



An
Bord
Pleanála

Inspector's Report

ABP-317540-23

Development	Erection of a 21m monopole telecommunications support structure together with antennae, dishes and associated telecommunications equipment.
Location	Tayto Park Visitor Centre, Kilbrew, Ashbourne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	221541
Applicant(s)	Vantage Towers Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Vantage Towers Ltd.
Observer(s)	None.
Date of Site Inspection	3 rd September 2023.
Inspector	Daire McDevitt

1.0 Site Location and Description

The appeal site is located in the rural townland of Kilbrew, Ashbourne, Co. Meath. It is situated c. 4.5 km north of Ratoath, c. 5.5 km north west of Ashbourne and c. 6.6 km north east of Dunshaughlin. The site is located to the immediate north of the existing Emerald Park – Amusement Park Rides & Petting Zoo (formerly Tayto Park Visitor Centre). Emerald Park is an amenity park with amusement rides, large rollercoaster, zoo, children play areas, restaurants and shops. The site is shown on the layout as an overflow carpark, it is currently fenced off and forms part of a larger field which appears to be used for storage associated with an adjoining site where works are taking place. The site, as outlined in red, is not separated from wider plot within which it is located and is a grassed area in the north western corner of this plot. Located c.620m from the main entrance to the Park, Mature trees screen the site from the main Amusement Park and associated carpark.

The Hurley River, c. 61m north of the site runs inside the southern site boundary with Emerald Park and there is a pedestrian bridge over the river connecting the site back to the visitor centre. The Amusement Park is accessed via a roundabout on the R155 Regional Road, that is located c.1.1 km south of the N2 and 1.1 km north of Curragha village. There is a secondary entrance to Tayto Park located on the L50161 to the south, at a location that is 1.4 km west of Curragha village. The appeal site is accessed from and connected to Tayto Park via the principle access from the R155 to the north east of the site.

The surrounding area is rural in character with a substantial amount of rural housing dispersed along the rural road network. There is a nursing home on lands to the north east of the site associated with Kilbrew House, a Projected Structure. The Largo Foods manufacturing facility is located to the south of Tayto Park, with access from the L50161 roadway to the south.

2.0 Proposed Development

Permission is sought for the erection of a 21m monopole telecommunications support structure together with antennae, dishes and associated telecommunications equipment, all enclosed in security fencing and to extend the access track.

The proposed development in the local authority Planning Reports is described as a 21m lattice telecommunications structure together with 6 no. antennae, 3 no. dishes and associated telecommunications equipment all enclosed by security fencing and extend existing access track.

Further Information received 27th April 2023 relating to Justification for telecommunications structure (INF POL 59) and Flood Zone A location and requirement for a Justification Test .

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

1. It is policy (INF POL 18) of the Meath County Council Development Plan 2021-2027. *“To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW. 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans during the period of this Plan”* and Policy (INF Pol 20) of the Meath County Council Development Plan 2021-2027m *“To require that a Flood Risk Assessment is carried out for any development proposal where flood risk may be an issue in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW. 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.”*

This development includes for the construction of a telecommunications mast and associated equipment which can be classified as a ‘highly vulnerable development’. With reference to Meath County Councils MapInfo flood mapping for the relevant area, the development is situated in Flood Zone A where the probability of flooding is greater than 1% from fluvial flooding, i.e at high risk of flooding.

The application has failed to address the Further Information request and has not applied the Development Management Justification Test in accordance with the aforementioned guidelines, Meath County Council's Development Plan policies and most specifically in relation to emergency access and egress to the proposed development. Therefore, the Planning Authority cannot make an informed decision regarding flood risk relating to the proposed development site.

Accordingly, to permit the proposed development would materially contravene the aforementioned policy provisions of the Meath County Development Plan 2021-2027 and thereby be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planners Report (26th January 2021).

No issues relating to visual impact, residential amenities, traffic, AA, EIA Screening etc.

Further Information recommended on 2 grounds: 1) Justification for telecommunications structure at this location (INF POL59) and 2) SSFRA and Justification Test following recommendation from MCC Environment Section)

Planners Report following Further Information Request (9th June 2023)

Information reviewed and recommendation made that permission be refused following recommendation by Environment Section as on the grounds of no Justification Test Development Management (Flooding) submitted and therefore the proposed development would materially contravene policies contained in the Meath County Development Plan 2021-2027. This informed the Notification of Decision issued by MCC.

