



An
Bord
Pleanála

Inspector's Report ABP 314305-22

Development	Replacement of existing telecommunications structure (16.5m) with new lattice tower (19.5m).
Location	Eir Exchange, Navan Road, Dunboyne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21/1541.
Applicant(s)	Eir (Eircom Limited).
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party v Grant.
Appellant(s)	Raymond Andrews.
Observer(s)	None.
Date of Site Inspection	4 th April 2023.
Inspector	Aisling Cunnane.

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1.0 Site Location and Description

- 1.1. The appeal site is located on the west side of the Navan Road approximately 0.5km north of Dunboyne centre. The site entails an established Eir exchange facility, which contains a single storey building and an established 16.5 metres telecommunications structure with affixed antennae.
- 1.2. Access to the gated site is through a narrow vehicular access off the Navan Road.
- 1.3. There is one dwelling house adjacent and to the east of the site, between it and the Navan Road. There is also a dwelling house to the northeast of the site near the junction of the Kilbrena and the Navan Road. The residential estate, 'The Paddocks' is situated to the south and west of the site.
- 1.4. A Meath County Council yard/depot is situated on the adjacent site to the north and this site contains a large water reservoir feature and a service building.
- 1.5. There is significant proportion of utility infrastructure visible in the general area, such as water reservoirs (x2), telecommunications poles and transmission lines/pylons. The area also has the benefit of mature trees and soft landscaping.

2.0 Proposed Development

- 2.1. It is proposed to replace an existing telecommunications structure (16.5 metre) with a new lattice tower of proposed height 19.5 metres. Telecommunications equipment is proposed to be transferred onto the replaced structure. Ancillary equipment is proposed at ground level. A landscaping scheme is also proposed.

3.0 Planning Authority Decision

3.1. Decision

The planning authority made a decision to grant permission on the 13th July 2022 subject to 6 No conditions, which are of a generic nature.

The planning authority's decision reflects the Planners report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report refers to various policy and to the zoning of the site, which supports the proposal.

A Further Information request was made relating to the following: planning history status of site, justification for proposed height, address submissions made, Section 34 (8) of Act (readvertise if necessary).

Under the response, it was submitted that the existing mast has been in situ for many years and was built under Exempt Development Class 29 SI No 86/1994. Regarding suitability of the site, it was referred that there is an existing telecom use on site and it was considered more appropriate to upgrade the site/increase height by 3 m. rather than searching for a greenfield site.

The present zoning of the site supports the proposal. It is now intended to replace the existing mast in the same location as it been positioned at heretofore, with a view to increasing separation distance between it and dwellings. Further Information was considered to be significant therefore the proposal was readvertised.

3.2.2. Other Technical Reports

Meath Co. Co. Broadband Officer

The proposal would improve coverage in the town in particular regarding 3G and 4G services.

It would improve coverage if providers were able to get higher locations on mast.

Location at an open Eir exchange will enable fibre back haul removing the need for microwave links and facilitating higher capacities.

3.3. Prescribed Bodies

Irish Aviation Authority

The authority has no requirement for obstacle lighting to be included at the Eir Exchange, Navan Road, Dunboyne. This does not preclude the local authority from imposing any conditions it may require.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Development Plan

5.2. Meath County Development Plan 2021 – 2027

Dunboyne is designated as a self-sustaining growth town scheduled to accommodate significant growth over the plan period.

Section 6.16.4 Telecommunications Antennae

It shall be the preferred approach that all new support structures fully meet the colocation or clustering, shared use of existing structures will be insisted upon where the numbers of masts located in any single area are considered to be excessive.

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 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 59 - To encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option is 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.

Section 11.8.5 – Telecommunications and Broadband

DM OBJ 83 - To encourage the location of telecommunications structures at appropriate location within the County, subject to environmental considerations.

DM OBJ 84 - To require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the nonavailability of this option in proposals for new structures.

