



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315695-23

#### Development

The development will consist of erecting a 27m high lattice telecommunications structure together with antennas, dishes and associated telecommunications equipment all enclosed by security fencing and extend existing access track. Significant further information/revised plans submitted on this application

#### Location

Veldonstown, Kentstown, Navan, Co. Meath

#### Planning Authority

Meath County Council

#### Planning Authority Reg. Ref.

22780

#### Applicant(s)

Emerald Tower Ltd

#### Type of Application

Permission

#### Planning Authority Decision

Grant with Conditions

#### Type of Appeal

Third Party

#### Appellant(s)

James Carroll & Others

#### Observer(s)

None

**Date of Site Inspection**

17<sup>th</sup> 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 0.0064ha is located north of the village centre, in an agricultural field. The surrounding area is a mixture of agricultural land, agricultural buildings, and ribbon housing development. There are a number of mature trees reaching to approximately 18m in height along the western boundary of the site and along the public road towards the site. The purpose for the installation is to provide enhanced 4G services and the latest 5G services to Kentstown and the local area. 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.
- 1.2. The application was accompanied by the following:
  - Cover Letter
  - Letter from Three and Eir indicating that the proposed site would provide much improved coverage in the area
  - Letter of consent from the landowner to make planning application.

## 2.0 Proposed Development

- 2.1. The proposed development will comprise a 27m high lattice structure with associated equipment enclosed by 2.4m high palisade fencing. The structure and compound are designed to house equipment for Eir and Three Ireland and potentially other operators and digital communication users in the future as shown on the application plans.
- 2.2. **Further information** was submitted on 23<sup>rd</sup> November 2022 and may be summarised as follows:
  - Examination of Co-Location Opportunities
  - Landscape Visual Impact Assessment
  - Sightlines and Hedgerow Setback whereby access to the site was relocated further north at the bend in the road and where adequate sightlines are achievable.
- 2.3. The response was accompanied by the following:
  - Landscape & Visual Impact Assessment
  - Landowner consent for new entrance

- Revised Planning Drawings
- VRP Photomontages

2.4. Revised public notices were submitted on 9<sup>th</sup> December 2022.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Meath County Council issued a notification of decision to grant permission subject to 6 no conditions summarised as follows:

1.	Compliance with plans and particulars submitted on 13 <sup>th</sup> June 2022, 23 <sup>rd</sup> November 2022 and 8 <sup>th</sup> December 2022
2.	Vehicular entrance
3.	Material finish and colour
4.	No material change in use without a grant of permission
5.	Antenna and mounting configuration shall be in accordance with details submitted
6.	Decommissioning at developers own expense

#### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report requested further information in relation to (1) documentary evidence as to the non-availability / non viability to collate at existing telecommunications sites in the general area, (2) provision of a landscape and visual impact assessment and (3) revised side layout demonstrating unobstructed sightlines of 90 meters. Further information was requested on 4<sup>th</sup> August 2022.
- The **Case Planner** in their second report and having considered the further information recommended that permission be granted subject to conditions. The

notification of decision to grant permission issued by Meath County Council reflects this recommendation.

### 3.2.2. Other Technical Reports

- **Transportation** – In their first report request further information in relation to sightlines and entrance details. In their second report and having considered the further information had no objection subject to conditions relating to the maintenance of unobstructed 90m sightlines and details of the proposed entrance.
- **Broadband Officer** – Concurs with applicant that there is a deficit in mobile services in the area that needs to be addressed.
- **Water Services** – No objection subject to condition
- **Lighting Section** – No objection
- **Fire Services** – No comment

### 3.3. Prescribed Bodies

3.3.1. **Irish Water** – No objection

### 3.4. Third Party Observations

#### ***Planning Application***

3.4.1. There are 3 no observations recorded on the planning file from (1) Caitriona Reilly & Ian Carroll, (2) James C & Teresa Carroll and (3) Patrick & Fiona McCabe.

3.4.2. The issues raised relate to health implications, visual impact, devaluation of property, no site notice erected on site, impact on schools and that there is a mast already in the locality and co-location should be considered.

#### ***Further Information***

3.4.3. There are 4 no observations recorded on the planning file from (1) Caitriona O'Reilly, (2) James & Teresa Carroll, (3) Patrick & Fiona McCabe and Maria & Conor McCoy.

3.4.4. The issues raised relate to insufficient evidence of need for infrastructure / inappropriate site, loss of privacy, proximity to recently discovered ringfort and site notice no erected in accordance with regulations.

## 4.0 Planning History

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

## 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.

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.
- 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 third-party appeal has been prepared and submitted by James Carroll & Others and may be summarised as follows:
- The original site notice was not sited in accordance with regulatory requirements.

