



An
Bord
Pleanála

Inspector's Report

ABP-315614-23

Development	Removal of two telecommunication structures and construction of 18 metre monopole support structure and all associated works
Location	Eir Exchange, Castle Street, Trim, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	221404
Applicant(s)	Eircom (t/a Eir)
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eircom (t/a Eir)
Observer(s)	None
Date of Site Inspection	17 th June 2023
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.013 ha is located within the existing Eir Exchange at Castle Street, Trim, an established utilities property off Castle Street / R154 in Trim. There are 2 no. existing 14m wooden poles with telecommunications equipment attached (16.5m overall height) located within the property, to the rear of the building. The proposed development would be accessed via an existing gate to the property from Castle Street/ R154.
- 1.2. The surrounding area comprises mixed uses, with Trim Garda Station adjoining the site along Castle Street. Scoil Mhuire is located to the rear of the site and Trim Castle is located directly opposite the site. The site is located within an Architectural Conservation Area (ACA) and there are a number of protected structures and recorded monuments within proximity of the site including Trim Garda Station, Trim Gaol Walls, St Patricks Church, Trim Castle, Church and Castle ringwork.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1.1. Planning permission was sought on the 28th October 2022 for the removal of two existing 14 metre telecommunications timber support structures with antennas attached (16.5m overall height) and the construction of a new 18 metre monopole support structure (overall height 19.5 metres) carrying new telecommunications antennas, dishes and associated equipment, together with new ground level equipment cabinets, fencing and all associated site works. The application was accompanied by a Cover Letter, Photomontages and Vodafone Site Justification

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Meath County Council issued a notification of decision to refuse permission for the following two reasons relating to visual impact and co-location

- 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 the area, most notably the Trim Architectural Conservation Area. The development as proposed would materially contravene objective 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". 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 INF POL 59 of the Meath County Development Plan 2021-2027 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 of existing structures will be required where the numbers 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 establish 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

- The **Case Planner** having considered the proposed development recommended that permission be refused for 2 no reasons. The notification of decision to refuse permission issued by Meath County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Transportation** – No objection subject to conditions
- **Architectural Conservation Officer** – Recommended that permission be refused as the proposed design is not acceptable and would have a negative effect on the context and setting of the Architectural Conservation Area of Trim Historic Core.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

- 3.4.1. There is 1 no observation recorded on the planning file from Shared Access Ltd C/O Richard Morison, Pegasus Group. The issues raised relate to Shared Access Ltd offering the upgrade of the existing installation on the garda site, impact on Trim Castle a protected structure and that only as a last resort and if alternatives are either unavailable or unsuitable should a free standing masts be located in residential areas.

4.0 Planning History

- 4.1. There is no evidence of any previous planning appeal at this location. The following planning history has been made available with the appeal file:

- **Reg Ref 22136** – Permission granted to Vodafone Ireland Limited for retention for two existing 14 metre telecommunications timber support structures with antennas attached (16.5m overall height) and associated equipment within the exchange compound.
- **Reg Ref TA180562** – Permission granted to Eircom Limited for the erection of an EAM cabinet containing telecommunications infrastructure, and the retention of associated completed works, including a concrete plinth and

electrical connection via an underground duct. The proposed grey steel cabinet measures approximately 3.5m by 2.9m and is 3m in height

- **Reg Ref TA150529** – Permission granted to Vodafone Ireland Limited for retention (Reg Ref TT/900009) for development which consists of an existing 14 metre + 2.5 metre high telecommunications timber support structures with antennas and associated equipment within the Eircom Exchange compound. The development forms part of Vodafone Ireland Limited's existing GSM and 3G Broadband Telecommunications Network
- **Reg Ref TA900009** – Permission granted to Vodafone Ireland Limited for retention of an existing 14 metre plus 2.5 metre high telecommunications timber support structures with antennas and associated equipment within the Eircom Exchange compound. The development forms part of Vodafone Ireland Limited's existing GSM and 3G Broadband telecommunications network
- **Reg Ref TA30009** – Permission granted to Vodafone Ireland Limited to retain their existing development of two 14m high wooden poles and two 2.5m high antennas which are fixed to the top of the poles, the overall height being 16.5m, which are used for the purposes of telecommunications.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Meath County Development Plan 2021 – 2027**.