DM OBJ 85 - To avoid the location of structures in sensitive landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.

5.3. **National Planning Guidance**

5.4. **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.

5.5. **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.

5.6. **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'.

5.7. Natural Heritage Designations

The site is not located within or adjacent to any Natura 2000 sites.

5.8. EIA Screening

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

- It is submitted that the proposal will have a negative impact on the appellants residential amenity due to the visual impacts arising from the proposed increased height.
- It is argued that the structure is already visible from the private open space and inside the house and the proposed lattice structure will be more visually dominant due to its scale and bulk.
- It submitted that the TU zoning of the site is acknowledged but any development must be considered in the context of immediately adjoining zoning objectives and land use must not result in negative visual impact and impact on residential amenities.
- It is suggested that it would be more appropriate if such telecommunications infrastructure is not located so close to residential dwellings.
- The fact that there is existing telecommunications infrastructure already on the site is not sufficient justification.
- The planners report states that the increase of 3 metres is minimal, and it is submitted that an increase of 3 metres has not been considered in terms of impacts on neighbours and amenity. The applicant has not demonstrated the

impact of the proposed development on the visual amenities of the area, nor has the need been justified for this particular area.

- It is submitted that the proposal will result in the devaluation of properties and the board is requested to refuse planning permission.
- The appellant refers to his original submission to the planning authority. Photographs from appellants home are attached. The final point raised in this original submission to the PA refers that should the planning authority grant permission; it should be situated at the location of the existing structure and that the increased height should not be permitted.

6.2. Applicant Response

- It is submitted that the site is located within an existing Eir exchange – the principle for the proposed development is established.
- It is submitted that the location with predominantly residential and open space zonings in the immediate surroundings is most suitable.
- It is stated that the proposed development replaces a 15-metre lattice structure, with a new 18 metre lattice tower (19.5 metres to lightning finial) and that lattice structures are commonly found in town and village settings.
- It is argued that the proposal is a taller structure than what is being replaced but the structure being replaced has been in situ for many years.
- It is submitted that new support structures are designed with advances in technology and the proposal will allow for the addition of operators and equipment more easily.
- It is stated that Towercom and Eir facilitate the co-location of multi-operator infrastructure to a wide range of clients.
- It is submitted that in response to the further information request, a revised location for the replacement tower was selected and it was brought to the existing structure location. This facilitated an increased distance from the nearest dwelling east of the Exchange and also positioned the structure between the Eir exchange building and the water tower on the adjacent site.

- It is submitted that a new landscaping scheme is proposed on the eastern boundary of the site.
- A photomontage was created for the appeal regarding concerns around visual amenity. It is argued that the existing utilities site has high capacity for absorbing development and that existing visual features in the area assist in absorbing the proposal such as street lighting, electricity poles, pylons and transmission lines along the Navan Road.
- Local and National Policy is referenced in relation to telecommunications infrastructure.

6.3. Planning Authority Response

- Site is zoned TU – Transport and Utilities, whereby the objective is to provide for essential public utilities and infrastructure, including telecommunications infrastructure *inter alia*.
- Structure will be increased by 3 metres.
- Eir has submitted evidence to show the structure is required to improve telecommunications in the area.
- It is requested that the Board upholds the decision to grant planning permission.

6.4. Observations

None

6.5. Further Responses

None

7.0 **Assessment**

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

- Principle of Development
- Justification for the development
- Visual & Residential Impact
- Other Issue
- Appropriate Assessment

7.2. **Principle of Development**

7.3. The subject site is located within the development boundary of Dunboyne Town, on lands that are zoned 'TU – Transport and Utilities'. The objective of the TU zoning is 'To provide for essential transport and public utilities and infrastructure including rail stations, park and ride facilities, water and wastewater infrastructure, electricity, gas, and telecommunications infrastructure'. The plan also refers that these lands have been designated in order to provide essential public infrastructure.