- It has not been established that there is a need for additional telecommunications infrastructure in Kentstown.
- Analysis of potential co-location or alternate green-field sites by Emerald lower was insufficient/non-existent: given the scale and permanency (i.e. no time limit on structure) of this Proposed Tower, its visual impact, its location in very close proximity to residences, its position on an elevated site, and on a popular public amenity walking route, robust analysis of alternate locations is required. Emerald Tower (and indeed any tower developer/operator wherever based) should be held to a very high standard in conducting an analysis of location of towers.
- Emerald Tower has not demonstrated that the proposed site is a last resort'.

6.1.2. For the above reasons it is requested that An Bord Pleanála overturns the local authority decision to grant permission

## 6.2. Applicants Response

6.2.1. The first party response to the appeal has been prepared and submitted by Charterhouse Infrastructure Consultant and may be summarised as follows:

- **Site notice** - The siting of the site notice with both the initial application and the request for further information were both in full compliance with the regulatory requirements and were accepted by the planning authority.
- **Need for additional telecommunications infrastructure in Kentstown** - The existing installations on ESB pylons south of Kentstown which Eir and Three Ireland are currently located on are not capable of meeting the increased capacity and demand on the network. As a result, a new fit-for-purpose structure with suitable height is required. This application addresses Eir and Three Ireland's requirement to significantly improve services in Kentstown village, the surrounding areas and local road network including the N2 national road.
- **Analysis of potential co-location or alternate green-field sites** - Within the application process a comprehensive assessment of the Kentstown area, its topography, the technological and planning requirements have been addressed. Also, the existing telecommunication support structures within the surrounding area and their suitability to ensure the required coverage objectives for the target

area of Kentstown has been addressed. Unfortunately, none were identified. Neither were any suitable rooftops or dedicated telecom utility sites available.

- **Proposed site is a last resort** - Due to the mature nature of the current Eir and Three Ireland networks, both in respect of signal propagation, coverage overlap and links for line of sight, the area suitable for a new structure is very limited. Taking the technical requirements combined with planning considerations, the site in question is considered to be the only site available that would achieve the coverage requirements.

6.2.2. The response was accompanied by the following:

- Revised entrance and site lines plans
- Landscape Visual Impact Assessment (including photomontages)
- Photomontages

### 6.3. **Planning Authority Response**

6.3.1. The Planning Authority is satisfied that all matters outlined in the submission were addressed in the Case Planner report. An Bord Pleanála are requested to uphold the decision of the Planning Authority.

### 6.4. **Observations**

6.4.1. None

### 6.5. **Further Responses**

6.5.1. The third-party appeal having considered the first party repose to the appeal submitted the following additional comments as summarised:

- **Site Notice** - A review of the photo at Appendix 1 of the Appeal clearly demonstrates the agricultural gate is in regular use and therefore the site notice was obscured or concealed at times when the gate was open. This is a legal point, and it was an oversight by Meath County Council in accepting the validity of the initial application.

- **Visual Impact/Alternate Sites** - A new build house is located approximately 80 metres from the proposed tower site and the location map at Appendix 3 of the Charterhouse Submission omits this house which was completed in early 2022. In addition, there is a mobile home in occupation immediately adjacent to the proposed tower site which is not recognised in submissions. The Visual Assessment Report at Appendix 2 plays down the impact of this development on the landscape. There is nothing in the applicants submission that demonstrates that the proposed tower could not be located elsewhere in the land owner's landholding - the proposed tower is located at the nearest possible point to housing within the land owner's landholding and in a space without tree coverage that could help screen the proposed tower. Any changes in land height across the landholding are minimal, and so there would not appear to be any technical reason that the tower could not be located further into the landholding.
- **Co-location** - There are a number of pylon structures running through Kentstown village. Further there is an electricity pylon located near the eastern boundary of the Landowner's landholding which is set away from immediate residences and the local school whilst also being at a similar elevation to the proposed tower site.
- **Infrastructure not required** - From the submission it is clear that the focus is on Kentstown Village and notwithstanding the large and inappropriate proposed tower, it cannot technically provide widespread propagation of 5G signal beyond a relatively small radius of the Proposed Tower. Please see 3.2 of the Charterhouse Submission which states that the area for 5G propagation is much smaller than 2G or 3G or 4G and will further reduce over time as demands on it increase. The implication here is that a 27 metre high mast is excessive
- **Conclusion** - If An Bord Pleanála is minded to permit the development, we would ask in the strongest terms that An Bord Pleanála sets down conditions to mitigate the visual impact of this development including appropriate screening and requiring a tree like structure on the site.