5.1.2. **Section 6.16.4 Telecommunications Antennae** sets out the following:

The Council recognises the essential need for high-quality communications and information technology networks in assuring the competitiveness of the County's economy and its role in supporting regional and national development generally.

It shall be the preferred approach that all new support structures fully meet the co-location or clustering policy of the current guidelines or any such guidelines that replace these, and that shared use of existing structures will be insisted upon where the numbers of masts located in any single area are considered to be excessive. The placement of appropriately designed antennae on street furniture and lamp posts will

be supported in suitable locations. Specific care and attention will be required in designated ACA's.

Due to the physical size of mast structures and the materials used to construct them, such structures can severely impact on both rural and urban landscapes. When assessing planning applications, great care needs to be taken to minimise damage through discreet siting, appropriate and good design. In the assessment of individual proposals, the Council will also consider rights of way and walking routes. The design of mast structures should be simple and well finished. They should employ the latest technology in order to minimise their scale and visual impact. Mast structures are most visible and exposed within upland/hilly or mountainous areas. In these locations, softening of the visual impact can be achieved through planting of shrubs, trees etc. as a screen or backdrop, if appropriate. Disguised masts e.g. as trees, will be encouraged in appropriate locations.

In accordance with circular PL07/12,1 the Plan will seek to support applications for telecommunications infrastructure in appropriate locations in compliance with all environmental requirements.

5.1.3. It is the **policy** of the Council:

- **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.
- **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.

5.1.4. **Chapter 11 - Development Management Standards and Land Use Zoning Objectives - Section 11.8.5 Telecommunications and Broadband** sets out the following:

- **DM POL 29** - To require compliance 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.
- **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 non-availability of this option in proposals for new structures.

5.1.5. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996** - These Guidelines set out the criteria for the assessment of telecommunications structures. Of relevance:

- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location (Section 4.3).
- Facilities and Clustering (Section 4.5). Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets. The matter of sharing is probably best dealt with in pre-planning discussions.

5.1.6. **Circular Letter PL07/12**

- This Circular Letter revises elements of the 1996 Guidelines. In particular, Section 2.2 advises Planning Authorities to cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances. Section 2.4 advises that the lodgement of a bond or cash deposit is no longer appropriate and

instead advises that a condition be included stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. 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

- 6.1.1. The first party appeal has been prepared and submitted by Towercom and may be summarised as follows:
- 6.1.2. **Visual Impact of Proposed Development** - The proposed monopole structure is not considered overly excessive, being located within an Eir Exchange, an established utilities setting with a long history of telecommunications use, a site favoured by the Telecommunications Guidelines and clustering with nearby telecommunications infrastructure at the Garda Station. The position of the proposed installation to the rear of the property and adjoining an exchange building, in an established utilities setting on the approach to the town centre with its varied roofscapes, streetlights, electricity poles, existing Garda lattice tower and natural screening are all considered mitigation measures. In the wider surrounds and roads, it is considered that the proposed structure would be mostly unnoticeable and intermittent. The photomontages adequately demonstrates that the proposal would not result in a significant visual impact in the surrounding environment, including from within the Trim Architectural Conservation Area (ACA).

6.1.3. **Need for Telecommunications Structure** - Increased data usage in the area necessitates a new structure at the Exchange location to meet technical height and stability requirements for potential operators, which will only increase with the development of the Trim area. The main objective for the operators of this telecommunications structure would be to provide indoor voice and data services to the homes, businesses and roads located in the area. As such, the proposed installation must be located in reasonable vicinity to the area in which it is intended to serve. The proposed infrastructure would enable a more widespread connection nationwide and improved opportunities for businesses and working from home initiatives, which have become increasingly necessary in recent times.

6.1.4. In support of this proposal, Vodafone prepared a Site Justification report (see Appendix B and previously submitted with the planning application) demonstrating that the proposed upgrade to a 18m support structure provides Vodafone with;

"increased height and the ability to install directional sector antenna which allow more advanced 4G and new 5G technologies to be deployed. The upgrade will enhance the service to the Town, R154, R158, R160, R161 and surrounding roads by providing increased 2G and 3G coverage level and allowing us to deploy the latest 4G and 5G enhanced technologies which will result in significantly improved voice and mobile broadband data services to Vodafone customers in the area. The upgrade also allows Vodafone to install point to point radio link dishes which will allow connection with surrounding sites and allow them aggregate onto our National fibre ring connection within the exchange."