7.4. The existing use on the site is under Telecommunications Infrastructure. The foregoing together with generally supportive policy contained in Meath County Development Plan 2021 -2027 in addition to Government Policy, which is generally in favour of such infrastructure, subject to satisfying other planning requirements, provides that the principle of the proposed development is acceptable.

7.5. **Justification for the Development**

7.6. The appellant submits that there is no justification for the proposed development at this location and submits that if required, it could be located elsewhere, and existing infrastructure does not justify it alone. The applicant has submitted an extensive set of coverage maps under the application, and I note that the Comreg Map viewer supports the submissions. The proposal for an upgraded multiuser telecommunications site aims to to serve the Dunboyne area, by increasing coverage and capacity of mobile and broadband services in the area with specific improvements projected for areas east, north and southeast of the site. The extra height of 3 metres, over and above the existing structure, is aimed at providing

additional multi – user space at the required height. The applicant makes the case that the upgrade of this existing telecommunications site offsets the requirement to pursue a greenfield site. I am of the viewpoint that a sufficient case has been made to justify the proposed development on the appeal site.

7.7. Visual and Residential Impact

7.8. The appellant made the case under the appeal that the applicant had not demonstrated the visual impacts to the area. Under the response submitted to the appeal, the applicant has included a photomontage containing projected visibility splays from various viewing points towards the proposed lattice structure. Having inspected the site and having regard to established development of a utility nature, such as transmission lines and pylons in close proximity to the site and in conjunction trees/vegetation, which provide visual screening and which are situated in close proximity to the site, I am of the viewpoint that visual impacts of the proposed development over and above what is already established, would not have a detrimental impact on the visual amenity of the area.

7.9. With regard to residential amenity, I note that the established lattice structure has been in situ for a considerable time period. I acknowledge that the proposed lattice structure is somewhat more robust than what it is replacing, however I do not regard that the residential amenity of the adjacent property or of properties in the vicinity would be negatively impacted by the proposed upgrade, to the extent that such properties would be depreciated in value, particularly with regard to the fact that a 16.5 metre structure is already established on the site.

7.10. I note that it appears that the appellants dwelling has sight of the existing installation from viewpoints inside and outside his property. Therefore, the visibility of the appeal site, which is under utility use is established. The applicant has proposed to landscape the site under submissions, which is satisfactory. I consider that appropriate landscaping will screen visibility and would in fact improve the situation with regard to the residential amenity of the appellants dwelling, however, I am of the viewpoint that more detailed specifics pertaining to landscaping should be agreed by the planning authority, prior to the commencement of development.

7.11. Other Issue

7.12. On review of the plans and particulars submitted, I note that all of the plans and documents propose that the replaced structure be 18 metres with 1.5 metre lightning finials (19.5 metres in total), with the exception of one drawing, which refers to a 24-metre lattice structure (Site Layout Plan Drawing No. TM H5102-PL-02) I consider this 24-metre dimension to be a typographical error, as this figure is not advertised and is not referenced anywhere else on the file. The proposed height is clearly to be 19.5 metres to the tip of lightning finials. I consider that this issue can be addressed by way of condition, in the interest of clarity and for avoidance of doubt.

7.13. **Appropriate Assessment**

7.14. Having regard to the limited nature of the proposed development and the nature of the receiving environment and the 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 either 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 development.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development for the replacement of an existing telecommunications support structure with an a 19.5m lattice structure carrying telecommunications equipment with ancillary ground equipment, 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 Meath County Development Plan 2021-2027, and the TU 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 as amended by details submitted on the 16th June 2022 and the 27th June 2022, 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>The telecommunications structure shall not be higher than 19.5 metres.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</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. Existing hedgerows, trees and shrubs on site shall be preserved. All planting shall be adequately protected from damage until established. Any 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>
7.	<p>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.</p> <p>Reason: In the interest of orderly development.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Aisling Cunnane

Planning Inspector

11th April 2023