3.2.2. Other Technical Reports

Flooding - Environment & Water Services.

Comments dated 26th January 2023 recommended on Flood Risk (specifically requirement for Justification Test for development on Flood Zone A).

Following submission of FI a recommendation dated 9th June 2023 that permission be refused on the grounds of absence of information (Justification Test) required to make an informed decision and the absence of a Justification Test was a material contravention of the Meath County Development Plan.

Transportation Section

Report dated 16th January 2023. No objection subject to conditions.

Public Lighting, Transportation

Comments dated 19th December 2022. No comment to make.

3.3. Prescribed Bodies

Referred to the DAU (DHLGH), An Taisce, No comments received.

3.4. Third Party Observations

None recorded.

4.0 Planning History

There is extensive planning history associated with the Tayto Park visitor attraction. Applications of note include inter alia;

PA Ref. 212407: Permission granted (2022) for the construction of 2 no. new themed junior attractions consisting of a 'Crazy Bus Ride' with a maximum height of 7m Above Ground Level and a 'Samba Balloon Ride' with a maximum operating height of 5.2m Above Ground Level. 1 no. Operations Room (2.89 sqm Gross Floor Area (GFA) is also provided, associated and ancillary to the 'Samba Balloon Ride'. The proposed development also incorporates amendments to existing internal paths and connections within Tayto Park, boundary treatments and infrastructure, together with all associated and ancillary development works on a combined site area of 0.0287ha.

PA Ref. 21674: 2021: Permission granted (2021) for the construction of a new junior rollercoaster attraction with a ride length of approximately 254m and a maximum height of 11.6m above ground level. Associated and ancillary buildings include a rollercoaster station structure (93 sqm Gross Floor Area (GFA), a toilet block (80 sqm GFA), a photo shop (10 sqm GFA) and a plant room (20 sqm GFA). The proposed development also incorporates internal paths connecting to the existing paths within the Park, landscaping, boundary treatments and infrastructure, together with all associated and ancillary development works on a site area of 0.305 ha.

PA Ref. AA191588 (ABP 307621-20): Permission refused (2019) for the construction of a new rollercoaster. Application accompanied by an Environmental Impact Assessment Report (EIAR).

PA Ref. AA1811453 (ABP Ref. 303869-19): Permission granted (2021) for the construction of a new rollercoaster. Application accompanied by an Environmental Impact Assessment Report (EIAR) & NIS

PA Ref. DA/60200: Permission was granted (2007) for an educational, visitor and interpretative centre. The proposal comprised an educational interpretative centre, associated restaurant and shop, picnic and children's play area, Indian village with points of interest along forest walk and factory walk and viewing areas.

ABP Ref. PL17.230693 / PA Ref. DA800081: Permission was granted (2009) for revisions to previously approved educational, visitor and interpretative centre (reg. ref. DA/60200) within a site of 6.8 hectares.

PA Ref. DA110626: Permission was granted (2013) for retention of amendments to the previously permitted educational, visitor and interpretive centre including extension of the site by approximately 4.8 hectares, alterations to permitted layout and provision of additional facilities. A third-party appeal against this decision was subsequently withdrawn.

PA Ref. DA140179: Permission was granted (2014) for extension of the existing Tayto Park facility on a site of approximately 18.1 hectares to include a new vehicular entrance, a new roundabout on the R155 and associated works to the public road including localised road realignment, and a new car parking area to provide a total of 1,917 no. car parking spaces to serve the entire facility. The development also provides for construction of complementary visitor facilities and attractions to include a Wooden Rollercoaster, indoor 'Dark Ride' attraction and 'Air Race' attraction. The application was accompanied by An Environmental Impact Statement (EIS).

PA Ref. DA170579: Permission sought for a 250-bed, seven storey over basement hotel with a stated floor area of approximately 31,955 sqm on lands to the east of the subject site and with access from the internal Tayto Park access road. The application was withdrawn prior to a decision.

5.0 Policy Context

5.1. National

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.'

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.

The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

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'.

Climate Action Plan 2023

5.2. Regional

Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

5.3. Local

Meath County Development Plan 2021-2027

6.16.4 – Telecommunications Antennae

It shall be the preferred approach that all new support structures fully meet the colocation 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.

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 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.

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 non availability 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.

