunications structure and ancillary structures and

the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest 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. 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.

6. 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.

7. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Colin McBride  
Senior Planning Inspector

21<sup>st</sup> February 2022