



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311867-21

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<b>Development</b>	Construction of telecommunications structure
<b>Location</b>	Eir Exchange, Main Street, Summerhill, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	21159
<b>Applicant(s)</b>	Eir Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eir Ltd
<b>Observer(s)</b>	John Fox
<b>Date of Site Inspection</b>	21 <sup>st</sup> February 2022
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated of 0.0057 hectares, is located in Summerhill, Co. Meath. The appeal site is the existing Eir Exchange, which is occupied by a single-storey telecommunications building with boundaries defined by palisade fencing. Adjoining uses include a single-storey detached dwelling to the north west and an industrial building to the south (Celtic Chocolates).

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of multi-operator telecommunications infrastructure comprised of a 24m lattice tower (overall structure height of 25.5m), antennas, dishes and associated equipment, together with ground level equipment cabinets and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on two reasons...

1. It is considered that the applicant has not sufficiently demonstrated that the proposed development by virtue of its design, scale and siting would not be visually obtrusive and detrimental to the visual amenities of area, most notably the Summerhill Architectural Conservation Area. The development as proposed would materially contravene objective CH OBJ 21: To ensure that any new development within or contiguous to an ACA is sympathetic to the character of the area and that the design is appropriate in terms of scale, height, plot density, layout, materials and finishes. It is considered that the proposed development would interfere with the character of the ACA, would seriously injure the visual amenities of the area, and would set an undesirable precedent for similar future developments and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the applicant has not sufficiently demonstrated that the proposed development would provide any improvement in coverage or services at

this location, there is already another mast in close proximity to the site and the need for the structure and why the antennas cannot be located on the existing mast has not been demonstrated. Policy EC POL 37 of the Meath County Development Plan 2013-3019 seeks “To encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use existing structures will be required where the number of masts located in any single area is considered to have an excessive concentration”. The proposed development if permitted, would materially contravene this policy would seriously injure the amenities and depreciate the value of property in the vicinity, would established an undesirable future precedent for similar developments of this kind 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 (05/10/21): Concerns raised regarding proximity to ACA and compliance with Development Plan policy, insufficient justification established. Refusal recommended based on the reason outlined above.

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

Conservation Officer (29/09/21): Adverse visual impact in relation to nearby ACA.  
ACA

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

3.4.1 Submission from John Fox, Rathmolyon Rd, Summerhill, Co. Meath. The issues can be summarised as follows...

- Magnetic interference, proximity to existing dwelling, interference with radio and television. Visual impact, impact on privacy in terms of maintenance, landscape maintenance and parking issues.

## 4.0 Planning History

TA30211: Permission granted to retain existing 13m telecommunication support structure and 5m high antenna.

00/225: Permission granted to retain a wooden pole with antennae.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant Development Plan is the Meath County Development Plan 2021-2017. Summerhill is classified as an ACA.

The appeal site is zoned B1, Commercial/Town or Village Centre with a stated objective 'to protect, provide for and/or improve town and village centre facilities and uses'.

#### 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 19**

To protect the character of Architectural Conservation Areas in Meath.

**HER POL 20**

To require that all development proposals within or contiguous to an ACA be sympathetic to the character of the area, that the design is appropriate in terms of height, scale, plot density, layout, materials and finishes and are appropriately sited and designed with regard to the advice given in the Statements of Character for each area, where available.

## 5.2. Natural Heritage Designations

None in the zone of influence of the project.

## 5.3. 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 Eir Limited.,

- The proposal is to located on a site where there has been telecommunications infrastructure and cluster with existing infrastructure, which is in accordance with national guidance. It is considered that the visual impact is not excessive and is in an established utilities setting with natural screening.
- There was provision for a 12m high wooden pole on site and existing support structure cannot meet current or future demand without being replaced with a taller structure. The proposed structure will accommodate multi operators and a lattice tower is the preferred method for achieving such. There is a need for the new structure due to increased data usage and to improve indoor voice and data services.
- There are existing support structures identified in the vicinity. The subject site is at an existing utilities exchange and is a logical location for siting such infrastructure, which has the potential to facilitate co-location and clustered with existing telecommunication infrastructure.
- It is considered that the proposal is consistent with policies regarding telecommunications structures under the Meath County Development Plan

2013-2019, The Guidelines for Telecommunications 1996 and regional and national planning policy.