Policies as reference by the Planning Authority in its reason for refusal:

INF POL 18 - *To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW. 2009) through the use of the*

sequential approach and application of Justification Tests for Development Management and Development Plans during the period of this Plan.

INF Pol 20 -To require that a Flood Risk Assessment is carried out for any development proposal where flood risk may be an issue in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW. 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.

5.4. Natural Heritage Designations

No designations apply to the subject site.

5.5. EIA Screening

A telecommunications mast such as that proposed is not listed as requiring mandatory EIA as per Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended). By reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged against Meath County Council’s recommendation to refuse planning permission. The grounds of appeal are summarised as follows:

- Permission should be granted under section 37 (2) (b)(iii) of the planning and Development Act 2000 as amended having regard to the RSES for the area, the Guidelines under Section 28, the statutory obligations of any local authority in the area and any relevant policy of the Government, the Minister, or and Minister of the Government.

- The appellant disagrees with the local authority's decision to refuse permission based on the interpretation of the proposed development (telecommunications mast and associated equipment) is classified as 'highly vulnerable development' and requires a Justification Test.
- The proposed development is considered to fall under the classification of 'minor development' and therefore into vulnerable in the context of the Planning System & Flood Risk management Guidelines in an area of potential flood risk. As such the sequential approach for such development confirms that it does not necessitate a Justification Test.
- It is submitted that in the response to Further Information it was set out that the cabinets would be raised on concrete foundations c.1m higher than originally shown and revised plans submitted accordingly. These show the cabinets raised to a level of 77m ASL which is c.15cm above the mitigations measures recommended. The monopole remains as per original proposal at 76mASL. No power connection is fixed to the monopole at ground level with cabling overhead as originally shown.
- Assessment undertaken by IE Consultants was correct. It is submitted that the Council failed to understand the nature of the development and applied incorrect logic in their approach.
- Reference to telecommunications structures granted permission by MCC on flood Zone A (21/1523 at Donacarney Celtic FC, Dun Eimear, Donacarney Great, Bettytown, Co. Meath, 21/561 refers to at Eir Exchange, Drumconrath, Co. Meath).
- Cork Council Council grant (PA Ref. 22204) on flood Zone A. Consultants in that case undertook a FRA using exactly same criteria as the Tayto Park/Emerald Amusement Park FRA.
- Reference to History application at Tayto Park for roller-coaster (PA. Ref. AA1811453 (ABP 303869-19), which noted that the roller-coaster was considered 'water compatible' and that the works comprising foul storage tank and foul pumping station were 'highly vulnerable' and posed a considerable

threat of environmental pollution in the event of flooding. Permission was refused with flooding being a reason.

- It is submitted that a full justification for the site, the required coverage and its location have been provided and it is submitted that the entire proposal met with the stringent requirements of the Development Plan, and National Policy. The location of the site within Flood Zone A resulted in a refusal of consent. It is submitted that the reason for refusal is a misinterpretation of the nature of the development and the assessment requirements for the development within the flood zone as demonstrated by MCC grants of permission for the same type of development on Flood Zone A on other occasions.
- Reference to access/egress in the reason for refusal. The appellant highlights that in the event of a flood event the issues of emergency access/egress to a telecommunications structure does not arise.

6.2. Planning Authority Response

Summarised as follows:

- The correspondence and content of the first party appeal has been noted, that all matters raised therein have been previously addressed in the Executive Planners report dated 13th June 2023 and the planning authority wishes to reply on the content of same in response to the First Party appeal.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. Having examined the application details and documentation on file including the first party appeal, having inspected the site and having had regard to all relevant local/regional/national policies and guidance, I consider that the substantive issues for this appeal relate to the grounds of appeal and are as follows:

- Principle of Development
- Reason for Refusal of Permission – Flood risk
- Appropriate Assessment

7.1 Principle of Development

The appeal site is located within a RA (Rural Area) as per the current Meath County Development Plan with a stated objective ‘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’. Telecommunications structure are ‘open for consideration’ on RA lands. Therefore the principle of development is acceptable subject to compliance with the relevant standards and Guidelines.

7.2 Reason for Refusal of Permission – Flood risk

The Planning Authority reason for refusal is set out in section 3 of this report. The premise of the reason being that the appellants failure to submit a Justificaiton Test for the proposed development results in the proposed development constituting a material contravention of the Meath County Development Plan 2021 -2023 in particular policies- INF POL 18 and INF Pol 20 (refers to section 5 for policy text)

The appeal before the Board refers to an application for a 21m monopole telecommunications support structure together with antennae, dishes and associated telecommunication requirement all enclosed in security fencing and the extension of an access track.