6.1.5. As the Vodafone fibre interconnect ring is located within Exchange, the subject location offers direct connection to it, and as an existing telecommunications site with a long history of planning permission, the site has been identified with potential for upgrading to accommodate additional necessary equipment. The proposal would support multiple Vodafone site to site radio link dishes to allow them to aggregate the surrounding sites onto this high-capacity fibre transmission.

6.1.6. The documentation submitted with this appeal and the planning application to Meath County Council demonstrates that the exchange site at Trim has potential to allow for the co-location of additional operator's equipment.

6.1.7. **National, Regional and Local Development Plan Policies** - It is submitted that the current proposal meets the aims of a number of the above policies and objectives by

- locating at an existing telecommunications site (existing wooden poles with Vodafone omni antenna to be removed)
- locating at Eir Exchange, an established utilities site
- facilitating co-location with additional users
- reducing the potential number of free-standing structures in the area.

6.1.8. In accordance with Meath County Development Plan policies, it is considered that the current proposal to provide a telecommunications structure capable of co-location, at an established utilities property meets the balance between facilitating the delivery of improved telecommunications infrastructure and the protection of the built and natural environment.

6.1.9. **Impact on Property Value** – Reference is made to previous appeals (247800 and 243341) where the Inspector reports set out the following:

- *The national guidelines provide no restriction in terms of distances between such structures and dwellings and the main requirement is compliance with standards in regards to non-ionising radiation. I would note that it's not uncommon for such structures or antennae to be in close proximity to residential development (particularly in urban areas and that there is no requirement for a set separation distance.'*
- *The proposed mast might have an impact on the sale price that might be achieved for the closest houses, or it might not. That would depend on the subjective opinion of a potential purchaser. Nearly every decision made under the planning system would affect the relative value attached to some property, either directly or indirectly. The possibility of such an effect would not justify refusing permission for a development that would be in keeping with public planning policy and whose objective impact on the amenities of adjacent property would not be significant.*

6.1.10. **Planning Precedent** – Reference is made to previous planning applications (212282, RA200754 and ABP310600 refers). Similarly, having regard to the suitability of the subject site at the Eir property in Trim from a technical perspective, at an established exchange property, in a built-up area, with nearby existing telecommunications

infrastructure, together with the nature and scale of the development, it is considered that the current proposal would not seriously injure the amenities of the area.

6.1.11. The appeal was accompanied by a Cover Letter, Photomontages and Vodafone Site Justification.

6.2. Planning Authority Response

6.2.1. The first party appeal has been examined by the Planning Authority. The Planning Authority is satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the planning officers reports. An Bord Pleanála are respectfully requested to uphold the decision of the Planning Authority.

6.3. Observations

6.3.1. None

6.4. Further Responses

6.4.1. None

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Impact
- Other Issues
- Appropriate Assessment

8.0 Principle

- 8.1.1. Planning permission is sought for the removal of two existing 14 metre telecommunications timber support structures with antennas attached (16.5m overall height) and the construction of a new 18 metre monopole support structure (overall height 19.5 metres) carrying new telecommunications antennas, dishes and associated equipment, together with new ground level equipment cabinets, fencing and all associated site works.
- 8.1.2. As documented in Section 3.1 above, MCC refused planning permission as the applicant had not sufficiently demonstrated that the proposed development would provide any improvement in coverage or services at this location and had not adequately considered co-locating the antenna on the mast on the adjoining site and that to permit same would materially contravene Policy INF POL 59.
- 8.1.3. Policy INF POL 59 states that it is the Council policy *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.*
- 8.1.4. As observed on day of site inspection the use of the telecommunication infrastructure at this location is well established. The existing telecommunications timber support structures have the benefit of a 5-year temporary permission under Reg Ref 22136. I refer to the technical reports on file detailing the justification for the new monopole support structure that set out the following:
- Vodafone has been on the exchange site since 2002
 - The existing site is not capable of providing the level of improved coverage and service that is required
 - The existing structure limits the antenna use to an omni directional antenna which is unable to provide 4G services thereby the site is limited to providing 2G and 3G services only
 - Proposed increased height improves ability to achieve line of sight with more surrounding sites for the installation of site to site radio link dishes.