- The appellant refers to precedent cases including a similar developments granted at the Eir exchange in Bettystown and Dunsoughlin by Meath County Council and a Board decision in Limerick (308818).

## 6.2. **Planning Authority Response**

### 6.2.1 Response by Meath County Council.

- The PA request that the Board uphold the decision to refuse permission.

## 6.3. **Observations**

### 6.3.1 Observation by from John Fox, Rathmolyon Rd, Summerhill, Co. Meath. The issues can be summarised as follows...

- Radiation/health concerns, inappropriate development in context of heritage/ACA, residential area, parking issues, impeding pedestrian movement, impact on property value impact of security lighting and maintenance causing disturbance.

## 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/ACA

Section 37(2)

Other issues

### 7.2. Appropriateness of the location, technical justification:

#### 7.2.1 The proposal is for the provision of a telecommunication support structure within the existing Eir exchange in the centre of Summerhill. The site is an established site for telecommunication infrastructure (existing 13m 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 improve coverage in the area. The proposed structure is a multi-user structure capable of facilitating co-location. The technical justification includes an assessment of existing support structure in the area and details of existing coverage maps showing that there is a capacity for improvement that can be facilitated by the proposed development. 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 the fact that such a use is already established on site.

### 7.3 Visual Impact/ACA:

7.3.1 Permission was refused on the basis of visual impact and its context in regards to its location within an ACA. It was deemed that the development would materially contravene objective CH OBJ 21. The proposal is compliant with national policy in that it proposes use of an established site housing telecommunication infrastructure. I would however have some concerns regarding the overall visual impact of the proposal in part due to fact that the site is located in an urban area in the heart of the town and on the Main Street. The proposed structure is a lattice type structure of increased bulk and height and has a much more prominent visual impact than the existing structure on site. National policy (Section 4.2) clearly state that “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 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”.

7.3.2 There is an existing lattice support structure on a site further to the north west to rear of the Garda Station and the proposal for another lattice structure at this location would have a significant visual impact and be contrary National guidelines, which

recommend against the provision of lattice structures in such an urban context. I consider that having regard to Section 4.2 of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities and notwithstanding the fact that the site is already occupied by a telecommunications support structure, the proposal is for replacement structure of increased scale and bulk and is a lattice type structure that would have a significantly increased and detrimental visual impact at this urban location on a small site lacking sufficient screening. In addition the proposal would be detrimental to the setting and context of a designated Architectural Conservation Area and would be contrary to Policy HER POL1 19 and HER POL 20 of the Meath County Development Plan 2021-2027.

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

7.4.1 Refusal reason no. 1 stated that “the proposed development would materially contravene objective CH OBJ 21: To ensure that any new development within or contiguous to an ACA is sympathetic to the character of the area and that the design is appropriate in terms of scale, height, plot density, layout, materials and finishes”.

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.

7.4.2 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 is contrary to the current Development Plan policy in relation to ACA and the equivalent policy, HER POL 20. I would however be of the view that it not a material contravention of Development Plan policy.

7.4.3 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.

7.5 Other Issues:

7.5.1 The observations raise concerns regarding the proximity of the proposal to existing residential development. In this regard the appeal site is currently in use for telecommunications infrastructure and the proposal although an increased scale of structure does not alter the nature of use being carried out on site. I am of the view

that the proposal does not have a materially different impact over and above the existing established use on site and in this regard no adverse impact on residential amenities.

7.5.2 I would note that subject to the proposed infrastructure being installed, operated and maintained so that there is compliance with the international standards relating to emission of non-ionising radiation, the safety standards under COMReg and relevant guidance, standards and legislation no issues with regard to risk to public health from a planning perspective should arise.

## **8.0 Recommendation**

8.1. I recommend a refusal based on the following reason.

## **9.0 Reasons and Considerations**

1. Under Section 4.2 of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities it is stated that “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”. Notwithstanding the fact that the site is already occupied by a telecommunications support structure, the proposal is for replacement structure of increased scale and bulk and is a lattice type structure that would have a significantly increased and detrimental visual impact at this urban location on a small site lacking screening. In addition the proposal would be detrimental to the setting and context of a designated Architectural Conservation Area and would be contrary to Policy HER POL1 19 and HER POL 20 of the Meath County Development Plan 2021-2027. The proposed development would be contrary to national policy in relation to telecommunication infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

21<sup>st</sup> February 2022