The site which is the subject of this appeal is located in Flood Zone A, this matter is not disputed by the appellants. The classification of the proposed development as ‘highly vulnerable’ is disputed and consequently the requirement to submit a Justification Test at the time. The grounds of appeal have referred to other

applications in Meath for telecommunications structures on Flood Zone A where Meath County Council have granted permission. I have reviewed this applications via the MCC online portal and note that these were the subject of further information requests. And that MCC considered the responses received included Justificaiton Tests and as such the issue of material contravention did not arise. MCC Environment Section noted no objections subject to conditions in these scenarios. 21/1523 at Donacarney Celtic FC, Dun Eimear, Donacarney Great, Bettytown, Co. Meath, 21/561 refers to at Eir Exchange, Drumconrath, Co. Meath), while I note 21/561 was refused permission, flooding was not a reason.

A SSFRA was submitted as part of the Further Information to MCC on the 27th April 2023. I draw the Boards attention to page 36 which refers to ‘Justification Test for Development Management’ and the conclusion drawn which states “ However, the development as proposed comprises a small commercial/non-commercial telecommunications development with a base footprint of approximately 52m2. The development as proposed is therefore considered a minor development in an area of potential flood risk. In this situation, and with reference to clause 5.28 of the ‘Planning System and Flood Risk Management Guidelines DOEHLG 2009’ it is considered that the Justification Test does not apply to this particular development as proposed. Section 9.1 of the SSFRA includes flood resistance measures and a recommendation ‘if feasible, the floor or base level of any equipment cabinets should be constructed at least 1.0m above existing grounds levels – i.e above the predictive 0.1AEP% (1 in 1000year) flood level of 75.85m OD’

The site is located in Flood Zone A. The Planning System and Flood Risk Management Guidelines DOEHLG 2009 includes Table 3.1 Classification of vulnerability of different type of development. As set out below:

Vulnerability Class	Land Use and types of development which include*:
Highly vulnerable development (including essential infrastructure)	<ul style="list-style-type: none"> • Garda, ambulance and fire stations and command centres required to be operational during flooding; • Hospitals; • Emergency access and egress points; • Schools; • Dwelling houses, student halls of residence and hostels;

	<ul style="list-style-type: none"> • Residential institutions such as residential care homes, children’s homes and social services homes; • Caravans and mobile home parks; • Dwelling houses designed, constructed or adapted for the elderly or, other people with impaired mobility; and • Essential infrastructure, such as primary transport and utilities distribution, including electricity generating power stations and sub-stations, water and sewage treatment, • and potential significant sources of pollution (SEVESO sites, IPPC sites, etc.) in the event of flooding.
Less vulnerable development	<ul style="list-style-type: none"> • Buildings used for: retail, leisure, warehousing, commercial, industrial and non-residential institutions; • Land and buildings used for holiday or short-let caravans and camping, subject to specific warning and evacuation plans; • Land and buildings used for agriculture and forestry; • Waste treatment (except landfill and hazardous waste); • Mineral working and processing; and • Local transport infrastructure
Water-compatible development	<ul style="list-style-type: none"> • Flood control infrastructure; • Docks, marinas and wharves; • Navigation facilities; • Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location; • Water-based recreation and tourism (excluding sleeping accommodation); • Lifeguard and coastguard stations; • Amenity open space, outdoor sports and recreation and essential facilities such as changing rooms; and • Essential ancillary sleeping or residential accommodation for staff required by uses in this category (subject to a specific warning and evacuation plan)
	*uses not listed here should be considered on their own merits.

A Justification Test is defined in the Guidelines as “An assessment of whether a development proposal within an area at risk of flooding meets specific criteria for proper planning and sustainable development and demonstrates that it will not be subject to unacceptable risk nor increase flood risk elsewhere. The justification test

should be applied only where development is within flood risk areas that would be defined as inappropriate under the screening test of the sequential risk based approach adopted by this guidance.”