6.5.2. The appeal was accompanied by site photos.

## 7.0 Assessment

- 7.1. This assessment is based on the plans and particulars submitted with the Planning Application on 13<sup>th</sup> day of June 2022 as amended by further information submitted on the 23<sup>rd</sup> day of November 2022 together with revised public notices submitted on 8th December 2021
- 7.2. 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
  - Residential Amenity
  - Other Issues
  - Appropriate Assessment

## 8.0 Principle

- 8.1.1. Under the Meath County Development Plan 2021 – 202 the site is located within the Rural Area (RA) where the objective is, “to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage”. A Telecommunications Structure is 'Open for Consideration Uses' on such lands, as per the land use zoning matrix set out in Section 11.14.6 Land Use Zoning Categories. Accordingly, the principle of the development is acceptable at this location.
- 8.1.2. The County Development Plan supports the provision of Information and Communications Technology (ICT) infrastructure and broadband network and digital broadcasting throughout the County. I refer to the report of the MCC Broadband Officer where it states that there have been complaints about mobile coverage in Kentstown and along sections of the R153 and where very good mobile coverage for 4G services only extends up to 2km around the antenna site. It is further stated that

the existing infrastructure is some distance from the village of Kentstown with the closest equipment located on two ESB pylons which lie 460 and 700 metre south of the village. While these are within reasonable distance to provide coverage the low height as identified by the applicant does impede coverage. The proposed site lies higher than the village and the taller mast height will prevent interference from surrounding trees and buildings to provide better coverage to the village.

- 8.1.3. Based on the assessment of the Broadband Officer, the assessment provided by COMREG on their outdoor coverage map in Kentstown I concur with their findings that there is a deficit in mobile services in the area which needs to be addressed. I further agree that alternative smaller scale development such as a street works solution would provide limited improvements in the village itself but not the surrounding area.
- 8.1.4. The application was accompanied by a Cover Letter that set out the justification for the proposal. An assessment of existing mast infrastructure for co-locating opportunities concluded that none of the infrastructure could facilitate the technical objectives for the area. It is stated that the purpose-built infrastructure would allow other operators to co-locate thereby allowing full technological deployment to the benefit of local users.
- 8.1.5. Overall, having examined the technical documents together with the coverage maps submitted with the appeal file, it is considered that there is sufficient justification for the provision of a telecommunications structure at this location. Accordingly, I would consider that the principle of the proposed development is acceptable.

## **9.0 Visual Impact**

- 9.1.1. It is proposed to construct a 27m high telecommunication lattice tower structure with associated equipment within a compound area of 8m x 8m enclosed by 2.4m high palisade fencing with a 3m wide access track in a field to the north of Kentstown. I refer to the description of the proposed scheme as outlined above together with the Landscape Visual Impact Assessment (LVIA) and photomontages submitted with the application. Together with my site inspection, where proximity to adjoining residential dwelling was observed, it is evident that there will be a visual impact within the immediate surrounding area where the road bends sharply. Site photos refer.

- 9.1.2. The sensitivity of the Landscape character is medium with moderately valued characteristics and regional importance. The LVIA determined that the change due to the proposed development is small as there is a minor alteration to the characteristics of the baseline. In particular the LVIA suggests that there would be a Moderate effect on the visual amenity from VRP1 due to the proximity of the development. From all other VRPs the impact ranges from Imperceptible to No Change effect. This aligns with my observations on day of site inspection. There would be no adverse landscape effect on the views and prospects as listed in the Meath CDP2021-2027.
- 9.1.3. The proposed development is prominent in nature, and it is evident that there would be a visual impact within the immediate area of the site. However, I agree with the applicant that when the potential landscape and visual effects are set within the existing context, the landscape would be able to accommodate it and provide for a functional benefit to the area. Overall I am satisfied that the proposal would not have a significant, prominent or negative visual impact at this location and that its location ensure that there would be limited visual impact on the wider area. It is recommended that planning permission is granted.

## 10.0 Residential Amenity

- 10.1.1. It is not uncommon for such structures or antennae to be in close proximity to residential development and that there is no requirement for a set separation distance. Overall, I am satisfied that the proposed development would have no adverse impact on residential amenities (subject to compliance with requirements on non-ionising radiation) in the event that it is constructed.

## 11.0 Other Issues

- 11.1.1. **Site Notice** – I note the concerns raised regarding site notices and that same were not in accordance with the regulatory requirements. It is not for An Bord Pleanála in this instance to determine whether the application was in breach of the Planning and Development Regulations.
- 11.1.2. **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**.

## 12.0 Appropriate Assessment

12.1.1. 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.

## 13.0 Recommendation

13.1. 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 **GRANTED** for the following reason.

## 14.0 Reasons and Considerations

14.1. Having regard to:

- a) the national strategy regarding the provision of mobile communications services,
- b) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,
- c) the policy of the planning authority, as set out in the Meath County Development Plan 2021 – 2027, to support the provision of telecommunications infrastructure, and
- d) the nature and scale of the proposed telecommunications support structure,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive 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.

## 15.0 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 the further plans and particulars submitted on the 23<sup>rd</sup> day of November 2022 and 9<sup>th</sup> December 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><b>Reason:</b> In the interest of clarity</p>
2.	<p>(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.</p> <p>(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.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
3.	<p>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.</p>

	<p><b>Reason:</b> 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</p>
4.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>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.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
6.	<p>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.</p> <p><b>Reason:</b> 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.</p>
7.	<p>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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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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.

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**Mary Crowley**

**Senior Planning Inspector**

**18<sup>th</sup> June 2023**