- Allows these sites to be connected into Vodafone's high-capacity transmission fibre network located in the exchange.
- These connected sites will experience increase capacity uplift for 4G and future 5G services.
- Existing and predicted coverage maps have also been included.

8.1.5. It is evident that the installation will improve the existing telecommunications in the area and provide a facility for other network operators to use this structure. Existing and predicted coverage maps have also been included. Accordingly, it is recommended that the first element of the reason for refusal can be set aside.

8.1.6. While I am satisfied that the applicant has demonstrated that the proposal would provide an improvement in coverage it remains that the applicant has not adequately considered the matter of co-location in line with Policy INF POL 59. I refer to the observation on the planning file where the observer has offered the upgrade of the existing installation on the adjoining garda site upon which there are numerous items of telecommunication apparatus. I agree with the Case Planner that this option should be explored prior to permitting any new telecommunications structure on the current application site in line with Policy INF POL 59. Refusal is recommended.

8.1.7. With regard to the impact to property values I note the proposal is situated within an established utilities site, with a history of telecommunications use and planning permission for such development. Overall 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. Accordingly, it is recommended that this element of the reason for refusal can be set aside.

9.0 Visual Impact

9.1.1. MCC in their second reason for refusal state 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 the area, most notably the Trim Architectural Conservation Area and that the development would materially contravene Policy HER POL 20.

- 9.1.2. Policy HER POL 20 states that it is the policy of MCC *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.*
- 9.1.3. As documented the site is located in Trim Historic Core Architectural Conservation Area (ACA) and Trim Zone of Archaeological Potential and is proximate to an extensive collection of Recorded National Monuments and Recorded Protected Structures including Trim Castle.
- 9.1.4. I refer to the photomontages on file and in particular Camera View 2 and 7 that serve in some way to provide context for the proposed scheme relative to the adjoining Garda site. In my view the application would have benefitted from some further details (streetscape and / or photomontage) setting the appeal site and proposed telecommunications mast in the context of the adjoining Garda site and telecommunications mast therein. While the site benefits from existing screening in terms of reducing the magnitude of its wider visual impact it remains that it is located within a particularly sensitive urban setting whereby any permanent physical intervention of such a scale requires careful consideration.
- 9.1.5. Having regard to the information on file submitted together with my site inspection it is evident that there would be a significant negative visual impact within the immediate surrounding area. Overall, I agree with the MCC Architectural Conservation Officer that while I acknowledge there is a need for upgrading of IT equipment, this is not a site that can afford to have a new larger thicker monopole directly visible from the ACA and from key Recorded Protected Structures and National Monuments including Trim Castle. The proposed design, scale and siting of the structure is not acceptable and would have a negative effect on the context and setting of the Architectural Conservation Area of Trim Historic Core. Refusal is recommended.

10.0 Other Issues

- 10.1.1. **Development Contribution** – I refer to the Meath County Council Development Contribution Scheme 2016 – 2022. Telecommunications masts are not exempted.

Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is **not attached**.

11.0 Appropriate Assessment

- 11.1.1. Having regard to the nature and scale of the proposed development and its distance 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.

12.0 Recommendation

- 12.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

13.0 Reasons and Considerations

- 1) There is an existing mast in close proximity to the site (Garda Site). Policy INF POL 59 of the Meath County Development Plan 2021-2027 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 of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration*". This policy is considered reasonable. The Board is not satisfied that it has been adequately demonstrated that the proposed antenna cannot be located on the existing telecommunication structure. The proposed development if permitted, would contravene Policy INF POL 29 and would therefore be contrary to the proper planning and sustainable development of the area.
- 2) The site is located in Trim Historic Core Architectural Conservation Area (ACA) and Trim Zone of Archaeological Potential and is proximate to an extensive collection of Recorded National Monuments and Recorded Protected

Structures including Trim Castle. Policy HER POL 20 of the Meath County Development Plan 2021-2027 *seeks 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.* This policy is considered reasonable. The Board is not satisfied that the applicant has 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 the area, most notably the Trim Architectural Conservation Area. The proposed development if permitted, would seriously injure the visual amenities of the area and would contravene Policy HER POL 20 and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

18th June 2023