Having reviewed the documentation on file and the grounds of appeal I concur with the appellants in this instance. I am of the view that the nature of the development (telecommunications monopole) where the proposed development is relatively small and as set out in the Further Information response dated 27th April 2023 the proposed cabinets would be raised on concrete foundations c.1m higher than originally shown and revised plans submitted accordingly to MCC. Revised drawings submitted on the 27th April 2023 show the cabinets raised to a level of 77m ASL which is c.15cm above the mitigation measures recommended. The monopole remains as per original proposal at 76mASL. The appellants have confirmed that no power connection is fixed to the monopole at ground level with cabling overhead as originally shown.

Having regard to the classification as set out in Table 3.1 above I consider from a flood risk perspective, given the nature of the proposed development, its location while on Flood Zone A at a point where there is no record of flooding. Where the issue of emergency access/egress is not a deciding factor given the nature of the proposed development (telecommunications structure) I am of the view that the proposed development does not fall within the classifications set out above. The Guidelines clearly set out that the Development Management Justification Test is used at the planning application stage where it is intended to develop land at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be inappropriate for that land. I do not consider the proposed development is a use of development vulnerable to flooding given the information on file. I consider the SSFRA submitted to Meath County Council is an appropriate assessment given the scale and nature of the development and the risk arising.

The appellants have referred to Section 5.28 of the guidelines which refers to the assessment of minor proposal in areas of flood risk. The premise is it applies to extensions/additions existing buildings/and or extensions to existing commercial and industrial enterprises etc are 'unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail storage of hazardous substance.'

Having regard to the foregoing I do not consider in this instance that the absence of a Justification Test contravenes the current Meath County Development Plan. I further note that the Planning authority referred to the material contraction of policies set out in the Plan, not objectives. As such the ground of appeal should be upheld.

I have set out below my assessment of the submitted information.

A Site Specific Flood Risk Assessment (SSFRA) was submitted with the application. The SSFRA includes Hydraulic Assessment, Hydraulic Model Simulation Results and Flood Risk Management & Mitigation Measures. And addresses the requirement for a Justification Test. The information contained within these documents appears reasonable and robust. The application site is located on in Flood Zone A arising from its location within an indicative fluvial zone.

The SSFRA submitted notes there is no record of flooding on the site, fluvial events are recorded dating 1986, 2000 and 2002 on the Hurley River. The Hurley River which generally flows in a south east to north west direction is c. 61m beyond the northern boundary of the site. Risk of groundwater, pluvial and coastal/tidal flooding is low. Climate Changes is also addressed in the SSFRA.

The SSFRA concluded that the primary flood risk to the proposed development can be attributed to a fluvial flood event in the Hurley River c. 61m beyond the northern boundary of the site. The site is not at risk of pluvial or groundwater flooding. The development as proposed is considered a minor development in an area of potential flood risk and that a Justification Test does not apply. Recommended that the flood resistance and flood resilience measures set outlined section 9 of the SSFRA be incorporated. The proposed development will not obstruct important flow paths, will not introduce a significant additional number of people to the area and will not entail storage of hazardous substance. In considering the findings of the SSFRA and the incorporation of the recommend flood mitigation measures, resistance and resilience measures, the authors of the SSRFA concluded that the proposed telecommunications installation is appropriate from a flood risk perspective.

Based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of flood risk.

7.3 Appropriate Assessment

In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development

on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

The proposed development comprises the erection of a 21m monopole telecommunications support structure together with antennae, dishes and associated telecommunications equipment and extension of existing access track.

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

The closest European site is the River Boyne and River Blackwater SAC, (Site code 002299) and River Boyne and River Blackwater SPA (Site code 004232) which is in excess of 15km to the southeast of the site.

Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development and the location of the site in a developed utility compound with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission be granted for the development.

10.0 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 21m monopole carrying telecommunications support structure together with antennae, dishes and associated telecommunications equipment, all enclosed in security fencing and to extend access track. 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 RA 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, does not constitute a traffic hazard or present a flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th November 2022 as amended by further plans and particulars submitted on the 27th April 2023 and by further plans and particulars lodged with the An Bord Pleanála on the 7th July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures set out in the Strategic Flood Risk Assessment shall be implemented in full, except as otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarification, protection of the environment and proper planning and sustainable development.

3. 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.

Reason: In the interest of visual amenity.

4. 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.

Reason: In the interest of visual amenity.

5. 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.

Reason: In the interests of visual amenity and the proper planning and development of the area.

6. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

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.

Dáire McDevitt
Senior Planning Inspector

3rd September 2023